

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

Regular Meeting
Monday, November 13, 2017

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
7:00 PM

Revised Agenda Package

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.

Council Members

Roger Manning-Mayor
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Phillip Everett-Seat 3



City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
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Revised Council Meeting Agenda Monday, November 13, 2017 at 7:00 p.m.

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. Approval of the Minutes of the October 9, 2017 Meeting
6. Approval of Financial Statements for September 2017
7. Resolution 2017-20, Amending the General Fund Budget for Fiscal Year 2017
8. Resolution 2017-19, Approving the Final Plat for Persimmon Boulevard East Phase 1
9. Consideration of Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for Fiscal Year 2017 Financial Audit

FIRST READING OF ORDINANCES

10. Ordinance 2017-5, Adopting the Comprehensive Plan
11. Ordinance 2017-6, Affordable Housing Program
12. City Manager
13. City Attorney
14. Audience Comments on Other Items (3) Minute Time Limit
15. Adjournment

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.

Fifth Order of Business

**MINUTES OF MEETING
CITY OF WESTLAKE**

A meeting of the City Council of the City of Westlake was held on Monday, October 9, 2017, at 7:09 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

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

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
John Carter	Minto PBLH, LLC

The following is a summary of the minutes and actions taken during the October 9, 2017 City of Westlake Council Meeting.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Approval of Agenda

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor the agenda was approved.

FOURTH ORDER OF BUSINESS

**Audience Comments on Agenda Items (3)
Minute Time Limit**

There being none, the next item followed.

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the September 25, 2017 Meeting

On MOTION by Councilwoman Crump seconded by Councilman Everett with all in favor the minutes of the September 25, 2017 meeting were approved.

SIXTH ORDER OF BUSINESS

Resolution 2017-16, Approving Final Plat for Persimmon Boulevard West Plat-1

Mr. Cassel read Resolution 2017-16 by title only.

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor Resolution 2017-16, approving final plat for Persimmon Boulevard West Plat-1, was adopted.

BUDGET PUBLIC HEARING

SEVENTH ORDER OF BUSINESS

Budget for Fiscal Year Ending September 30, 2018

Mr. Cassel stated there was a Scrivener’s error in the budget public hearing notice and it had to be re-advertised.

A. Resolution 2017-17, Re-Adopting the Final Millage Rate

Mr. Cassel read Resolution 2017-17 by title only.

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor Resolution 2017-17, re-adopting the final millage rate for Fiscal Year 2018, was adopted.

B. Resolution 2017-18, Re-Adopting the Final Budget

Mr. Cassel read Resolution 2017-18 by title only.

On MOTION by Vice Mayor Long Robinson seconded by Councilwoman Crump with all in favor Resolution 2017-18, re-adopting the final budget for Fiscal Year 2018, was adopted.

EIGHTH ORDER OF BUSINESS

City Manager

Mr. Cassel discussed the following:

- He thanked the team for all their hard work on the Comprehensive Plan.
- FPL has started clearing the land for the substation and getting ready to do the access as well as the culvert crossing. They are also negotiating the final documents to bring the transmission lines up the M-2 Canal.

October 9, 2017

- Signs are being installed along Seminole Pratt Whitney Road.
- Utility companies are back to regular operations as of today. They started removing the lines off the poles. This will allow the contractor to complete the east side of Seminole Pratt Whitney Road. This also allows the contractor to begin driving piles on the bridge for its expansion.

NINTH ORDER OF BUSINESS

City Attorney

Ms. Booker reported Palm Beach State College had a meeting last week and received input from the public as well as community leaders. Lt. Combs was also at the meeting with some of his staff. They will make a decision tomorrow as to where they will locate their dental school.

TENTH ORDER OF BUSINESS

**Audience Comments on Other Items (3)
Minute Time Limit**

Vice Mayor Long Robinson recognized Bishop A.J. Wright for helping her plan events for the community.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 7:22 p.m.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Sixth Order of Business

City of Westlake

Financial Report

September 30, 2017



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City of Westlake

Financial Statements

September 30, 2017

CITY OF WESTLAKE

Balance Sheet
 General Fund
 September 30, 2017

<u>ACCOUNT DESCRIPTION</u>	<u>TOTAL</u>
<u>ASSETS</u>	
Cash - Checking Account	\$ 153,542
Accounts Receivable	11,702
Investments:	
Money Market Account	301,293
Prepaid Credit Card	2,452
TOTAL ASSETS	\$ 468,989
<u>LIABILITIES</u>	
Accounts Payable	\$ 68,343
Other Current Liabilities	891
TOTAL LIABILITIES	69,234
<u>FUND BALANCES</u>	
Unassigned:	399,755
TOTAL FUND BALANCES	\$ 399,755
TOTAL LIABILITIES & FUND BALANCES	\$ 468,989

CITY OF WESTLAKE
Statement of Revenues, Expenditures and Changes in Fund Balances
General Fund
For the Period Ending September 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ -	\$ 1,293	\$ 1,293
Ad Valorem Taxes	72,000	72,000	-	(72,000)
Ad Valorem Taxes - Discounts	(4,000)	(4,000)	-	4,000
Occupational Licenses	-	-	7,575	7,575
Building Permits	156,000	156,000	243,129	87,129
Building Permits - Surcharge	-	-	821	821
Local Govt .05c Sales Tax	1,000	1,000	-	(1,000)
Other Impact Fees	-	-	1,565	1,565
Developer Contribution	1,118,197	1,118,197	1,117,965	(232)
Inspection Fees	-	-	1,560	1,560
TOTAL REVENUES	1,343,197	1,343,197	1,373,908	30,711
<u>EXPENDITURES</u>				
<u>Legislative</u>				
Mayor/Council Stipend	204,000	204,000	204,000	-
FICA Taxes	16,000	16,000	15,606	394
ProfServ-Legislative Expense	18,000	18,000	-	18,000
Council Expenses	10,000	10,000	-	10,000
Total Legislative	248,000	248,000	219,606	28,394
<u>Financial and Administrative</u>				
Management Services	249,101	249,101	249,101	-
Auditing Services	7,000	7,000	3,085	3,915
Communication - Telephone	3,600	3,600	2,789	811
Postage and Freight	1,500	1,500	415	1,085
Utility - General	4,500	4,500	-	4,500
Lease - Building	-	-	500	(500)
Insurance - General Liability	5,040	5,040	5,000	40
Legal Advertising	4,500	4,500	11,884	(7,384)
General Government	79,360	79,360	23,869	55,491
Misc-Contingency	90,000	90,000	1,858	88,142
Office Supplies	2,500	2,500	9,554	(7,054)
Total Financial and Administrative	447,101	447,101	308,055	139,046

CITY OF WESTLAKE
Statement of Revenues, Expenditures and Changes in Fund Balances
General Fund
For the Period Ending September 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Legal Counsel</u>				
ProfServ-Legal Services	276,000	276,000	296,300	(20,300)
Total Legal Counsel	276,000	276,000	296,300	(20,300)
<u>Comprehensive Planning</u>				
ProfServ-Planning/Zoning/Eng Services	97,096	97,096	473,056	(375,960)
Total Comprehensive Planning	97,096	97,096	473,056	(375,960)
<u>Other Public Safety</u>				
Contracts-Sheriff	275,000	275,000	6,820	268,180
Total Other Public Safety	275,000	275,000	6,820	268,180
TOTAL EXPENDITURES	1,343,197	1,343,197	1,303,837	39,360
Excess (deficiency) of revenues				
Over (under) expenditures	-	-	70,071	70,071
Net change in fund balance	\$ -	\$ -	\$ 70,071	\$ 70,071
FUND BALANCE, BEGINNING (OCT 1, 2016)	329,684	329,684	329,684	
FUND BALANCE, ENDING	\$ 329,684	\$ 329,684	\$ 399,755	

City of Westlake

Supporting Schedules

September 30, 2017

CITY OF WESTLAKE
Cash and Investment Report

September 30, 2017

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$153,452
Money Market Account	BankUnited	MMA	n/a	0.78%	\$301,293
				Total	<u><u>\$454,745</u></u>

City of Westlake

Bank Reconciliation

Bank Account No. 0300 Bank United - GF
 Statement No. 09-17
 Statement Date 9/30/2017

G/L Balance (LCY)	153,542.00	Statement Balance	196,011.80
G/L Balance	153,542.00	Outstanding Deposits	51.95
Positive Adjustments	0.00		
	<hr/>		
Subtotal	153,542.00	Subtotal	196,063.75
Negative Adjustments	0.00	Outstanding Checks	42,521.75
	<hr/>	Differences	0.00
Ending G/L Balance	153,542.00	Ending Balance	153,542.00
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstanding Checks						
5/10/2017	Payment	7158	MINTO PBLH, LLC	500.00	0.00	500.00
9/13/2017	Payment	7264	PALM BEACH COUNTY	928.00	0.00	928.00
9/20/2017	Payment	7272	NZ CONSULTANTS, INC.	15,618.75	0.00	15,618.75
9/22/2017	Payment	7278	MARK L. DUBOIS	1,200.00	0.00	1,200.00
9/27/2017	Payment	7280	LAW OFFICES OF PAM E. BOOKER, ESQ	23,575.00	0.00	23,575.00
9/27/2017	Payment	7281	CMG-PB REMITTANCE ADDRESS	700.00	0.00	700.00
Total Outstanding Checks.....				42,521.75		42,521.75

City of Westlake

Check register

September 1 - September 30, 2017

CITY OF WESTLAKE

Payment Register by Bank Account
 For the Period from 9/01/2017 to 9/30/2017
 (Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
<u>BANK UNITED - GF - (ACCT# XXXXX0300)</u>									
Check	7253	09/01/17	Vendor	LAW OFFICES OF PAM E. BOOKER, ESQ	113	LEGALSERVICE AUGUST 2016	ProfServ-Legal Services	001-531023-51401	\$23,575.00
Check	7254	09/01/17	Vendor	NZ CONSULTANTS, INC.	WES-10	SERVICES 07/01/17-07/31/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$21,395.00
Check	7255	09/01/17	Vendor	OFFICE DEPOT	949875053001	CHAIR	Office Supplies	001-551002-51301	\$69.99
Check	7255	09/01/17	Vendor	OFFICE DEPOT	952213597001	OPENER LETTER,STAMP EMAILED	Office Supplies	001-551002-51301	\$8.98
Check	7255	09/01/17	Vendor	OFFICE DEPOT	952213517001	PAID,DSK 20X26	Office Supplies	001-551002-51301	\$60.16
Check	7256	09/01/17	Vendor	MARK L. DUBOIS	17143	SERVICES 8/7/17-8/17/17	General Government	001-549109-51301	\$1,650.00
Check	7257	09/07/17	Vendor	FLORIDA STATE DISBURSEMENT UNIT	081417-EVERETT	20011937CA50-1082479233	Accrued Taxes Payable	217000	\$267.65
Check	7258	09/13/17	Employee	KARA S. CRUMP	PAYROLL	September 13, 2017 Payroll Posting			\$2,692.92
Check	7259	09/13/17	Employee	PHILLIP D EVERETT	PAYROLL	September 13, 2017 Payroll Posting			\$2,579.85
Check	7260	09/13/17	Employee	KATRINA L. LONG	PAYROLL	September 13, 2017 Payroll Posting			\$2,692.92
Check	7261	09/13/17	Employee	ROGER B MANNING	PAYROLL	September 13, 2017 Payroll Posting			\$2,747.50
Check	7262	09/13/17	Employee	JOHN A. STANAVITCH	PAYROLL	September 13, 2017 Payroll Posting			\$2,797.50
Check	7263	09/13/17	Vendor	T-MOBILE USA, INC.	63851-082817	CELL SERVICE THRU 08/21/17	Communication - Telephone	001-541003-51301	\$222.73
Check	7264	09/13/17	Vendor	PBC LEAGUE OF CITIES, INC.	TLAKE-082417	FY 2017-2018 ANNUAL DUES	General Government	001-549109-51301	\$928.00
Check	7265	09/13/17	Vendor	NOVA ENGINEERING AND	0148466	SERVICES 7/30/17-8/26/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$32,085.00
Check	7266	09/13/17	Vendor	ECKLER ENGINEERING, INC.	17196	SERVICES 7/26/17-08/25/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$1,418.63
Check	7267	09/13/17	Vendor	CMG-PB REMITTANCE ADDRESS	35857-081817	NOTICE WORKSHOP 8/28/17	Legal Advertising	001-548002-51301	\$700.00
Check	7268	09/13/17	Vendor	MARK L. DUBOIS	17144	SERVICES 08/21/17-08/31/17	General Government	001-549109-51301	\$1,675.00
Check	7269	09/18/17	Vendor	OFFICE DEPOT	957110055001	PEN,TAPE,NOTE,STAPLE,CREAMER	Office Supplies	001-551002-51301	\$59.73
Check	7270	09/18/17	Vendor	PBC FINANCE DEPARTMENT	083117-IMPACT	IMPACT FEE 08/2017	Other Current Liabilities	229000	\$22,113.21
Check	7271	09/18/17	Vendor	FLORIDA STATE DISBURSEMENT UNIT	091317-EVERETT	20011937CA50-1082479233	Accrued Taxes Payable	217000	\$267.65
Check	7272	09/20/17	Vendor	NZ CONSULTANTS, INC.	WES-11	SERVICES 8/1/17-8/31/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$15,618.75
Check	7273	09/20/17	Vendor	CMG-PB REMITTANCE ADDRESS	35857-090517	NOTICE-PUBLIC SERVICE TAX	Legal Advertising	001-548002-51301	\$123.84
Check	7274	09/20/17	Vendor	OFFICE DEPOT	959049878001	FOLDER HANGING	Office Supplies	001-551002-51301	\$32.99
Check	7274	09/20/17	Vendor	OFFICE DEPOT	959049877001	BATTERY,QUANTUM,5 PACK	Office Supplies	001-551002-51301	\$26.98
Check	7274	09/20/17	Vendor	OFFICE DEPOT	959047574001	STAPLER,od BLUE TOP,FOLDER	Office Supplies	001-551002-51301	\$133.97
Check	7275	09/22/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	23411	MANAGEMENT FEE-SEPT 2017	Management Services	001-531093-51301	\$20,758.42
Check	7275	09/22/17	Vendor	SEVERN TRENT ENVIRONMENTAL SERVICES, INC.	23411	MANAGEMENT FEE-SEPT 2017	Office Supplies	001-551002-51301	\$0.80
Check	7276	09/22/17	Vendor	CHEN MOORE & ASSOCIATES, INC.	0134484	SERVICES 8/1/17 - 8/31/17	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$5,813.75
Check	7277	09/22/17	Vendor	PBC SHERIFF'S OFFICE	57263	PUBLIC MEETING-8/14-8/28/17	Contracts-Sheriff	001-534100-52901	\$368.00
Check	7277	09/22/17	Vendor	PBC SHERIFF'S OFFICE	57264	SECURITY PATROLS-8/3-30/17	Contracts-Sheriff	001-534100-52901	\$2,438.00
Check	7278	09/22/17	Vendor	MARK L. DUBOIS	17147	SERVICES 09/05/17 - 09/14/17	General Government	001-549109-51301	\$1,200.00
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	OFFICE DEPOT	001-551002-51301	\$903.94
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	PUBLIX	001-551002-51301	\$124.31
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	PUBLIX	001-551002-51301	\$1.79
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	AMAZON.COM	001-551002-51301	\$180.82
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	WALGREENS	001-551002-51301	\$8.54

CITY OF WESTLAKE

Payment Register by Bank Account
 For the Period from 9/01/2017 to 9/30/2017
 (Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	POSTAL CENTER	001-541006-51301	\$9.98
Check	7279	09/22/17	Vendor	CARD SERVICES CENTER	0935-090817	VISA PAYMENT-JULY 2017	AMAZON.COM	001-541006-51301	\$145.52
Check	7280	09/27/17	Vendor	LAW OFFICES OF PAM E. BOOKER, ESQ	114	LEGAL SERVICES-SEPT 2017	ProfServ-Legal Services	001-531023-51401	\$23,575.00
Check	7281	09/27/17	Vendor	CMG-PB REMITTANCE ADDRESS	35857-091417	NOTICE-WORKSHOP 9/25/17	Legal Advertising	001-548002-51301	\$700.00
Account Total									\$192,172.82

Total Amount Paid	\$192,172.82
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Seventh Order of Business

NOVEMBER 13, 2017

RESOLUTION 2017-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2017

WHEREAS, the City Council of the City of Westlake adopted a General Fund Budget for Fiscal Year 2017; and

WHEREAS, the City Council desires to reallocate funds budgeted to reappropriate Revenues and Expenses approved during the Fiscal Year.

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

SECTION 1. The General Fund Budget is hereby amended in accordance with Exhibit 'A' attached.

SECTION 2. This resolution shall become effective immediately upon its adoption and reflected in the monthly and Fiscal Year End September 30, 2017 Financial Statements and Audit Report of the City.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this 13th day of November 2017.

Roger Manning, Mayor
City of Westlake, Florida

Sandra Demarco, City Clerk

Approved as to Form
Pam E. Booker, City Attorney

CITY OF WESTLAKE
Budget Amendment - General Fund
For the Period Ending September 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	BUDGET INCR(DECR)	AMENDED BUDGET	YEAR TO DATE ACTUAL
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ 1,293	\$ 1,293	\$ 1,293
Ad Valorem Taxes	72,000	(72,000)	-	-
Ad Valorem Taxes - Discounts	(4,000)	4,000	-	-
Occupational Licenses	-	7,575	7,575	7,575
Building Permits	156,000	87,129	243,129	243,129
Building Permits - Surcharge	-	821	821	821
Local Govt .05c Sales Tax	1,000	(1,000)	-	-
Other Impact Fees	-	1,565	1,565	1,565
Developer Contribution	1,118,197	-	1,118,197	1,117,965
Inspection Fees	-	1,560	1,560	1,560
TOTAL REVENUES	1,343,197	30,943	1,374,140	1,373,908
<u>EXPENDITURES</u>				
<u>Legislative</u>				
Mayor/Council Stipend	204,000	-	204,000	204,000
FICA Taxes	16,000	-	16,000	15,606
ProfServ-Legislative Expense	18,000	-	18,000	-
Council Expenses	10,000	-	10,000	-
Total Legislative	248,000	-	248,000	219,606
<u>Financial and Administrative</u>				
Management Services	249,101	-	249,101	249,101
Auditing Services	7,000	-	7,000	3,085
Communication - Telephone	3,600	-	3,600	2,789
Postage and Freight	1,500	-	1,500	415
Utility - General	4,500	-	4,500	-
Lease - Building	-	-	-	500
Insurance - General Liability	5,040	-	5,040	5,000
Legal Advertising	4,500	10,000	14,500	11,884
General Government	79,360	(25,000)	54,360	23,869
Misc-Contingency	90,000	(85,000)	5,000	1,858
Office Supplies	2,500	-	2,500	9,554
Total Financial and Administrative	447,101	(100,000)	347,101	308,055


CITY OF WESTLAKE
Budget Amendment - General Fund
For the Period Ending September 30, 2017

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	BUDGET INCR(DECR)	AMENDED BUDGET	YEAR TO DATE ACTUAL
<u>Legal Counsel</u>				
ProfServ-Legal Services	276,000	40,000	316,000	296,300
Total Legal Counsel	276,000	40,000	316,000	296,300
<u>Comprehensive Planning</u>				
ProfServ-Planning/Zoning/Eng Services	97,096	402,904	500,000	473,056
Total Comprehensive Planning	97,096	402,904	500,000	473,056
<u>Other Public Safety</u>				
Contracts-Sheriff	275,000	(265,000)	10,000	6,820
Total Other Public Safety	275,000	(265,000)	10,000	6,820
TOTAL EXPENDITURES	1,343,197	77,904	1,421,101	1,303,837
Excess (deficiency) of revenues				
Over (under) expenditures	-	(46,961)	(46,961)	70,071
Net change in fund balance	-	(46,961)	(46,961)	70,071
FUND BALANCE, BEGINNING (OCT 1, 2016)	329,684	-	329,684	329,684
FUND BALANCE, ENDING	\$ 329,684	\$ (46,961)	\$ 282,723	\$ 399,755

Eighth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: November 13, 2017

Subject: Resolution for Final Plat for Persimmon Boulevard East Plat-1

Please find a resolution for approval of the Final Plat for Persimmon Boulevard East Plat-1. This plat is for approximately eight (7.927) acres of land abutting Seminole Pratt Whitney road and the Grove Market Place shopping plaza. The plat contains a water management tract being dedicated to the Seminole Improvement District and a segment of road right-of-way, being dedicated to the City. There is a portion of the Persimmon Boulevard road right-of-way outside the boundaries of the proposed plat. The City is still in discussions with Palm Beach County to adopt an interlocal agreement for conveyance of this segment of road right-of-way to the City upon completion of the Seminole Pratt Whitney road construction project.

There road right-of-way is dedicated to the City of Westlake, with the Seminole Improvement District being granted an easement for maintenance purposes for water, sewer and drainage facilities for the City of Westlake. A boundary survey was also provided by the applicant along with the plat. The plat and the boundary survey have been reviewed by the City Engineer, the City Planner, and a Surveyor/Mapper for the City of Westlake to ensure compliance with the Palm Beach County Unified Land Development regulations and the Florida Statutes. We would recommend approval of the resolution, approving the final plat for Persimmon Boulevard East Plat-1. Should you have any questions, or need any additional information, please do not hesitate to call.

November 13, 2017

RESOLUTION 2017-19

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT OF THE WESTLAKE PERSIMMON BOULEVARD EAST PLAT-1, BEING DESCRIBED AS A PORTION LAND DESCRIBED BY METES AND BOUNDS AS A PORTION OF SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for the Persimmon Boulevard East Plat-1, Final Plat, described by metes and bounds as a portion of Sections 1 and 12, Township 43 South, Range 40 East, in the City of Westlake, Palm Beach County, Florida, as described in Exhibit "A", attached hereto; and

WHEREAS, the City of Westlake has the exclusive jurisdiction to approve the plat pursuant to Florida Statutes, §177.071; and

WHEREAS, the application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirements under Florida Statutes, Chapter 177; and

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the Palm Beach County Unified Land Development Codes and Florida law.

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

Section 1: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: The City Council for the City of Westlake hereby approves the final plat and boundary survey for the Persimmon Boulevard East Plat-1, as described in the attached Exhibit "A", containing approximately 7.927 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.

Section 4: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this _____ day
of November 13, 2017.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

Exhibit "A"
Legal Description
Persimmon Boulevard East Plat 1

DESCRIPTION:

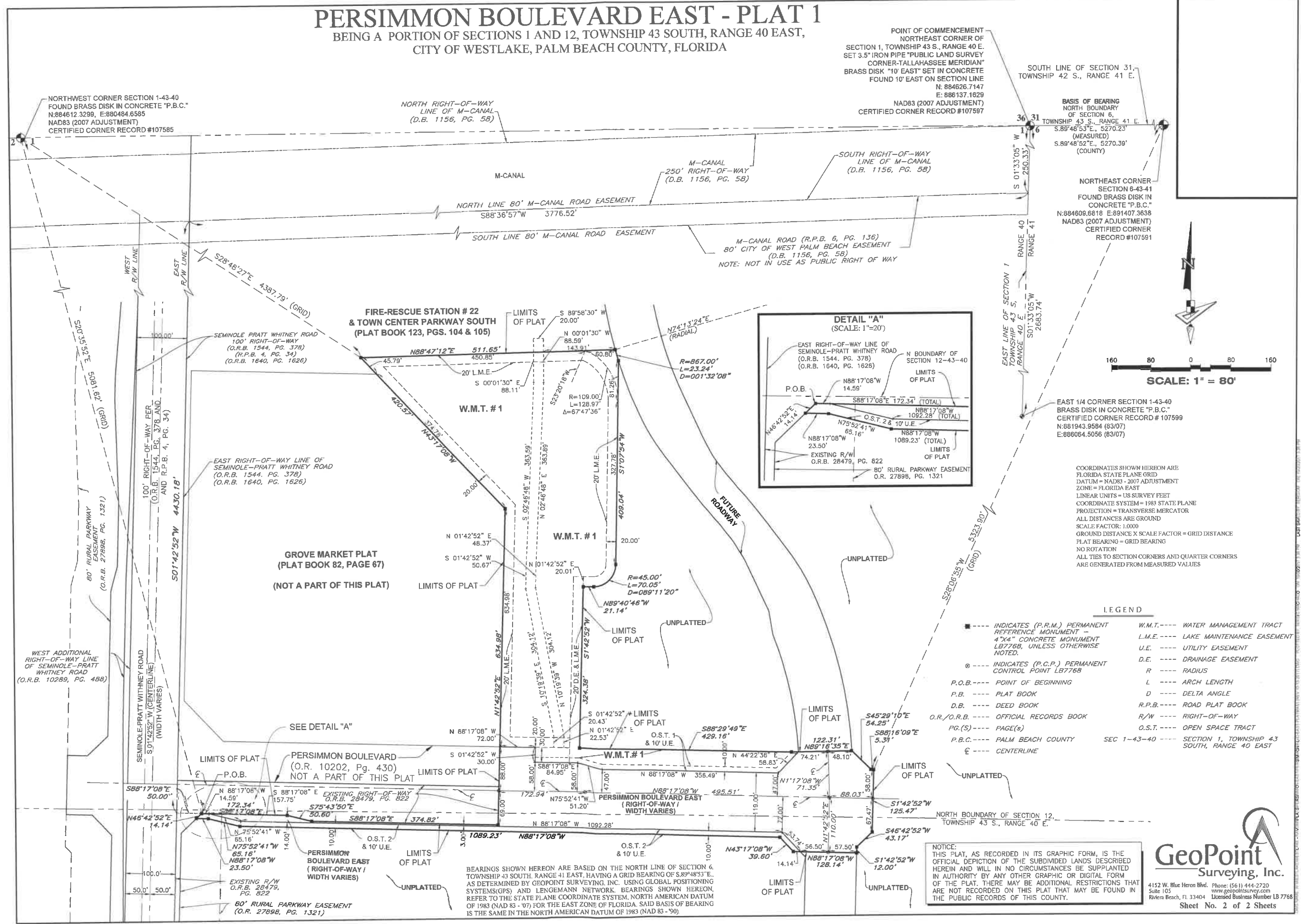
A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S01°33'05"W ALONG THE EAST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF M-CANAL, A 250 FOOT WIDE CITY OF WEST PALM BEACH RIGHT-OF-WAY, DESCRIBED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S.88°36'57"W. ALONG SAID SOUTHERLY BOUNDARY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 3776.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD BOOK 1544, PAGE 378, AND ROAD PLAT BOOK 4, PAGE 34, BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 4430.18 FEET; THENCE S.88°17'08"E., A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S.88°17'08"E., A DISTANCE OF 172.34 FEET; THENCE S.75°43'50"E., A DISTANCE OF 50.60 FEET; THENCE S.88°17'08"E., A DISTANCE OF 374.82 FEET; THENCE N.01°42'52"E., A DISTANCE OF 634.98 FEET; THENCE N.43°17'08"W., A DISTANCE OF 420.57 FEET; THENCE N.88°47'12"E., A DISTANCE OF 511.65 FEET; THENCE SOUTHERLY, 23.24 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 867.00 FEET AND A CENTRAL ANGLE OF 01°32'08" (THROUGH WHICH A RADIAL LINE BEARS N.74°13'24"E.); THENCE S.01°07'54"W., A DISTANCE OF 409.04 FEET; THENCE SOUTHWESTERLY, 70.05 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 89°11'20"; THENCE N.89°40'46"W., A DISTANCE OF 21.14 FEET; THENCE S.01°42'52"W., A DISTANCE OF 324.38 FEET; THENCE S.88°29'49"E., A DISTANCE OF 429.16 FEET; THENCE N.89°16'35"E., A DISTANCE OF 122.31 FEET; THENCE S.45°29'10"E., A DISTANCE OF 54.25 FEET; THENCE S.88°16'09"E., A DISTANCE OF 5.31 FEET; THENCE S.01°42'52"W., A DISTANCE OF 125.47 FEET; THENCE S.46°42'52"W., A DISTANCE OF 43.17 FEET; THENCE S.01°42'52"W., A DISTANCE OF 12.00 FEET; THENCE N.88°17'08"W., A DISTANCE OF 128.14 FEET; THENCE N.43°17'08"W., A DISTANCE OF 39.60 FEET; THENCE N.88°17'08"W., A DISTANCE OF 1089.23 FEET; THENCE N.75°52'41"W., A DISTANCE OF 65.16 FEET; THENCE N.88°17'08"W., A DISTANCE OF 23.50 FEET; THENCE N.46°42'52"E., A DISTANCE OF 14.14 FEET TO THE POINT OF BEGINNING.

CONTAINING: 345,306 SQUARE FEET OR 7.927 ACRES MORE OR LESS.

PERSIMMON BOULEVARD EAST - PLAT 1

BEING A PORTION OF SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST,
CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA

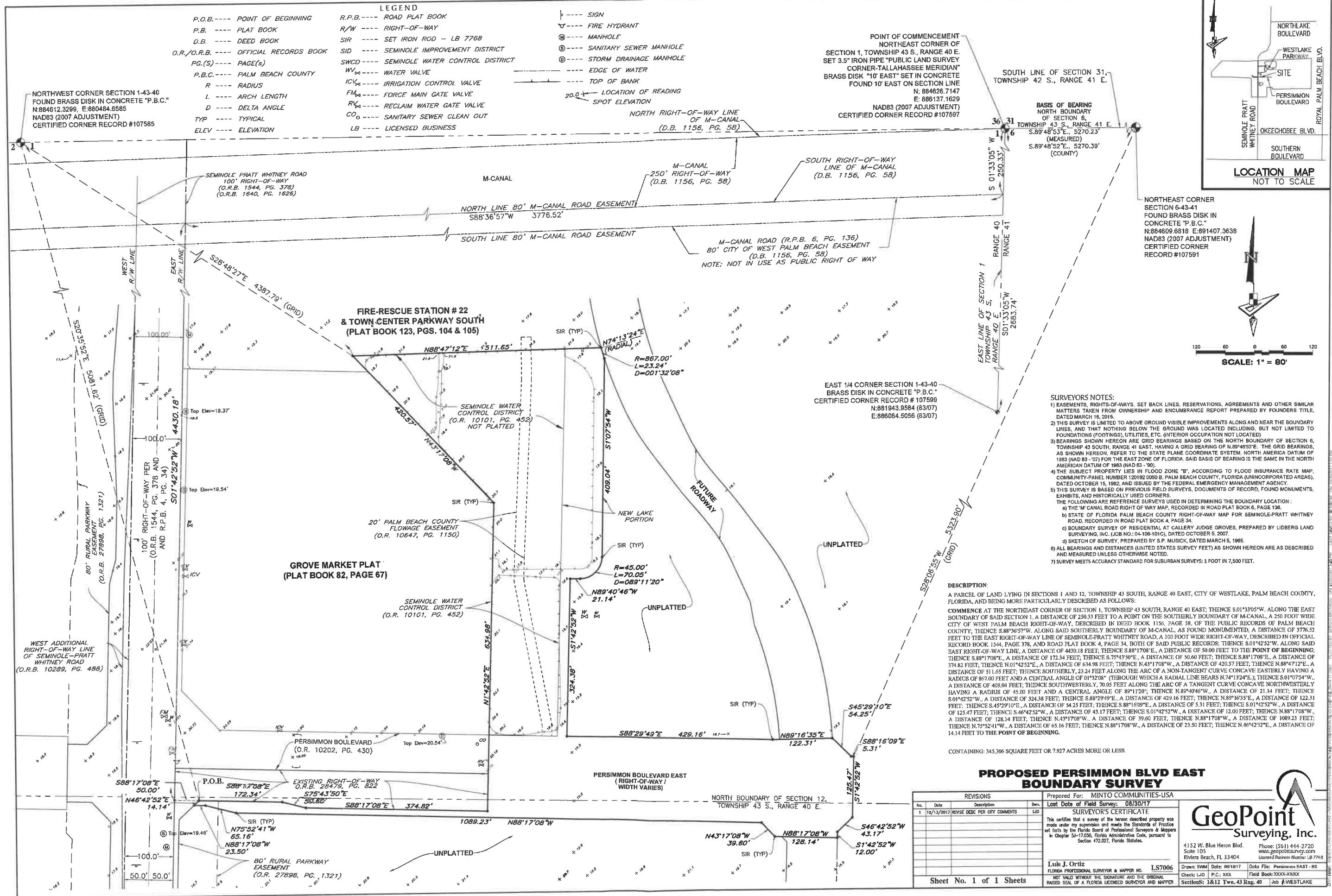


NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

GeoPoint
Surveying, Inc.

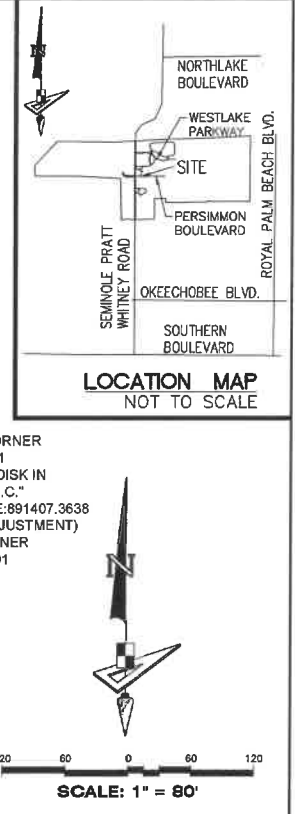
4152 W. Blue Heron Blvd. Phone: (561) 444-2720
Suite 105 www.geopointsurvey.com
Riviera Beach, FL 33404 Licensed Business Number LB 7768

Sheet No. 2 of 2 Sheets



LEGEND

P.O.B. --- POINT OF BEGINNING	R.P.B. --- ROAD PLAT BOOK	--- SIGN
P.B. --- PLAT BOOK	R/W --- RIGHT-OF-WAY	--- FIRE HYDRANT
D.B. --- DEED BOOK	SIR --- SET IRON ROD - LB 7768	--- MANHOLE
O.R./O.R.B. --- OFFICIAL RECORDS BOOK	SID --- SEMINOLE IMPROVEMENT DISTRICT	--- SANITARY SEWER MANHOLE
PG.(S) --- PAGE(S)	SWCD --- SEMINOLE WATER CONTROL DISTRICT	--- STORM DRAINAGE MANHOLE
P.B.C. --- PALM BEACH COUNTY	WV --- WATER VALVE	--- EDGE OF WATER
R --- RADIUS	ICV --- IRRIGATION CONTROL VALVE	--- TOP OF BANK
L --- ARCH LENGTH	FM --- FORCE MAIN GATE VALVE	--- LOCATION OF READING SPOT ELEVATION
D --- DELTA ANGLE	RV --- RECLAIM WATER GATE VALVE	
TYP --- TYPICAL	CO --- SANITARY SEWER CLEAN OUT	
ELEV --- ELEVATION	LB --- LICENSED BUSINESS	



SURVEYORS NOTES:

- EASEMENTS, RIGHTS-OF-WAYS, SET BACK LINES, RESERVATIONS, AGREEMENTS AND OTHER SIMILAR MATTERS TAKEN FROM OWNERSHIP AND ENCUMBRANCE REPORT PREPARED BY FOUNDERS TITLE, DATED MARCH 16, 2015.
- THIS SURVEY IS LIMITED TO ABOVE GROUND VISIBLE IMPROVEMENTS ALONG AND NEAR THE BOUNDARY LINES, AND THAT NOTHING BELOW THE GROUND WAS LOCATED INCLUDING, BUT NOT LIMITED TO FOUNDATIONS (FOOTINGS), UTILITIES, ETC. (INTERIOR OCCUPATION NOT LOCATED).
- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE NORTH BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF N.89°48'53"E. THE GRID BEARINGS, AS SHOWN HEREON, REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD 83 - '07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83 - '80).
- THE SUBJECT PROPERTY LIES IN FLOOD ZONE "B" ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120192 0050 B, PALM BEACH COUNTY, FLORIDA (UNINCORPORATED AREAS), DATED OCTOBER 15, 1982, AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- THIS SURVEY IS BASED ON PREVIOUS FIELD SURVEYS, DOCUMENTS OF RECORD, FOUND MONUMENTS, EXHIBITS, AND HISTORICALLY USED CORNERS. THE FOLLOWING ARE REFERENCE SURVEYS USED IN DETERMINING THE BOUNDARY LOCATION:
 - THE 'M' CANAL ROAD RIGHT OF WAY MAP, RECORDED IN ROAD PLAT BOOK 8, PAGE 136.
 - STATE OF FLORIDA PALM BEACH COUNTY RIGHT-OF-WAY MAP FOR SEMINOLE-PRATT WHITNEY ROAD, RECORDED IN ROAD PLAT BOOK 4, PAGE 34.
 - BOUNDARY SURVEY OF RESIDENTIAL AT GALLERY JUDGE GROVES, PREPARED BY LIBBERG LAND SURVEYING, INC. (JOB NO. 04-106-1010), DATED OCTOBER 5, 2007.
 - SKETCH OF SURVEY, PREPARED BY S.P. MUSICK, DATED MARCH 5, 1985.
- ALL BEARINGS AND DISTANCES (UNITED STATES SURVEY FEET) AS SHOWN HEREON ARE AS DESCRIBED AND MEASURED UNLESS OTHERWISE NOTED.
- SURVEY MEETS ACCURACY STANDARD FOR SUBURBAN SURVEYS: 1 FOOT IN 7,500 FEET.

DESCRIPTION:
 A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF M-CANAL, A 250 FOOT WIDE CITY OF WEST PALM BEACH RIGHT-OF-WAY, DESCRIBED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S.88°36'57"W. ALONG SAID SOUTHERLY BOUNDARY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 376.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD BOOK 1344, PAGE 378, AND ROAD PLAT BOOK 4, PAGE 34, BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 430.18 FEET; THENCE S.88°17'08"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S.88°17'08"E, A DISTANCE OF 172.34 FEET; THENCE S.75°43'50"E, A DISTANCE OF 50.00 FEET; THENCE S.88°17'08"E, A DISTANCE OF 374.82 FEET; THENCE N.01°42'52"E, A DISTANCE OF 634.98 FEET; THENCE N.43°17'08"W, A DISTANCE OF 420.57 FEET; THENCE N.88°47'12"E, A DISTANCE OF 511.65 FEET; THENCE SOUTHERLY, 23.24 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 867.00 FEET AND A CENTRAL ANGLE OF 01°32'08" (THROUGH WHICH A RADIAL LINE BEARS N.74°13'24"E); THENCE S.01°33'05"W, A DISTANCE OF 409.04 FEET; THENCE SOUTHWESTERLY, 70.05 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 89°11'20"; THENCE N.89°40'46"W, A DISTANCE OF 21.14 FEET; THENCE S.45°29'10"E, A DISTANCE OF 54.25 FEET; THENCE S.88°29'49"E, A DISTANCE OF 429.16 FEET; THENCE N.89°16'35"E, A DISTANCE OF 122.31 FEET; THENCE S.88°16'09"E, A DISTANCE OF 5.31 FEET; THENCE S.1°42'52"W, A DISTANCE OF 125.47 FEET; THENCE S.46°42'52"W, A DISTANCE OF 43.17 FEET; THENCE S.01°42'52"W, A DISTANCE OF 12.00 FEET; THENCE N.88°17'08"W, A DISTANCE OF 128.14 FEET; THENCE N.43°17'08"W, A DISTANCE OF 39.60 FEET; THENCE N.88°17'08"W, A DISTANCE OF 1089.23 FEET; THENCE N.75°52'41"W, A DISTANCE OF 65.16 FEET; THENCE N.88°17'08"W, A DISTANCE OF 23.50 FEET; THENCE N.46°42'52"E, A DISTANCE OF 14.14 FEET TO THE POINT OF BEGINNING.

CONTAINING: 345,306 SQUARE FEET OR 7.927 ACRES MORE OR LESS.

PROPOSED PERSIMMON BLVD EAST BOUNDARY SURVEY

REVISIONS			Prepared For: MINTO COMMUNITIES-USA	
No.	Date	Description	Drawn	Last Date of Field Survey: 08/30/17
1	10/13/2017	REVISE DESC PER CITY COMMENTS	LJD	

SURVEYOR'S CERTIFICATE
 This certifies that a survey of the herein described property was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 31-116.00, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Luis J. Ortiz
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS7006

4152 W. Blue Heron Blvd. Phone: (561) 444-2720
 Suite 103 www.geopointsurvey.com
 Riviera Beach, FL 33404 Licensed Business Number: LB 7765

Drawn: SWM Date: 09/18/17 Data File: Persimmon EAST - BS
 Check: LJD P.C.: XXXX Field Book: XXX-XXXX
 Sections: 1&12 Twn. 43 Rng. 40 Job # WESTLAKE

Sheet No. 1 of 1 Sheets



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

- 1. DATE:** October 30, 2017
- 2. PETITION NUMBER:** ENG-2017-08
- 3. DESCRIPTION:** Persimmon Boulevard East – Plat 1
- APPLICANT:** Don Hearing
Cotleur & Hearing, Inc.
- OWNER:** Minto PBLH, LLC
- REQUEST:** Plat & Boundary Survey Review
- LOCATION:** Westlake, Florida
- 4. STAFF REVIEW:**

This is the second review of this Plat and Boundary Survey. This review is done for compliance with Chapters 177 and Chapter 5J-17, F.A.C. respectively, and the City of Westlake's codes and ordinances. Following are our comments:

PLAT COMMENTS

SHEET ONE

Items 2, 3, and 4 in our first comments letter have not been addressed. See below.

2. The Acknowledgement for John F. Carter. Should read "the seal affixed to said instrument is the corporate seal of said company"----- "by due and regular corporate authority,"
3. The "In witness whereof" paragraph should read "by its President and its corporate seal to be affixed hereto by and with the authority of its Board of Supervisors, this".
4. The Acknowledgement for Scott Massey should read "by due and regular statutory authority".

BOUNDARY SURVEY COMMENTS

All of our previous comments on the boundary survey have been adequately addressed. The boundary now meets the requirements of Chapter 5J-7 F.A.C.



CITY OF WESTLAKE

Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

This letter has been prepared by the following individual, in association with their consultants and subconsultants:

A handwritten signature in blue ink, appearing to read "Suzanne Dombrowski".

Suzanne Dombrowski, P.E.

Chen Moore and Associates

Tel: 561.746.6900 x 1035

Email: sdombrowski@chenmoore.com

Ninth Order of Business



Berger, Toombs, Elam, Gaines & Frank

Certified Public Accountants PL

600 Citrus Avenue
Suite 200
Fort Pierce, Florida 34950

772/461-6120 // 461-1155
FAX: 772/468-9278

October 20, 2017

City of Westlake
c/o Severn Trent Management Services
210 North University Drive, Suite 702
Coral Springs, FL 33071

The Objective and Scope of the Audit of the Financial Statements

You have requested that we audit the financial statements of City of Westlake, which comprise governmental activities, a discretely presented component unit, each major fund and the budgetary comparison for the General Fund as of and for the year ended September 30, 2017 which collectively comprise the basic financial statements. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter for the year ending September 30, 2017 and thereafter for two annual renewals if mutually agreed by City of Westlake and Berger, Toombs, Elam, Gaines, & Frank, Certified Public Accountants, PL.

Our audit will be conducted with the objective of expressing an opinion on the financial statements.

The Responsibility of the Auditor

We will conduct the audit in accordance with auditing standards generally accepted in the United States of America and "Government Auditing Standards" issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with generally accepted auditing standards. Also, an audit is not designed to detect errors or fraud that are immaterial to the financial statements. The determination of abuse is subjective; therefore, Government Auditing Standards do not expect us to provide reasonable assurance of detecting abuse.

Fort Pierce / Stuart



City of Westlake
October 20, 2017
Page 2

In making our risk assessments, we consider internal control relevant to City of Westlake's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will also communicate to the Board any fraud involving senior management and fraud that causes a material misstatement of the financial statements that becomes known to us during the audit, and any instances of noncompliance with laws and regulations that we become aware of during the audit.

The funds that you have told us are maintained by City of Westlake and that are to be included as part of our audit are listed below:

1. General Fund



City of Westlake
October 20, 2017
Page 3

The Responsibilities of Management and Identification of the Applicable Financial Reporting Framework

Our audit will be conducted on the basis that management acknowledges and understands that it has responsibility:

1. For the preparation and fair presentations of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. To evaluate subsequent events through the date the financial statements are issued or available to be issued, and to disclose the date through which subsequent events were evaluated in the financial statements. Management also agrees that it will not evaluate subsequent events earlier than the date of the management representation letter referred to below;
3. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
4. For establishing and maintaining effective internal control of financial reporting and for informing us of all significant deficiencies and material weaknesses in the design or operation of such controls of which it has knowledge; and
5. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.



City of Westlake
October 20, 2017
Page 4

Management is responsible for identifying and ensuring that City of Westlake complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud or abuse, and for informing us about all known or suspected fraud or abuse affecting the entity involving management, employees who have significant roles in internal control, and others where the fraud or abuse could have a material effect on the financial statements or compliance. Management is also responsible for informing us of its knowledge of any allegations of fraud or abuse, or, suspected fraud or abuse affecting the entity received in communications from employees, former employees, analysts, regulators, short sellers, or others.

The Board is responsible for informing us of its views about the risks of fraud or abuse within the entity, and its knowledge of any fraud or abuse, or, suspected fraud or abuse affecting the entity.

City of Westlake agrees that it will not associate us with any public or private securities offering without first obtaining our consent. Therefore, City of Westlake agrees to contact us before it includes our reports or otherwise makes reference to us, in any public or private securities offering.

Because Berger, Toombs, Elam, Gaines & Frank will rely on City of Westlake and its management and Board of Supervisors to discharge the foregoing responsibilities, City of Westlake holds harmless and releases Berger, Toombs, Elam, Gaines & Frank, its partners, and employees from all claims, liabilities, losses and costs arising in circumstances where there has been a known misrepresentation by a member of City of Westlake's management, which has caused, in any respect, Berger, Toombs, Elam, Gaines & Frank's breach of contract or negligence. This provision shall survive the termination of this arrangement for services.

City of Westlake's Records and Assistance

If circumstances arise relating to the condition of the City of Westlake's records, the availability of appropriate audit evidence, or indications of a significant risk of material misstatement of the financial statements, because of error, fraudulent financial reporting, or misappropriation of assets, which, in our professional judgment, prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including: declining to express an opinion, issuing a report, or withdrawing from engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the City of Westlake's books and records. The District will determine that all such data, if necessary, will be so reflected. Accordingly, the District will not expect us to maintain copies of such records in our possession.



City of Westlake
October 20, 2017
Page 5

Other Relevant Information

In accordance with Government Auditing Standards, a copy of our most recent peer review report has been provided to you, for your information.

Fees, Costs, and Access to Workpapers

Our fees for the audit and accounting services described above are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Invoices for fees will be submitted in sufficient detail to demonstrate compliance with the terms of this engagement. Billings are due upon submission. Our fee for the services described in this letter for the year ending September 30, 2017, will not exceed \$3,085, unless the scope of the engagement is changed, the assistance which City of Westlake has agreed to furnish is not provided, or unexpected conditions are encountered, in which case, we will discuss the situation with you before proceeding. All other provisions of this letter will survive any fee adjustment. The two annual renewals must be mutually agreed and approved by the Board of Supervisors.

In the event we are requested or authorized by City of Westlake or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for City of Westlake, City of Westlake will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

The documentation for this engagement is the property of Berger, Toombs, Elam, Gaines, & Frank. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs, and the U.S. Government Accountability Office shall have access to the audit documentation upon their request and that we shall maintain the audit documentation for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency. Access to requested documentation will be provided under the supervision of Berger, Toombs, Elam, Gaines, & Frank audit personnel and at a location designated by our Firm.



City of Westlake
October 20, 2017
Page 6

Reporting

We will issue a written report upon completion of our audit of City of Westlake's financial statements. Our report will be addressed to the Board of City of Westlake. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In addition to our report on City of Westlake's financial statements, we will also issue the following types of reports:

- Reports on internal control and compliance with laws, regulations, and the provisions of contracts or grant agreements. We will report on any internal control findings and/or noncompliance which could have a material effect on the financial statements.

This letter constitutes the complete and exclusive statement of agreement between Berger, Toombs, Elam, Gaines & Frank and City of Westlake, superseding all proposals, oral or written, and all other communication, with respect to the terms of the engagement between the parties.

Please sign and return the attached copy of this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

*Berger Toombs Elam
Gaines & Frank*

Berger, Toombs, Elam, Gaines & Frank
J. W. GAINES, CPA

Confirmed on behalf of the addressee:



Judson B. Baggett
MBA, CPA, CVA, Partner

Marci Reutimann
CPA, Partner

6815 Dairy Road
Zephyrhills, FL 33542

(813) 788-2155

(813) 782-8606

System Review Report

To the Directors
Berger, Toombs, Elam, Gaines & Frank, CPAs PL
and the Peer Review Committee of the Florida Institute of Certified Public Accountants

November 2, 2016

We have reviewed the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs PL (the firm), in effect for the year ended May 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control, and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards and audits of employee benefit plans*.

In our opinion, the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs PL in effect for the year ended May 31, 2016 has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Berger, Toombs, Elam, Gaines & Frank, CPAs PL, has received a peer review rating of *pass*.

Baggett, Reutimann & Assoc
Baggett, Reutimann & Associates, CPAs, PA

(BERGER_REPORT16)

**ADDENDUM TO ENGAGEMENT LETTER
DATED OCTOBER 20, 2017**

Public Records. Auditor shall, pursuant to and in accordance with Section 119.0701, Florida Statutes, comply with the public records laws of the State of Florida, and specifically shall:

- a. Keep and maintain public records required by the District to perform the services or work set forth in this Agreement; and
- b. Upon the request of the District's custodian of public records, provide the District with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law; and
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Agreement if the Auditor does not transfer the records to the District; and
- d. Upon completion of the Agreement, transfer, at no cost to the District, all public records in possession of the Auditor or keep and maintain public records required by the District to perform the service or work provided for in this Agreement. If the Auditor transfers all public records to the District upon completion of the Agreement, the Auditor shall destroy any duplicate public records that are exempt or confidential and exempt from public disclosure requirements. If the Auditor keeps and maintains public records upon completion of the Agreement, the Auditor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the District, upon request from the District's custodian of public records, in a format that is compatible with the information technology systems of the District.

Auditor acknowledges that any requests to inspect or copy public records relating to this Agreement must be made directly to the District pursuant to Section 119.0701(3), Florida Statutes. If notified by the District of a public records request for records not in the possession of the District but in possession of the Auditor, the Auditor shall provide such records to the District or allow the records to be inspected or copied within a reasonable time. Auditor acknowledges that should Auditor fail to provide the public records to the District within a reasonable time, Auditor may be subject to penalties pursuant to Section 119.10, Florida Statutes.

IF THE AUDITOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE AUDITOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT/CONTRACT, THE AUDITOR MAY CONTACT THE CUSTODIAN OF PUBLIC RECORDS FOR THE DISTRICT AT:

**SEVERN TRENT MANAGEMENT SERVICES
210 North University Drive, Suite 702
Coral Springs, FL 33071**

Auditor: J. W. GAINES



Title: DIRECTOR

Date: October 20, 2017

District: City of Westlake

By: _____

Title: _____

Date: _____

Tenth Order of Business



CITY OF WESTLAKE
 Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470

Phone: (561) 530-5880 www.westlakegov.com

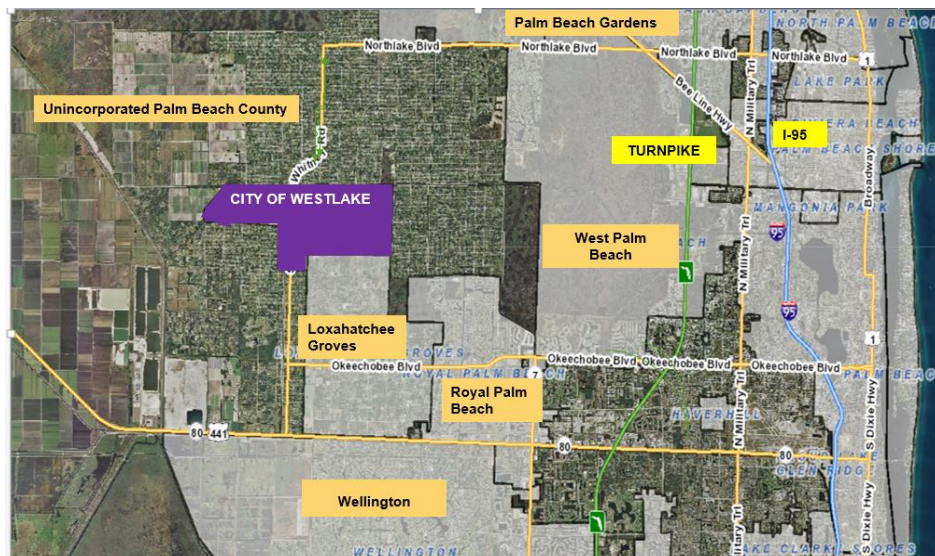
DATE: October 24, 2017
ORDINANCE NUMBER: Ordinance No. 2017-5
SUBJECT: Local Planning Agency Transmittal Hearing: City of Westlake Comprehensive Plan
MEETING DATE: November 6, 2017

BACKGROUND

The City of Westlake is coextensive with the jurisdiction of the Seminole Improvement District (SID), which was established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-431, Laws of Florida. SID is an independent special purpose government formerly known as the Seminole Water Control District, which consists of approximately 4,127 acres of land. The majority of the property located within the SID boundary consists of the former Callery-Judge Groves property (CJG), which includes roughly 3,788 acres used for active agriculture for over 50 years. The boundary also includes a separate agricultural area known as the Silverlake property, a utility site and a packing plant. In addition, three school sites and a small shopping center site lie within the SID boundary.

In 2014, the Palm Beach County Board of County Commissioners approved an application by Minto PBLH, LCC, for the former Callery-Judge Citrus Grove (CJG). *In 2016, the City of Westlake was incorporated pursuant to Section 165.0615, Florida Statutes.* The City of Westlake is located in central western Palm Beach County, northwest of the Village of Royal Palm Beach and north of the Village of Wellington and the Town of Loxahatchee Groves. The main access route to the City is Seminole Pratt Whitney Road from either State Road 80 (Southern Boulevard) or Okeechobee Boulevard from the south, or Northlake Boulevard from the north. The City is surrounded by the unincorporated area known as the Acreage, the Town of Loxahatchee Groves and a small area of agricultural lands to the west.

Figure 1.1 City of Westlake Location



FLORIDA STATUTES

In accordance with the Growth Policy Act under the Florida Statutes, Chapter 163, the City has the responsibility of planning for its future growth and development. Florida Statutes, Section 163.3167(3), provides that newly incorporated municipalities shall have three years after the date of incorporation in which to adopt a Comprehensive Plan consistent with the provisions of Chapter 163.

The City has prepared a Comprehensive Plan pursuant to the provisions of the Local Government Community Planning Act and Land Development Regulations Act.

The subject LPA Public Hearing will address the transmittal to the State Department of Economic Opportunity (DEO) of the proposed City of Westlake Comprehensive Plan and map series. Per Florida Statutes, Chapter 163.3177 *“the comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented.”*

Florida’s Community Planning Act in Chapter 163, Florida Statutes outlines the purposes and requirements of the Plan and provides local governments the guidance and authority to accomplish important planning goals. The Act itself addresses many aspects of growth and development and must be applied to the unique circumstances and opportunities facing Westlake. The land development regulations and all actions taken in regard to development orders shall be consistent with the Comprehensive Plan.

The Comprehensive Plan establishes meaningful and predictable standards for the use and development of land and provides meaningful guidelines for the content of more detailed land development and use regulations. The Plan must be sufficient to guide growth to the directed ends but must also recognize private property rights and allow the operation of real estate markets to provide adequate choices.

The City of Westlake Comprehensive Plan provides guidance on development over two planning periods: a short term period beginning in 2018 and ending in 2023 and a long term period beginning in 2018 and ending in 2038. However, for the purpose of the Capital Improvements Element, which must be updated annually, the fiscal year, rather than the calendar year, is used. (For example, the short term planning period ends FY 2022-23, rather than calendar year 2023).

The Comprehensive Plan is so named because it addresses all aspects of future development through a coordinated group of plan elements. The proposed Comprehensive Plan encompasses the following nine (9) elements as follows:

- Chapter 1 Administrative Element
- Chapter 2 Future Land Use Element
- Chapter 3 Transportation Element
- Chapter 4 Infrastructure Element
- Chapter 5 Conservation Element
- Chapter 6 Recreation and Open Space Element
- Chapter 7 Housing Element
- Chapter 8 Capital Improvements Element
- Chapter 9 Intergovernmental Coordination Element

The plan for future land uses, including the types of land uses and their densities and intensities, is the central part of the Comprehensive Plan which directs development of a city. Land use goals, objectives, and policies, and the future land use map describe the character and pattern of future development. These land use provisions are both enabled and restricted by the other parts of the Comprehensive Plan which address necessary public facilities such as transportation and infrastructure, and development goals such as affordable housing and the

discouragement of urban sprawl. The Capital Improvements Element plans for the provision of public facilities. The Intergovernmental Coordination Element addresses coordination with local, regional, and state entities. The plan is developed in consideration of the existing development circumstances, availability of adequate facilities and services, and the character of the land and water resources on and surrounding the jurisdiction.

PLAN VISION AND GUIDING PRINCIPLES

The Vision and Guiding Principles of the City of Westlake Comprehensive Plan embrace the following **sustainable community** concept: *An urban area with a long-term planning and management vision that incorporates a multi-modal transportation network; walkable, mixed use patterns of development; denser development where infrastructure exists; civic spaces and interconnected open spaces for recreation; economic vitality and job choices; choices in housing price and size; a robust educational system; and a unique identity.* As indicated in the illustration above, the City's sustainable community concept serves as an umbrella under which all the elements of the Comprehensive Plan are developed.

Developing a city at this location addresses the need to balance the urban sprawl of the surrounding area with the provision of adequate non-residential uses at a central location with the appropriate residential mass to make the city functional and sustainable in the long term. A sustainable community works to use its resources to meet current needs while considering that adequate resources are to be available for future generations.



The Comprehensive Plan is not only a regulatory tool to control growth but it is a means to achieve community goals, and a desirable vision of the future. The City Council conducted a visioning public workshop on July 24, 2017. The workshop included a background presentation of the Florida Statutes requirements and the key urban concepts for a future vision of the City. Council members addressed the following questions: How do you envision Westlake in 20, 30 years? What are the guiding principles that you would like to embrace for the City? What are those that you will not support and encourage?

The Council members' discussion and suggestions are summarized below. Council members supported the concept of a vibrant city and downtown area with a family-oriented character. The discussion emphasized the importance of avoiding urban sprawl. In fact, Council members strongly encouraged dedicating land to provide for a Downtown Mixed-Use future land use designation to address the needs of City residents and those of areas adjacent to the City. The sprawling western area that surrounds the City is characterized by deficiencies in commercial and service opportunities. In contrast, the City of Westlake downtown will offer a variety of uses, including residential units, shopping, services, and an employment center—all of which will contribute to the success of the City.

The Council members' discussion and suggestions are summarized below. Council members supported the concept of a vibrant city and downtown area with a family-oriented character. The discussion emphasized the importance of avoiding urban sprawl. In fact, Council members strongly encouraged dedicating land to provide for a Downtown Mixed-Use future land use designation to address the needs of City residents and those of areas adjacent to the City. The sprawling western area that surrounds the City is characterized by deficiencies in commercial and service opportunities. In contrast, the City of Westlake downtown will offer a variety of uses, including residential units, shopping, services, and an employment center—all of which will contribute to the success of the City.

In terms of the residential neighborhoods, Council members emphasized the need for open space and recreation opportunities and retail and services in commercial neighborhood centers to support walkability and quality of life of the residents. Council members also embrace the vision of 1) providing housing for a diverse population

including retirees and working families; 2) offering sufficient open space for all residents, including amenities for special needs children and activities for parents and grandparents; 3) supporting businesses and economic development initiatives. In summary, a City that will strive for an urban environment that embraces living, playing and working.

In summary, the City of Westlake will be a sustainable, vibrant, desirable and welcoming place to live, work and play. The City will support mixed uses and promote safe neighborhoods with access to thriving business districts, employment centers, schools, parks and open spaces. The City will create incentives to promote the development of diverse housing, and will offer public open spaces. An emphasis on the development of “Complete Streets” will promote multi-modal transportation opportunities. The City’s plans and policies will embrace public participation, encourage a sustainable community, and stimulate a vibrant economy.

The Plan is based on data and analysis which includes a vision and guiding principles that provide the general outline for a sustainable community. The adopted provisions of the Plan establish the specific and measurable objectives, policies, and maps that translate the sustainability community concept into an operational plan that can be used to effectively direct growth. The City’s Vision and Guiding Principles describe the future of the City in aspirational terms and are not adopted components of the Plan, but serve to guide the development of the adopted goals, objectives, and policies of the Plan.



Based on the vision outlined above, the following are the guiding principles that directed the development of the goals, objectives, and policies in the Plan.

Build City Character and Identity

The City will promote economic development and provide for attractive public spaces through the coordination of building architecture, site design, and streetscape improvements.

Balance the Central Communities in Palm Beach County

The development of the City will include commercial, employment, and recreational opportunities to help alleviate the existing urban sprawl pattern of development that currently exists in central western Palm Beach County.

Promote Mixed-Use Corridor

The Downtown Mixed-Use Category is important to the development of the City as a center of commerce, employment, and services. Activity centers, which will vary in scale, use, and intensity, will be developed within walking distance of residential neighborhoods to provide accessible and convenient opportunities to work, shop, and participate in civic life.

Emphasize Housing Diversity and Livable Neighborhoods

A variety of housing choices will be provided to accommodate a diverse range of residents at varying income levels and at all stages of life, including young adults, families, non-family households, empty nesters, retirees, and seniors. Housing opportunities will include small lots, multi-family housing, and live-work units, in addition to the traditional large, single family homes. Neighborhood commercial centers will offer convenient and walkable amenities to residents by providing retail and service facilities.

Grow a Vibrant Economy

The City will work towards becoming a Sustainable Community with an environmentally, socially, and economically healthy and resilient habitat for existing and future populations. A healthy and sustainable business environment will be promoted through investment in efficient infrastructure, the provision of incentives, and by fostering development of a community that is attractive to employers and their workers. The Plan will seek to enhance the City's competitive advantage and to attract high quality companies, entrepreneurs, and knowledge-based businesses to the area.

Promote "Complete Streets", Transportation Choice and Mobility

A safe, reliable, and integrated transportation system that includes multiple modes of transportation including walking, biking, public transit, and motor vehicles will be encouraged within the City. Investment in the transportation system should promote multi-modal travel solutions, especially in the Downtown Mixed-Use Category, around schools, between neighborhoods, and along the gateway corridors.

PUBLIC WORKSHOPS AND APPROVAL PROCESS

As part of the City's community participation process, a number of workshops were held to discuss the proposed Comprehensive Plan. The City Council had a total of three public workshops prior to the LPA hearing as follows:

JULY 24th *Vision, Administrative and Future Land Use Elements*

AUGUST 28th *Transportation, Infrastructure, and Capital Improvement Elements*

OCTOBER 9th *Housing, Conservation, Recreation and Open Space, Intergovernmental Coordination Elements*

Public hearings are required to transmit the proposed Comprehensive Plan to the State Land Planning Agency including this subject hearing of the Planning and Zoning Board acting as the Local Planning Agency (LPA), on November 6, 2017, and by a City Council Transmittal hearing, scheduled for November 13, 2017. The proposed Comprehensive Plan will be subject to the State Coordinated Review process, pursuant to Section 163.3184(4), F.S. A summary of this process is outlined below:

- After initial local hearings (Local Planning Agency and City's Council) approving the proposed Comprehensive Plan, the City is required to transmit the complete proposed plan to the State Land Planning Agency (Department of Economic Opportunity-DEO) and other agencies.
- Next, within 60 days of receiving the complete comprehensive plan proposal, the State Land Planning Agency issues an Objection, Recommendation, and Comments Report (ORC) to the local government.
- The City is required to hold a second public hearing to adopt the Comprehensive Plan.
- The complete adopted plan must then be submitted back to the State.
- Within 45 days of receiving the complete adopted Comprehensive Plan, the State Land Planning Agency issues a Notice of Intent to find the plan in compliance or not in compliance, which is posted on its website.

Please see attached Ordinance 2017-5, and two (2) binders that include the Policy Document (Goals, Objectives and Policies) and the Technical Document (Data and Analysis).

Nelsa Zaccaria

ORDINANCE NO. 2017-5_____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE PROPOSED CITY OF WESTLAKE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL BY THE CITY TO THE STATE LAND PLANNING AGENCY (FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY), AND ALL OTHER REQUIRED GOVERNMENTAL AGENCIES OR ENTITIES FOR THEIR REVIEW OF THE PROPOSED COMPREHENSIVE PLAN PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMMUNITY PLANNING ACT; DIRECTING THE APPROPRIATE CITY OFFICIALS TO TRANSMIT THE PROPOSED COMPREHENSIVE PLAN AND SUPPORTING MATERIAL TO THE STATE LAND PLANNING AGENCY (DEPARTMENT OF ECONOMIC OPPORTUNITY); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake was incorporated as Palm Beach County's thirty-ninth municipality, on June 20, 2016, and pursuant to Florida Statutes, Chapter 163, the City is required to adopt a comprehensive plan to plan for the future growth and development of properties within the jurisdictional boundaries for the City of Westlake; and

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, consistent with Florida Statutes, Section 163.3167, and Section 163.3184(4), a state coordinate review of the City's proposed Comprehensive Plan is required; and

WHEREAS, since June 20, 2016, the date of incorporation, the City of Westlake has utilized the Palm Beach County Comprehensive Plan as its controlling interim adopted Comprehensive Plan; and

WHEREAS, Florida Statutes, Section 163.3167(3), provides that newly incorporated municipalities shall have three years after the date of incorporation in which to adopt a Comprehensive Plan consistent with the provisions of Chapter 163; and

WHEREAS, the City has drafted a proposed Comprehensive Plan pursuant to the provisions of the Local Government Community Planning Act and Land Development Regulations Act; and

WHEREAS, the City Council has been designated 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 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 local planning agency has held a duly advertised public hearing to consider the proposed Comprehensive Plan, has considered all comments received, and has recommended approval of the City's proposed Comprehensive Plan; and

WHEREAS, the City Council has conducted a duly advertised public hearing concerning the proposed Comprehensive Plan and has considered all comments received concerning the proposed Comprehensive Plan as required by state law and local ordinances; and

WHEREAS, the City Council hereby authorized the appropriate City officials to transmit this Ordinance and all supporting materials to the Department of Economic Opportunity and to all other required reviewing governmental agencies or entities for their review.

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. Authorization: The City Council for the City of Westlake hereby authorizes the transmittal to the Department of Economic Opportunity and to all other reviewing governmental agencies or entities for their review, the City's proposed Comprehensive Plan which is approved by the City Council pursuant to the provisions of the Local Government Community Planning Act and Land Development Regulations Act.

Section 3. Transmittal: The appropriate City officials are hereby directed to transmit this ordinance and all supporting materials to the appropriate agencies, which may include but are not limited to, the state land planning agency; appropriate regional planning council; appropriate water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; the Department of Education and Palm Beach County, consistent with the provisions of Florida Statutes §163.3184(1)(b).

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 not become effective until the State Land Planning Agency issues a notice of intent to find that the proposed Comprehensive Plan is in compliance in accordance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted Plan to be in compliance in accordance with Florida Statutes, Section 163.3184(4).

PASSED on this _____ day of November, 2017, first reading.

PASSED AND ADOPTED on this _____ day of _____, 2018, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form & Sufficiency

Pam E. Booker, City Attorney

Eleventh Order of Business

ORDINANCE NO. 2017-6

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING A HOUSING ASSISTANCE PURCHASE PROGRAM FOR VERY LOW INCOME, LOW INCOME, MODERATE INCOME AND MIDDLE INCOME GUIDELINES CONSISTENT WITH THE HOUSING AND URBAN DEVELOPMENT GUIDELINES AS ADJUSTED ANNUALLY FOR THE AREA MEDIAN INCOME FAMILIES; PROVIDING FOR A FUNDING MECHANISM, PROVIDING GUIDELINES FOR ELIGIBILITY; PROVIDING FOR AN ACCOUNTING FOR THE UTILIZATION OF SAID FUNDS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake finds that providing affordable housing to persons within the City is of paramount public importance to the creation of a sustainable and economically viable community, the City will create and implement a housing purchase assistance program; and

WHEREAS, the City of Westlake is interested in creating a local housing assistance purchase program to increase the availability of affordable housing units by combining local resources and cost saving measures into a local housing partnership and utilizing public funds to leverage private funds, thereby reducing the cost of housing; and

WHEREAS, the housing assistance purchase program will assist in achieving the growth management goals for the City's comprehensive plan, by allowing a more efficient use of land so as to provide housing units that are affordable to persons who are very-low income, low income or moderate income; and

WHEREAS, the housing assistance purchase program will promote mixed income housing so as to provide increased housing and economic opportunities for persons who are very-low income, low income, moderate income or middle income; and

WHEREAS, the Developer, Minto PBLH, LLC, ("MINTO") has established a Master Homeowner's Association, and the Hammocks of Westlake Homeowner's Association as set forth in the Declarations of Restrictive Covenants for each entity, for purposes including but not limited to establishing procedures and guidelines for the operation of the homeowner's association and the imposition of a fee payable to the Westlake Community Foundation, Inc.; and

WHEREAS, the Westlake Community Foundation, Inc., ("Foundation") is a not for profit 501(c)(3), Foundation under the Internal Revenue Service Code of 1986, established for the purpose of but not limited to providing down payment and closing cost housing assistance with proceeds from purchase and sale transactions on all properties within the jurisdictional boundaries for the City of Westlake; and

WHEREAS, the Westlake Community Foundation, Inc., will transfer proceeds received from purchase and sale transactions to City of Westlake to be utilized for the purpose of providing down payment, closing cost, and rental assistance to qualified eligible applicants for very low income, low income, moderate income and middle income qualified eligible applicants; and

WHEREAS, the Developer, MINTO has agreed to voluntarily make financial contributions directly to the City of Westlake for all single family platted residential lots for utilization by the City for the

purpose of providing down payment, closing costs and rental assistance to qualified eligible applicants for very low income, low income, moderate income and middle income applicants; and

WHEREAS, the Developer, Minto PBLH, LLC has agreed to impose and collect a one-half percent (1/2%) fee on the purchase and sale of all non-residential properties within the jurisdictional boundaries of the City of Westlake, for the purpose of providing down payment, closing costs and rental assistance to eligible applicants for very low income, low income, moderate income and middle income applicants; and

WHEREAS, the City of Westlake shall utilize all funding proceeds received from MINTO, the FOUNDATION, any other sources for the purposes of providing down payment, closing costs and rental assistance to qualified eligible applicants for very low income, low income, moderate income and middle income qualified eligible applicants.

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

- Section 1.** **Incorporation:** The above recitals are true and correct and are incorporated herein by this reference.

- Section 2.** **Establishment of Housing Assistance Purchase Program:** The City of Westlake hereby creates and establishes a housing assistance purchase program within the jurisdictional boundaries of the City of Westlake.

- Section 3.** **Purpose:** The purpose of this article is to authorize the City of Westlake to utilize funds received from all sources designated for the housing assistance purchase program to provide down payment, closing costs and rental assistance for the purchase or rental of single family and multi-family units within the jurisdictional boundaries for the City of Westlake and to implement policies, procedures, and guidelines for very low income, low income, moderate income and middle income eligible applicants to carry out the purposes of this article.

- Section 4.** **Voluntary Contributions:** MINTO has voluntarily agreed to provide funds to the City of Westlake for implementation of an affordable housing program within the jurisdictional limits for the City of Westlake.
 - (a) MINTO shall pay a one thousand five hundred (\$1,500.00) contribution to the City of Westlake at the time an application for a building permit is requested for construction of every single-family home.
 - (b) MINTO shall provide the City of Westlake one-half percent (1/2%) of the purchase price on all non-residential land sales within the jurisdictional boundaries for the City of Westlake within thirty (30) days of the closing. Not for profit organizations or governmental entities may be exempt from the one-half percent (1/2%) purchase and sale contribution.

- Section 5.** **Utilization of Funds:**
 - (a) The Housing Assistance Purchase Program shall utilize all funds received from any and all sources designated for housing assistance purchase or

rental assistance to implement programs for the creation and preservation of affordable housing within the City of Westlake.

- (b) Funding shall be available on a first come, first qualified basis until the annual allocation and any supplemental funding is utilized, with preference being provided to essential service personnel.
- (c) The program shall include other lawful objectives not specifically listed if said objectives meet and further the purpose and intent of creating and preserving affordable housing within the City of Westlake.
- (d) The City of Westlake shall be authorized to utilize seven percent (7%) of the proceeds received for administrative costs and fees associated with the management and implementation of affordable housing programs.
- (e) An annual accounting shall be provided to the City Council detailing the use of all proceeds for down payment assistance purchases or rental assistance.

Section 6. Local Housing Partnership:

- (a) The local housing partnership includes but is not limited to Minto PBLH, LLC, the Westlake Community Foundation, the City of Westlake, Palm Beach County, community based organizations, for profit housing developers, lending institutions, and providers of professional services relating to affordable housing.
- (b) The local housing partnership shall support the program in a manner that includes providing support services for housing program beneficiaries such as training to prepare eligible applicants for the responsibility of home ownership, counseling, and other support services.

Section 7. Administration and Implementation:

- (a) The City Manager or the designee of the City Manager shall manage the program to ensure the maximum eligible housing assistance awards are provided to assist with affordable home ownership or rental assistance within the City of Westlake.
- (b) The City Manager or the designee of the City Manager shall ensure that related expenses of the program do not exceed seven percent (7%) of all proceeds received for the Housing Assistance Purchase Program.
- (c) Affordable and Workforce housing units shall not be clustered together or segregated away from market rate units of higher market purchase prices.
- (d) Affordable and Workforce housing units shall not be subleased without the express written consent of the City of Westlake, if permitted, they shall only be leased to affordable income eligible households for the duration of the loan or grant award time frame.
- (e) The availability of housing assistance shall be advertised in a newspaper of general circulation in the City at least thirty (30) days prior to the beginning of an application period.
- (f) An application and certification will be required for eligible applicants to ensure the income guideline qualifications as established by the United States Housing and Urban Development, Area Median Income guidelines are met.

- (g) Eligible applicants shall provide certification that they comply with income and affordability guidelines as set forth in any state or federal programs for which assistance is being provided.
- (h) Eligible applicants shall provide three percent (3%) of the purchase price, from their personal funds as part of the down payment to meet eligibility criteria.
- (i) All eligible persons shall agree to and enter into a covenant which shall run with the land and be made part of a mortgage agreement for a ten-year payback provision should the eligible applicant, spouse or survivors dispose of the property prior to the expiration of the ten-year time frame.
- (j) The City shall not discriminate in the application or award process on the basis of race, creed, religion, color, age, sex, sexual orientation, marital status, familial status, national origin or disability.

Section 8: Housing Assistance Purchase Program Trust Fund:

- (a) The Housing Assistance Trust Fund is hereby created and established.
- (b) The fund shall be separately stated as a special revenue fund in the City's audited financial statements and copies of such audited financial statements shall be provided to the City Council for the City of Westlake.
- (c) Amounts on deposit shall be invested as permitted by law.
- (d) All funds received from MINTO, the Westlake Community Foundation, Inc., and any other source received or designated for the housing assistance purchase program shall be deposited into the fund.

Section 9: Definitions:

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) *Affordable Housing* means housing that is affordable for households at or below 80% of the Area Median Income as defined by the United States Department of Housing and Urban Development (HUD) income limits per household size and that meets maximum housing payments established by HUD, Florida Housing Finance or local ordinance. Housing payments generally do not exceed 30% of household's gross monthly income.
- (b) *Affordable Housing Assistance* means any loans, grants, fee reductions or other incentives provided by the City of Westlake to facilitate the construction, purchase or rental of affordable and/or workforce housing to qualified eligible applicants.
- (c) *Affordable and Workforce Housing Loan Program* means a City of Westlake program that provides loans to be used for the construction and purchase of housing serving households up to 140% of the Area Median Income. Loans may be provided as direct loans or limited loan guarantees for single family new construction, multi-family new construction homes, and resale on existing housing inventory.
- (d) *Affordability Period* means funds provided under the HAPPY program shall carry a ten (10) year restriction to maintain the affordable and or workforce housing designation. Should the housing unit be disposed of prior to the ten-year time frame, repayment of funds will be required. After the

- expiration of ten (10) of continued occupancy by the eligible applicant or surviving spouse the loan will be forgiven.
- (e) *Annual Reporting* means an annual accounting of all funds utilized during the prior year, with detailed data on the number of eligible applicants for which housing assistance was provided to for the purposes of home purchase or rental assistance.
 - (f) *Essential Service Personnel* includes but is not limited to teachers and educators, other school district, community college and university employees, police and fire personnel, health care personnel and local government personnel in Palm Beach County.
 - (g) *First Time Homebuyer* means a person who has not owned or occupied a home as their primary residence in the last three years.
 - (h) *Housing Trust Fund* means a City of Westlake fund established for the construction, purchase or rental of affordable and workforce housing. All funds received from the MINTO, Developers, the Foundation and other sources will be deposited into the Housing Trust Fund to assist with the purchase or rental of affordable and workforce housing through the Housing Assistance Purchase Program and all funds shall only be utilized for housing assistance and allowable expenses.
 - (i) *HUD* means the United States Department of Housing and Urban Development.
 - (j) *Income Limits* means one of the determining eligibility factors for Federal and State housing assistance programs. Income limits are set by HUD on an annual basis. HUD provides definitions for very low, low, and moderate income which vary by program and are determined by the gross household income and household size.
 - (k) *Low Income Person* means one or more natural persons or family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) for Palm Beach County.
 - (l) *Middle Income Person* means one or more natural persons or family, the total annual adjusted gross household income of which does not exceed 140 percent of the median annual adjusted gross income for households within the state, or 140 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) for Palm Beach County.
 - (m) *Moderate Income Person* means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) for Palm Beach County.
 - (n) *Primary Residence* means a person's primary residence or main residence, the dwelling where the person usually lives. A person can only have one primary residence at any given time. It is considered the legal residence for the purposes of homestead exemption, income tax and/or acquiring a mortgage.

- (o) *Qualified Eligible Homebuyer Applicant* means a person or household who meets federal and/or state income guidelines for very low income, low income, moderate income or middle income persons or households and who must have been approved for financing by an organization other than the City, including but not limited to a non-profit corporation or a local lending institution or an entity, including an individual, partnership, for profit or non-profit corporation which has approved financing which meets the federal and/or state guidelines for very low income, low income, moderate income, or middle income persons or households.
- (p) *Very Low Income Person* means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income within the metropolitan statistical area (MSA) for Palm Beach County.
- (q) *Workforce Housing* means housing which is affordable for households with incomes between 121% and 140% of the Area Median Income. Area median income eligibility for workforce housing programs will be based on a percentage of the median income as published by the U. S. Department of Housing and Urban Development, Fannie Mae or the State of Florida, as adjusted for household size.

Section 10. **Restrictive Covenant:** The eligible applicant shall ensure that the housing unit continues to meet the eligibility criteria for the grant award for the ten-year duration of the grant by executing a restrictive covenant or other legal documents in a form acceptable to the City Attorney for the City of Westlake.

Section 11. **Enforcement:** The City of Westlake may use any lawful method to enforce this article and the provisions of the affordable housing assistance purchase program.

Section 12. **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 13. **Effective Date:** This ordinance shall be effective upon adoption on second reading.

PASSED this _____ day of November, 2017, on first reading.

PASSED AND ADOPTED this _____ day of December, 2017, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

City Attorney
Pam E. Booker, Esq.

October 30, 2017

Pam Booker, Esq.
City Attorney, City of Westlake
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470
Email: pbooker@westlakegov.com

Re: Westlake Community Foundation

Dear Ms. Booker:

We have acted as counsel to Minto PBLH, LLC, a Florida limited liability company ("**Minto**"), in connection with of the Westlake Community Foundation (the "**Foundation**"). You requested that we provide an analysis of the fee to be collected upon the resale of a home (the "**WCF Fee**") within the master planned community to be known as Westlake Residences.

In connection with the analysis set forth in this letter, we have reviewed the following:

- (a) Chapter 718 of the Florida Statutes ("**FS 718**");
- (b) Chapter 720 of the Florida Statutes ("**FS 720**");
- (c) Chapter 689 of the Florida Statutes ("**FS 689**");
- (d) 12 C.F.R.1228 – Restrictions on the acquisition of, or taking security interests in, mortgages on properties encumbered by certain private transfer fee covenants and related securities ("**12 CFR 1228**");
- (e) The proposed Declaration of Covenants, Restrictions and Easements for Westlake Residences (the "**Declaration**"), a copy of which is attached to this letter as **Exhibit A**.
- (f) The proposed Articles of Incorporation for the Foundation ("**Articles**"), a copy of which are attached to this letter as **Exhibit B**.
- (g) The proposed By-Laws for the Foundation ("**By-Laws**"), a copy of which are attached to this letter as **Exhibit C**.

FS 718, FS 720, FS 689, and 12 CFR 1228 are hereinafter collectively referred to as the "**Statutory Documents**."

For purposes of preparing this letter, we have not reviewed any documents other than the documents listed above. We have also not reviewed any documents that may be referred to in or incorporated by reference into any of the documents listed above. In addition, this letter and the analysis set forth in this letter assume that the Foundation will be created pursuant to the Articles, the initial board of the Foundation will properly establish, ratify and confirm the By-Laws, the Declaration will be recorded in the Public Records of Palm Beach County, Florida, and the WCF Fee will be utilized solely for the purposes as set forth in the Declaration, Articles and By-Laws.

The Declaration provides that the WCF Fee will be paid to the Foundation upon each conveyance of a home subject to the Declaration (each, a “**Home**”) after the initial conveyance from the developer; provided, however, the WCF Fee is not required to be paid by any lender acquiring title to a Home by foreclosure or deed in lieu of foreclosure. Pursuant to the Articles and By-Laws for the Foundation, the WCF Fee is to be utilized for, among other thing, facilitating the creation and preservation of privately owned, community-enhancing affordable housing, local environmental advocacy programs, environmental education, community initiatives and community programs, and fundraising, community outreach and education in support of affordable housing within the City of Westlake, as provided in the Declaration, the Articles and the By-Laws.

We understand that Minto intends that grants by the Foundation will be funded through the collection by the Foundation of the WCF Fee. The Declaration provides that the WCF Fee will be paid to the Foundation upon each conveyance of a Home after the initial conveyance from Minto; provided, however, the WCF Fee is not required to be paid by any lender acquiring title to a home by foreclosure or deed in lieu of foreclosure. Each such purchaser shall pay the WCF Fee to the Foundation. Per the Declaration, the WCF Fee is not advance payment of any assessments. The Declaration provides that each owner of a Home, by acceptance of a deed or instrument of conveyance for acquisition of title to a Home shall be deemed to have covenanted and agreed that the WCF Fee shall be a charge and continuing lien in favor of the Foundation encumbering the Home and all personal property located thereon owned by the owner of the Home (“**Owner**”) from whom such WCF fee is due. The Declaration further provides that the lien is effective from and relates back to the date the Owner acquires title to the Home except as to bona fide first mortgages held by a lender on any Home in which event the lien is effective from and after recording a claim of lien in the Public Records. Pursuant to the Declaration, the WCF Fee shall continue in perpetuity regardless of the existence of the Westlake Residences Master Homeowners Association. Other than the acquisition of title by a lender acquiring title to a Home by foreclosure or deed in lieu of foreclosure, no transfer of title to a Home shall be exempt from the WCF Fee. The Declaration provides that the WCF Fee shall be utilized in the Foundation’s sole and absolute discretion, and the Foundation shall determine how the WCF Fee is allocated and utilized; provided, however, the Foundation is required to use the WCF Fee solely for a “direct benefit” as defined in 12 C.F.R. 1228.1 so that the Declaration is considered an “excepted transfer fee covenant” as defined in 12 C.F.R. 1228.1.

Resale contributions in the context of a condominium are considered transfer fees which are specifically prohibited by applicable sections of FS 718. Specifically, Section 718.112(2)(i), Florida Statutes, provides “*no charge shall be made by the association or anybody thereof in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset, but in no event may such fee exceed \$100 per applicant other than husband/wife or parent/dependent child, which are considered one applicant...*”

There is no similar provision prohibiting such contributions or transfer fees in FS 720 governing homeowners associations. In addition, Section 720.3075 of the Florida Statutes sets forth prohibited clauses in association documents and does not include a prohibition on such contributions or fees.

Section 689.28 of the Florida Statutes prohibits “transfer fees” (defined as a fee or charged payable upon the transfer of an interest in real property) subject to applicable exceptions. Two of most applicable exceptions are as follows:

- (a) *Any fee, charge, assessment, fine, or other amount payable to a homeowners', condominium, cooperative, mobile home, or property owners' association pursuant to*

a declaration or covenant or law applicable to such association, including, but not limited to, fees or charges payable for estoppel letters or certificates issued by the association or its authorized agent.

(b) *Any fee, charge, assessment, dues, contribution, or other amount imposed by a declaration or covenant encumbering four or more parcels in a community, as defined in Section 720.301 of the Florida Statutes, for example a homeowners association, and payable to a nonprofit or charitable organization for the purpose of supporting cultural, educational, charitable, recreational, environmental, conservation, or other similar activities benefiting the community that is subject to the declaration or covenant.*

Based on the foregoing, a capital contribution or contribution to a not-for-profit, charitable organization, such as the Foundation, is permissible under the Statutory Documents. We have found no reported Florida case which holds that the collection by a residential developer or residential homeowner's association (which does not constitute a condominium) of a contribution or fee similar to the WCF Fee is illegal or unlawful. However, we note that Section 718.112(2)(i) of the Florida Statutes, relating to condominium associations, expressly limits the ability of a condominium association to impose a transfer fee similar to the WCF Fee.

The Federal Housing Financing Agency ("FHFA") issued a final rule restricting regulated entities (FNMA, Freddie Mac, and Federal Home Loan Banks) from dealing in mortgages on properties encumbered by certain types of transfer fees. The rule does not make such fees unlawful, but only prohibits the regulated entities from purchasing, investing or dealing in any mortgages on properties encumbered by such fees unless the fees are excluded from the application of rule. The final rule, 12 CFR 1228, excludes private transfer fees paid to homeowners associations and certain tax exempt organizations that use the fee proceeds to directly benefit the property. A "direct benefit" is defined 12 CFR 1228 as follows:

Direct benefit means that the proceeds of a private transfer fee are used exclusively to support maintenance and improvements to encumbered properties, and acquisition, improvement, administration, and maintenance of property owned by the covered association of which the owners of the burdened property are members and used primarily for their benefit. Direct benefit also includes cultural, educational, charitable, recreational, environmental, conservation or other similar activities that -

(1) Are conducted in or protect the burdened community or adjacent or contiguous property, or

(2) Are conducted on other property that is used primarily by residents of the burdened community.

The Declaration, Articles and By-laws restrict the use of the WCF Fee to a "direct benefit" as defined in such regulations. Provided that the WCF Fee is used for a "direct benefit" to the community encumbered by the Declaration as defined in 12 CFR 1228, then the Declaration, pursuant to which the WCF Fee is collected, should be considered an "excepted transfer fee covenant" under 12 CFR 1228. Accordingly, Federal mortgage programs should be permitted to provide mortgage loans secured by Homes pursuant to 12 CFR 1228 which provides as follows:

The regulated entities shall not purchase, invest or otherwise deal in any mortgages on properties encumbered by private transfer fee covenants, securities backed by such mortgages, or securities backed by the income

Minto Communities, LLC
October 30, 2017
Page 4

stream from such covenants, unless such covenants are excepted transfer fee covenants. The Federal Home Loan Banks shall not accept such mortgages or securities as collateral, unless such covenants are excepted transfer fee covenants.

We note that we have not located any reported court case which interprets this provision with respect to the matters described in this letter.

The foregoing is a summary of certain pertinent issues with respect to the WCF Fee. The views set forth herein are based solely on existing facts and laws and are not a guarantee of what determination will be made in each instance in which a court ruling is sought relative to specific documents or matters referred to herein. Our initial analysis is made as of the date hereof, and we assume no obligation to update or supplement these views to reflect any fact or circumstance that may hereafter come to our attention or any changes in laws or new interpretations of the same that may hereafter occur or become effective. These views are preliminary in nature, and are subject to our review of the actual documents used to create the Foundation and the Declaration once recorded.

This letter is furnished at the request of the City Attorney of the City of Westlake and, except as set forth in the following paragraph, may not be provided to or relied upon by any other party without our prior written consent in each instance. Further, copies of this letter may not be furnished to any other party, nor may any portion of this letter be quoted, circulated or referred to in any other document without our prior written consent in each instance.

This letter speaks only as of the date hereof and the Florida and Federal laws set forth in the Statutory Documents as they exist on the date of this letter. We have no responsibility or obligation to update or supplement this letter if any applicable laws change after the date of this letter or if we later become aware of any facts or other developments, whether existing before or first arising after the date of this letter, that may change the analysis expressed in this letter. In addition, we have no responsibility or obligation to consider the applicability or correctness of this letter to any person other than its addressee(s), or to take into account changes in law, facts or any other developments of which we may later become aware.

Sincerely,



Berger Singerman LLP

cc: Mr. John Carter, Minto Communities - USA (via email only)

City of Westlake

Housing

Assistance

Purchase

Program

Yearly Guidelines

Fiscal Year 2017 - 2018





CITY OF WESTLAKE

Housing Assistance Purchase Program (HAPPY)

Guidelines

Fiscal Year 2017-2018

The City of Westlake is implementing an affordable and workforce housing assistance purchase program to maintain the economic and social sustainability of housing supply within the City limits at various income limits. The City has partnered with the Developer, Minto PBLH, LLC (“MINTO”) and the Westlake Community Foundation, Inc. (“FOUNDATION”), in an innovative program to fund eligible applicants under the Housing and Urban Development categories for low, moderate, and middle income households based upon income limitations.

The City, Palm Beach County, developers, local businesses and residents will all benefit from the availability of affordable and workforce housing units. The City will cooperate with other Federal, State and local governmental agencies and local for profit and not-for-profit organizations in a collaborative effort to maximize the utilization of funding sources for affordable housing and workforce housing assistance in creating a sustainable framework to meet the needs of the community and future residents.

DEFINITIONS

Affordable Housing – Housing that is affordable for households at or below 80% of the Area Median Income as defined by the United States Department of Housing and Urban Development (HUD) income limits per household size and that meets maximum housing payments established by HUD, Florida Housing Finance or local ordinance. Housing payments generally do not exceed 30% of household’s gross monthly income.

Affordable Housing Assistance – Any loans, grants, fee reductions or other incentives provided by the City of Westlake to facilitate the construction, purchase or rental of affordable and/or workforce housing to qualified eligible applicants.

Affordable and Workforce Housing Loan Program – A City of Westlake program that provides loans to be used for the construction and purchase of housing serving households up to 140% of the Area Median Income. Loans may be provided as direct loans or limited loan guarantees for single family new construction, multi-family new construction homes and resale on existing housing inventory.

Affordability Period – Funds provided under the HAPPY program shall carry a ten (10) year restriction to maintain the affordable and or workforce housing designation. After the expiration of ten (10) years of continued occupancy by the eligible applicant or surviving spouse, the loan will be forgiven.

Annual Reporting – the City of Westlake shall provide an annual accounting of all funds utilized during the prior year, with detailed data on the number of eligible applicants housing assistance was provided to for the purposes of home purchase or rental assistance.

Essential Service Personnel - includes but is not limited to teachers and educators, other school district, community college and university employees, police and fire personnel, health care personnel and local government personnel in Palm Beach County.

First Time Homebuyer – A person who has not owned or occupied a home as their primary residence in the last three years.

Housing Trust Fund – A City of Westlake fund established for the construction, purchase or rental of affordable and workforce housing. All funds received from the Developer will be deposited into the Housing Trust Fund to assist with the purchase or rental of affordable and workforce housing through the Housing Assistance Purchase Program and all funds shall only be utilized for housing assistance.

HUD – the United States Department of Housing and Urban Development.

Income Limits – One of the determining eligibility factors for Federal and State housing assistance programs. Income limits are set by HUD on an annual basis. HUD provides definitions for very low, low and moderate income which vary by program and are determined by the gross household income and household size.

Primary Residence – a person’s primary residence or main residence is the dwelling where the person usually lives. A person can only have one primary residence at any given time. It is considered the legal residence for the purposes homestead exemption, income tax and/or acquiring a mortgage.

Qualified Eligible Homebuyer Applicant - a person or household who meets federal and/or state income guidelines for very low income, low income, moderate income or middle income persons or households and who must have been approved for financing by an organization other than the City, including but not limited to a non-profit corporation or a local lending institution or an entity, including an individual, partnership, for profit or non-profit corporation which has approved financing which meets the federal and/or state guidelines for very low income, low income, moderate income, or middle income persons or households.

Workforce Housing – Housing which is affordable for households with incomes between 121% and 140% of the Area Median Income. Area median income eligibility for workforce housing programs will be based on a percentage of the median income as published by the U. S. Department of Housing and Urban Development, Fannie Mae or the State of Florida, as adjusted for household size.

HOUSING TRUST FUND

Sources of Funds for the Housing Trust Fund include all voluntary funds received from Minto and future developers and property owners within the City of Westlake, through the FOUNDATION. The funds received shall be designated for the affordable housing and workforce housing assistance purchase program (HAPPY). All proceeds from the sale of properties within the City of Westlake designated for

the Housing Trust Funds shall be deposited into and only utilized for the HAPPY program and related expenses.

- The Foundation shall collect \$1,500.00 from the sale and re-sale of all residential housing products within the City of Westlake's jurisdictional boundaries. Provisions for the collection of said funds is provided for in the Homeowner's Association documents.
- The Foundation shall collect a percentage of sale proceeds from the sale and re-sale of all non-residential properties within the City of Westlake's jurisdictional boundaries. Provisions for the collection of said funds is provided for in the commercial property owner's association documents.
- All funds collected and deposited into the Foundation, minus five percent (5%) for administrative expenses shall be transferred to the City of Westlake's Housing Trust Fund on a quarterly basis.
- All funds deposited into the City of Westlake's Housing Trust Fund shall be deposited in a separate and segregated account and shall be dedicated solely to the construction and purchase of single family and multi-family affordable and/or workforce housing units within the boundaries of the City of Westlake.
- Any funds which remain uncommitted at the end of the City's fiscal year, including interest, other earned income, or repayments on loans shall remain in the Housing Trust Fund and shall be used for the purposes set forth herein during the next fiscal year.
- A maximum of seven percent (7%) of the Housing Trust Funds may be utilized for administrative expense related to the costs associated with the loan processing, loan servicing, and operating expenses directly associated with the administration of the HAPPY program or other related housing assistance programs.
- Annual reporting shall be provided to the City Council on all approved housing purchases funded through the Housing Trust Fund.
- All projects funded through the Housing Trust Fund must include an application process, written underwriting standards, loan and grant documents containing repayment provisions and provision and instruments that guarantee affordability periods.
- All fund loans, grants, or other financial incentives shall be reviewed and approved by the City Manager and the City Attorney, with documents being executed by the Mayor.
- The City may utilize Housing Trust Funds to provide rental assistance in the future, as rental units become available within the City of Westlake.

APPROVAL PROCESS

Eligible homebuyer applicants must qualify and must receive counseling prior to loan closing, with preference being given to as first time homebuyers and essential service personnel.

Eligible homebuyer applicants must be very low income, low income, or moderate income, and middle income limits and occupy the property as their primary residence.

Eligible homebuyer applicants must provide three percent (3%) of the purchase price, from their personal funds as part of the down payment for eligibility purposes of the home assistance purchase program.

Applicants will be considered on a first come first served, first qualified basis for assistance, subject to funding availability. Applicants must meet all affordability and income guidelines for the appropriate income group.

The purchase price of the home may not exceed the maximum sales price as established by Palm Beach County and/or the State of Florida. The home must be located within the City of Westlake.

No re-payment is due as long as the home remains the primary residence of the eligible homebuyer applicant or surviving spouse. If the home is sold or leased, title is transferred or conveyed, or the home ceases to be the primary residence of the eligible homebuyer applicant or surviving spouse during the term of the loan, the outstanding balance of the loan will be due and payable within 60 days.

INCOME GUIDELINES

WHP CATEGORIES	2017 HOUSEHOLD INCOME	2017 SALES PRICES
Low (60-80% of AMI)	\$40,740 - \$54,320	\$142,590
Moderate-1 (>80-100% of AMI)	>\$54,320 - \$67,900	\$183,330
Moderate-2(>100-120% of AMI)	>\$67,900 - \$81,480	\$224,070
Middle (>120-140% of AMI)	>\$81,480 - \$95,060	\$264,810

HOUSING ASSISTANCE LOAN REPAYMENT

Loans will be provided at zero percent interest to eligible homebuyer applicants. Loans provided under the program will be provided over a ten- year time frame, with ten percent (10%) of the loan amount being forgiven annually, except the first year, wherein 5% of the loan will be forgiven. The loan is forgivable in its entirety at the end of the ten-year time frame (term) from the date of execution of said mortgage and note, provided the title has remained under the ownership of the individuals signing said mortgage and note as their primary residence or a surviving spouse.

Disposition Within Months of Closing	Percentage of Loan Subject to Repayment	Percentage of Loan Forgiven
1 - 12	95%	5%
13 – 24	90%	15%
25 -36	80%	20%
37 – 48	70%	30%
49 – 60	60%	40%
61 – 72	50%	50%
73 – 84	40%	60%
85 – 96	30%	70%
97 – 108	20%	80%
109 – 121	10%	90%
122 or more	0%	100%

HOUSING ASSISTANCE LIMITS

Purchase assistance will be provided to eligible home buyers on new construction single family detached and attached housing units to assist with gap financing, down payment and/or closing costs.

Maximum awards by income category: Very Low	\$60,000.00
Low	\$45,000.00
Moderate	\$40,000.00
Middle	\$35,000.00

Maximum loan assistance amounts are based upon established affordability guidelines and creditworthiness as defined by established underwriting guidelines. Underwriting certification will be required.

FAIR HOUSING DISCLAIMER

Title VIII of the Civil Rights Act of 1968, as amended in 1988, the Fair Housing Act makes it unlawful to engage in discriminatory practices based on race, color, national origin, religion, sex, familial status or handicap (disability) in the sale, rental, and financing of dwellings and housing related transactions.



CITY OF WESTLAKE

REQUIRED DOCUMENTATION

Housing Assistance Purchase Program (HAPPY)

Fiscal Year 2017-2018

The City of Westlake welcomes applicants to apply for assistance under the housing assistance purchase program. The program will provide assistance to eligible households purchasing property within the City of Westlake's to cover a portion of the costs of homeownership such as down payment assistance and/or assistance with closing costs.

The following items will be required as documentation:

1. Completed Application Form.
2. Proof of United States Citizenship
3. Provide most recent pay stubs for all household members who work.
4. Provide copies of the last three months' bank statements, 401(k)/ 403(B) account statements for all household members.
5. Provide copies of social security cards and picture ID (driver's license) for anyone living in the household.
6. Provide most recent Federal Income Tax Return, with a completed IRS form 4506-T
7. Proof of number of dependents claimed by bringing one of the following (as applicable):
Birth Certificate(s) on which the parent/applicant's name is listed, or
School records which provide the parent/applicants' name and address, or
Court Ordered letter(s) of Guardianship, or
Divorce Decree, or
Letter(s) of Adoption
8. Lender Pre-Approval Documentation



CITY OF WESTLAKE
DOWN PAYMENT ASSISTANCE APPLICATION
Housing Assistance Purchase Program (HAPPY)
Fiscal Year 2017-2018

I AM REQUESTING ASSISTANCE TO:

Purchase a New Home	_____
Workforce Housing Assistance	_____
Purchase an Existing Home in Need of Rehabilitation	_____

I AM A FIRST-TIME HOMEBUYER:

YES NO

I have not owned a home in the past 3 years		
I am an essential service employee		
I am a veteran		

APPLICANT'S INFORMATION:

Full Name (Last, First, MI) _____

Date of Birth: _____ Social Security Number: _____

Marital Status: Single: _____ Married: _____ Divorced: _____ Separated: _____

Email Address: _____ Telephone Number: _____

Property Address: _____

PRESENT ADDRESS:

ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	WORK:	CELL:

DO YOU OWN _____ RENT _____	HOW LONG:	MONTHLY PAYMENT:
LANDLORD /LENDER'S NAME:	ADDRESS:	
CITY:	STATE:	ZIP:
PHONE:		

CURRENT EMPLOYER:

Employment Status:	Employed: _____ Unemployed: _____ Retired: _____ Disabled: _____
Company Name:	Address:
City:	State: Zip:
Phone:	No. Years: Job Title:
Yearly Income:	

OTHER EMPLOYMENT:

Company Name:	Address:
City:	State: Zip:
Phone:	No. Years: Job Title:
Yearly Income:	

INDIVIDUALS TO RESIDE IN THE HOME:

FULL LEGAL NAME	SOCIAL SECURITY NUMBER	RELATIONSHIP TO APPLICANT	DATE OF BIRTH	SEX	MONTHLY INCOME

OTHER INCOME: (List for All Occupants Who Will Reside in the Home)

TYPE OF INCOME	MONTHLY INCOME	NAME OF PERSON RECEIVING INCOME
Unemployment Benefits		
Social Security Benefits		
AFDC		
Child Support		
Other (Identify)		
Other (Identify)		

ASSETS AND ASSET INCOME: (List for All Occupants Who Will Reside in the Home)

Do You Own Any Other Property? (House, Vacant Lot, etc.) Yes: _____ No: _____

If yes, Please List the Location of Your Property(ies):

ADDRESS	EQUITY
1.	Market Value: Unpaid Balance:
2.	Market Value: Unpaid Balance:

List Mortgage Carrier for the Above Properties: _____

ASSET INFORMATION:

NAME OF COMPANY	ACCOUNT NUMBER	CHECKING ACCT #	SAVINGS ACCT #	BALANCE

Are you currently in the process of filing for bankruptcy? Yes: _____ No: _____

Are you currently in foreclosure? Yes: _____ No: _____

RELATIVE/EMERGENCY CONTACT: (Not Residing With You)

Name: _____ Relationship: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

INSURANCE INFORMATION:

NAME OF INSURER	ADDRESS	POLICY NUMBER	POLICY PERIOD	TYPE(S) OF INSURANCE

SOCIAL SECURITY NUMBER COLLECTION DISCLOSURE STATEMENT:

Pursuant to Section 119.071(5), Florida Statutes, your social security number is requested for the purposes of determining employment, retirement, pension and insurance benefits, and receipt of Federal and State funded grant programs; performing identification verification and background checks; W-2 and W-9 filing; filing of worker’s compensation claims; payment of independent contractors and vendors without a Tax Identification number; payment of EMS transport services; and filing of Paramedic and EMT license renewals. Social security numbers will be used solely for one or more of these purposes.

CERTIFICATION AND WAIVER OF PRIVACY:

The applicant(s) certify that all information furnished in support of this certification, is given for the purpose of obtaining a grant (loan) under the City of Westlake’s Housing Assistance Purchase Program, and is true and complete to the best of the applicant(s) knowledge and belief. The applicant(s) further certify that he/she is aware of the fact that he/she can be penalized y fine and or imprisonment for making false statements. I hereby waive my right under the privacy and confidentiality provision act, and give my consent to the City of Westlake Housing Assistance Purchase Program, its agents and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employer or other public or private agency to disclose information deemed necessary to complete this application.

DATE

SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

CERTIFICATION AND WAIVER OF PRIVACY:

The applicant(s) certify that all information in this application, and all information furnished in support of this application, is given for the purpose of obtaining a grant (loan) under the City of Westlake’s Housing Assistance Purchase Program.

I/We understand that Florida Statutes 817 provides that willful false statements or misrepresentations concerning income, assets, or liability information relating to financial condition is a misdemeanor of the first degree, punishable by fines and imprisonment provided under Statutes 775.082 and 775.083. I/We further understand that any willful misstatement of information will be grounds for disqualification. I/We certify that the application information provided is true and complete to the best of my/our knowledge. I/We consent to the disclosure of information for the purpose of income verification related to making a determination of my/our eligibility for down payment assistance.

I/We agree to provide any documentation needed to assist in determining eligibility and are aware that all information and documents provided are a matter of public record. I hereby waive my rights under the privacy and confidentiality provision act, and give my consent to the City of Westlake Housing Assistance Purchase Program, its agents and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employer or other public or private agency to disclose information deemed necessary to complete this application.

DATE:

SIGNATURE OF APPLICANT

DATE:

SIGNATURE OF CO-APPLICANT

AUTHORIZATION FOR THE RELEASE OF INFORMATION

I, _____, the undersigned, hereby, authorize _____ to release without liability, information regarding my employment, income, and/or assets to City of Westlake. for the purposes of verifying information provided. I understand that only information necessary for determining eligibility can be requested.

Types of information to be verified:

I understand that previous or current information regarding me may be required. Verifications that may be requested are, but not limited to: personal identity, employment history , hours worked, salary and payment frequency, commissions, raises, bonuses, and tips; cash held in checking/savings accounts, stocks , bonds, certificate of deposits (CD), individual Retirement Accounts (IRA), interest, dividends, etc., payments from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits; unemployment, disability and/or worker’s compensation; welfare assistance; net income from the operation of a business; and alimony or child support payments, etc.

Organizations/Individuals that may be asked to provide written/oral verification are, but not limited to:

- | | |
|---------------------------------------|---|
| Past/Present Employers | Banks/Financial/Retirement Institutions |
| State Unemployment Agency | Welfare Agency |
| Alimony/Child/Other Support Providers | Social Security Administration |
| Veteran’s Administration | Other: _____ |

Agreement to Conditions:

I agree that a photocopy of this authorization may be used for the purposes stated above. I understand that I have the right to review this file and correct any information found to be incorrect.

_____	_____	_____
Signature of Applicant	Print Name	Date
_____	_____	_____
Co-Applicant	Print Name	Date
_____	_____	_____
Household Member	Print Name	Date
_____	_____	_____
Household Member	Print Name	Date