

# CITY OF WESTLAKE



## AGENDA

**City Council Special Meeting**  
Monday, February 24, 2020 at 6:30 PM

Westlake Council Chambers  
4005 Seminole Pratt Whitney Road  
Westlake, Florida 33470

### **CITY COUNCIL:**

Roger Manning, Mayor  
Katrina Long Robinson, Vice Mayor  
John Stanavitch, Council Member  
Kara Crump, Council Member  
Phillip Everett, Council Member

### **CITY STAFF:**

Ken Cassel, City Manager  
Pam E. Booker, City Attorney  
Zoie P. Burgess, City Clerk

[TENTATIVE: SUBJECT TO REVISION]

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**
5. **PUBLIC COMMENTS AND REQUESTS**

This is the designated time for the public to speak. Public comments will be limited to three (3) minutes each.

6. **CONSENT AGENDA**
  - A. Approval of Meeting Minutes
    - February 10, 2020 Regular Council Meeting Minutes

7. **PRESENTATIONS/PROCLAMATIONS**

- A. None

8. **PUBLIC HEARING**

- A. **Second Reading** - Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages (*Published February 10, 2020- Palm Beach Post*)

**ORDINANCE 2020-01**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING ADVERTISING GUIDELINES FOR RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES SITUATED WITHIN A HOTEL OR RESTAURANT; PROVIDES FOR PAYMENT OF EXCISE TAXES; PROVIDES FOR THE SALE OF LICENSE SPECIFIC ALCOHOLIC BEVERAGES; PROVIDES THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROHIBITS SUNDAY DELIVERIES OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS BY RETAIL VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF**

**ORDINANCES, ENTITLED “ALCOHOLIC BEVERAGE CODE”, PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

- B. **Second Reading** – Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office. *(Published February 10, 2020 – Palm Beach Post)*

**ORDINANCE 2020-02**

**A ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**9. NEW BUSINESS**

- A. Housing Assistance Purchase Program Yearly Guidelines
- B. Election 2020 Polling Location Agreement with the Palm Beach County School Board
- C. League of Women Voters of Palm Beach County
- Discussion of Sponsoring Candidate Forum (City Clerk)
  - Co-Sponsor Participation Agreement between the League of Women Voters of Palm Beach County Candidate Forum Group and the City of Westlake

**10. CITY COUNCIL COMMENTS**

**11. REPORT – STAFF**

- A. Palm Beach County Fire Rescue Update
- Call Type Report
  - Response Time Report

**12. REPORT – CITY MANAGER**

**13. REPORT – CITY ATTORNEY**

**14. PUBLIC COMMENTS**

**15. ADJOURNMENT**

Next Meeting *(Subject to Change or be Cancelled):*  
March 9, 2020 – 6:30 PM

**NOTICE:** Pursuant to Florida Statute 286.0105, if a person, firm or corporation decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). The City of Westlake does not prepare or provide such verbatim record.

In accordance with the Americans with Disabilities Act, persons who need an accommodation in order to attend or participate in this meeting should contact the City Clerk at (561) 530-5880 at least five (5) business days prior to the meeting in order to request such assistance.

AGENDA POSTED: February 19, 2020

**MINUTES OF MEETING  
CITY OF WESTLAKE  
REGULAR CITY COUNCIL MEETING**

A meeting of the City Council of the City of Westlake was held on Monday, February 10, 2020 at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road, Westlake, Florida.

**1. CALL TO ORDER**

Mayor Manning called the meeting to order at 6:00 PM.

**2. ROLL CALL**

Present and constituting a quorum were: Roger Manning, Mayor; and John Stanavitch, Councilman: Kara Crump, Councilwoman; and Phillip Everett, Councilman. Absent: Katrina Long Robinson, Vice Mayor

Staff Members Present: Kenneth Cassel, City Manager; Pam E. Booker, Esquire, City Attorney; Zoie P. Burgess, City Clerk; Efrem Owens, Paralegal; and, Ms. Nilsa Zacarias – NZ Consultants

**3. ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor Manning asked if there were any additions, deletions or modifications to agenda as presented; hearing none, Mayor Manning called for a motion to approve.

**MOTION** by Councilwoman Crump to approve agenda, seconded by Councilman Stanavitch.

**UPON ROLL CALL:**

Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes

With all in favor, motion carried without dissent (4-0).

**4. PUBLIC COMMENTS AND REQUESTS**

The floor was opened for audience comments, there being none, the next item followed.

**5. CONSENT AGENDA**

- A. Approval of Meeting Minutes
  - January 13, 2020 Regular Council Meeting Minutes
- B. Approval Financial Statement
  - Memorandum Regarding December Financial Report
  - December Financial Report

Mayor Manning identified and called for any questions regarding the items on the consent agenda; hearing none, Mayor Manning called for a motion.

**MOTION** by Councilman Stanavitch to approve the consent agenda, seconded by Councilman Everett.

**UPON ROLL CALL:**

Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes

With all in favor, motion carried without dissent (4-0).

**6. PRESENTATIONS/PROCLAMATIONS**

A. None

**7. PUBLIC HEARING**

A. **Second Reading** - Ordinance 2019-10 – Establishing Regulations for Parking

Ms. Zacarias provided a brief overview of the presentation identifying the revisions provided to the Local Planning Agency, February 10, 2020 at 6:00 PM and noted that it is before the City Council as second reading of the parking and loading ordinance as first reading was provided October 7, 2019.

For the record, Mr. Cassel read Ordinance 2019-10, for second reading, by title only:

**ORDINANCE 2019-10**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR PARKING WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESIDENTIAL AND COMMERCIAL PROPERTY PARKING STANDARDS; ALL OF WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED “PARKING REGULATIONS”, PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**MOTION** by Councilwoman Crump to adopt Ordinance 2019-10, Establishing Regulations for Parking, seconded by Councilman Everett.

**UPON ROLL CALL:**

Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes
Councilman Everett:	Yes

With all in favor, motion carried without dissent (4-0).

**B. First Reading - Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages**

Ms. Booker identified that it is back before the Council as first reading again, due to the extensive time delay before it was last presented. Ms. Booker noted minor typos that were corrected and highlighted three changes. Ms. Booker also identified additional language has been added to allow staff to correct any scribes' errors if there are any minor typos after it is before Council for second reading.

For the record, Mr. Cassel read Ordinance 2020-01, for first reading, by title only:

**ORDINANCE 2020-01**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING ADVERTISING GUIDELINES FOR RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES SITUATED WITHIN A HOTEL OR RESTAURANT; PROVIDES FOR PAYMENT OF EXCISE TAXES; PROVIDES FOR THE SALE OF LICENSE SPECIFIC ALCOHOLIC BEVERAGES; PROVIDES THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROHIBITS SUNDAY DELIVERIES OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS BY RETAIL VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGE CODE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**MOTION** by Councilwoman Crump to adopt Ordinance 2020-01, Establishing Regulations for the Sale and Consumption of Alcoholic Beverages with the noted changes, seconded by Councilman Stanavitch.

**UPON ROLL CALL:**

Mayor Manning: Yes  
Councilman Stanavitch: Yes  
Councilwoman Crump: Yes  
Councilman Everett: Yes

With all in favor, motion carried without dissent (4-0).

C. **First Reading** – Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office.

- Election Update (City Attorney)
- Discussion on Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office (City Attorney)

Ms. Booker provided discussion regarding the need to bring this Ordinance back before Council. Ms. Booker explained that the Ordinance was initially brought before Council in December in efforts to change the qualifying dates to meet the Supervisor of Elections deadlines and to have a March 31<sup>st</sup> election. Ms. Booker further explained that the second reading by title was not properly advertised noticed by title, invalidating the original qualifying date, thus bringing this new Ordinance before Council. Ms. Booker clarified that the Supervisor of Election is still able to accommodate us for a March 31<sup>st</sup> election, therefore first reading of Ordinance is currently before Council, with a second reading of Ordinance scheduled for February 24<sup>th</sup> to open the new qualification period for Tuesday, February 25 through Friday, March 6, 2020.

Ms. Booker additionally identified that the new qualifying dates are in the Ordinance, as well as an additional modification added after the agenda packet was provided, and separately has been provided to each with additional language allowing the candidates that previously qualified will be permitted to keep their designation of their campaign treasurer, and their campaign accounts.

For the record, Mr. Cassel read Ordinance 2020-02, for first reading by title only:

**ORDINANCE 2020-02**

**A ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**MOTION** by Councilwoman Everett to adopt Ordinance 2020-02, To Adjust the Dates for qualifying for municipal elected office, seconded by Councilman Stanavitch.

**UPON ROLL CALL:**

Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes
Councilman Everett:	Yes
Mayor Manning:	Yes

With all in favor, motion carried without dissent (4-0).



**8. REGULAR AGENDA**

- A. Discussion of Resolution 2020-04 – Approving and Adopting the 2020 Revised Palm Beach County Local Mitigation Strategy Plan (City Manager)

Ms. Burgess provided a summary to Council explaining that participating municipalities formally must adopt the Local Mitigation Strategy in order to be eligible for any future mitigation funding. Adoption of LMS2020 is vital to our community remaining a stakeholder in mitigation research, identification, and prioritization. Ms. Burgess further explained that in accordance with Federal Guidelines, the County revised the Local Mitigation Plan in 2019 and submitted for review and approval by the State in July 2019. Being approved without changes, it must now be formally adopted and approved by each participating municipality.

For the record, Mr. Cassel read Resolution 2020-04 by title only:

**RESOLUTION 2020-04**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE LOCATED IN PALM BEACH COUNTY, FLORIDA, APPROVING AND ADOPTING THE 2020 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**MOTION** by Councilwoman Stanavitch to approve Resolution 2020-04, seconded by Councilwoman Crump.

**UPON ROLL CALL:**

Councilwoman Crump: Yes  
Councilman Everett: Yes  
Mayor Manning: Yes  
Councilman Stanavitch: Yes

With all in favor, motion carried without dissent (4-0).

- B. Discussion of Resolution 2020-05 – Approving Participation in the Interlocal Agreement with Palm Beach County, Municipalities in Palm Beach and the School District of Palm Beach County (City Attorney)

Ms. Booker provided discussion that this is a routine agreement to enter with the School District of Palm Beach County. It identifies our participation, which the City has been complying with where Planning and Zoning meetings and agendas go to the School Board for notice to allow for an individual to sit in on those meetings to identify if there are any impact to student stations for Palm Beach County. Ms. Booker further explained that to date, nothing has created an impact, but they are being copied on the Agendas.

Ms. Booker stated that this formalizes the process currently being done and continue to do and work with the County for Schools.

For the record, Mr. Cassel read Resolution 2020-05 by title only:

**RESOLUTION 2020-05**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PARTICIPATION IN THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, MUNICIPALITIES IN PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, FLORIDA STATUTES, ET SEQ, FOR THE PURPOSE OF MEETING THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

**MOTION** by Councilman Everett to approve Resolution 2020-05, seconded by Councilwoman Crump.

**UPON ROLL CALL:**

Councilman Everett:	Yes
Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes

With all in favor, motion carried without dissent (4-0).

**C. Discussion of Resolution 2020-06 – Support for the Construction of the State Road 7 Extension (City Manager)**

Mr. Cassel explained that at the last meeting of the TPA there was a vote to remove the construction of State Road 7 extension from Orange to Northlake Blvd. Mr. Cassel further explained that there was a misunderstanding of what was being voted on, therefore there is an effort by all of the cities and special districts in the western communities as a support mechanism for the County to get it back on track and on the thoroughfare plan to get that road built to extend State Road 7 all the way to Northlake.

Mr. Cassel identified that the Resolution is patterned after a resolution that was presented by the Western Communities Council and has been approved by the Village of Wellington, Village of Royal Palm Beach, Loxahatchee, Loxahatchee Groves, Indian Trail Improvement District and Seminole Improvement District has already passed a resolution supporting the extension.

For the record, Mr. Cassel read Resolution 2020-06 by title only:

**RESOLUTION 2020-06**

**A RESOLUTION FOR THE CITY OF WESTLAKE, FLORIDA'S COUNCIL EXPRESSING CONTINUED AND STRONG SUPPORT FOR THE CONSTRUCTION OF THE STATE ROAD 7 EXTENSION FROM 60<sup>TH</sup> STREET NORTH TO NORTHLAKE BOULEVARD; AND PROVIDING AN EFFECTIVE DATE**

**MOTION** by Councilman Stanavitch to approve Resolution 2020-06, seconded by Councilman Everett.

**UPON ROLL CALL:**

Mayor Manning:	Yes
Councilman Stanavitch:	Yes
Councilwoman Crump:	Yes
Councilman Everett:	Yes

With all in favor, motion carried without dissent (4-0).

**9. NEW BUSINESS**

A. Discussion of Development Orders Modifications (John Carter, Minto PBLH and Tara Duhy, Esq., LLW)

On behalf of Mnto, PBLH, Ms. Duhy provided an overview on how the City and Minto will transition the existing Development Orders to fully come under the City's new Comprehensive Plan and Code. Ms. Duhy identified that the vehicle to achieve this is a Development Agreement.

In general Ms. Duhy gave an overview of the following:

- What the impact of the comprehensive plan had on the Development Orders
- The impact of the City's Land Development Regulations on Development Orders
- How Development Agreements work
- Requirements of a development agreement, pursuant to the Florida Local Government Development Agreement Act

Ms. Duhy identified that Minto obtained the following Development Orders from Palm Beach County in 2014:

- Comprehensive Plan Future Land Use Map Amendment
- Rezoning (Which Ms. Duhy explained this item would be a big subject of the Development Agreement, as the rezoning Ordinance contained over 130 conditions)
- Requested Use Approval for College/University
- Requested Use Approval for Hotel

Ms. Duhy further explained the history and incorporation of the City and prior to incorporation the Minto Development orders were under the jurisdiction of Palm Beach County. Subsequent to incorporation, the City has exclusive jurisdiction over land use decisions within the City of Westlake boundaries. Ms. Duhy explained that there is an exception, by Charter and Palm Beach County retains jurisdiction over the regional roadway network (transportation concurrency), that is governed by the County's Traffic Performance Standards.

Ms. Duhy continued to explain that the City adopted its own Comprehensive Plan in March 2018 which in turn mooted the Comprehensive Plan Future Land Use, however the remaining development orders that existed prior to the comp plan remain in effect and need to be recognized by the Comp Plan.

Ms. Duhy identified that the City has adopted several Chapters of its Land Development Regulations, but they do not impact Minto's Development Orders and Minto may proceed with its development as it was permitted by Palm Beach County in 2014 and subject to same regulations. Ms. Duhy noted that Minto's Development Orders are generally consistent with the City's Land Development regulations.

Ms. Duhy explained in order for Minto's future development that its entitled to its existent development orders to be administered under the City's Land Development regulations and the Code, instead of Palm Beach County's Code, Minto needs to bridge the gap of the existing language in the Development order which does not tie to the Comp Plan, and Land Development Regulations to develop a new document. Ms. Duhy added that it would not be necessary for rezoning, as Minto's development is consistent with the existing rezoning map, therefore the too to do this is the Development Agreement.

Ms. Duhy identified the requirements pursuant to the Florida Local Government Development Agreement Act.

Ms. Duhy noted that the Development Agreement will be presented to the City in March and recognize the following:

- Will supersede the development Orders and allow future development to be governed by the City's Land Development Regulations.
- Will not increase the density or intensity originally permitted by the Development Orders.
- Will recognize and acknowledge the existing Proportionate Fair Share Agreement between Palm Beach County and Minto regarding transportation improvements
- Will create a mechanism to remove property that is sold by Minto to third parties that will not be developed pursuant to the Agreement
- Will incorporate conditions of approval from the existing Development Orders that have not already been completed or superseded by the City's Land Development Regulations

Ms. Duhy explained the Original Development Orders contained over 130 conditions, noting:

- 50 have been completed by Minto
- 42 are supersede by the City's LDR
- 22 are incorporated into the Agreement
- 5 will be deleted as inconsistent with the City's Comprehensive Plan and Land Development Regulations

Ms. Duhy further clarified that 16 conditions regarding Workforce housing that will be deleted as State law prohibits local governments from exacting workforce housing from new development unless the local government fully offsets the costs to the developer of its affordable housing contribution.

Council comments:

- Mayor Manning inquired as to when the plan is expected to come before council.
  - Ms. Duhy explained that she has the draft prepared and will be submitting to the staff soon, but it must be identified if Mr. Carter has full corporate authority for her to do so.
- Councilwoman Crump questioned how the document and changes will be provided to Council
  - Ms. Booker identified the need to sit with Minto Council first prior to they are distributed to Council. Ms. Booker further explained that the Development Order is extensive and detailed and expect it will take longer to address the identified changes and there are still portions of the Land Development Regulations that need to come before Council prior. Upon the determination of changes, it will call for several meetings with Council to go through the changes.
  - Ms. Duhy added that there is a full chart with the conditions completed, conditions superseded, conditions in some form included, and the conditions that have been deleted.

## **10. CITY COUNCIL COMMENTS**

There being no comments, the next item followed.

## **11. REPORT – STAFF**

A. Palm Beach County Sheriff’s Office – District 18 Monthly Report: January

Mr. Cassel identified that the Palm Beach County Sheriff’s Office Report is included in the Council Agenda Packet and noted that Palm Beach County Fire Rescue report was not received, however once it comes in, it will be distributed directly.

## **12. REPORT – CITY MANAGER**

A. Census 2020 Update

Mr. Cassel provided an updated on the Census, as it will start in April and that staff is working with the Census Bureau and will be putting out doorhangers, twice between now and April 1<sup>st</sup> to remind everyone to complete the Census.

Mr. Cassel also reported on the following:

- Sidewalk concerns across from the model homes will be rectified in the next 2-3 weeks allowing ease of access in getting to the mail kiosk and bus pick up area.
- Noted the meeting at Seminole Ridge High School February 11, 2020 regarding 60<sup>th</sup> Street extension from Royal Palm Beach Boulevard
- Working with the County in efforts to determine their future needs within the City, including facilities and space they anticipate needing, and services they hope to provide.

**13. REPORT – CITY ATTORNEY**

Ms. Booker followed up to the City Manager's comments regarding the County's future needs, adding that they will be making a presentation at the April Council meeting for what those facility needs are. Ms. Booker expressed her hopes that the City will be further along with the joint planning discussions of facility layouts to have available for Council at that time.

Ms. Booker acknowledged the work ahead to complete the Land Development Regulations, as well as the readoption of the development agreement and bringing council up to speed.

**14. PUBLIC COMMENTS**

There being none, the next item followed.

**15. ADJOURNMENT**

There being no further business, Mayor Manning adjourned the meeting at 7:23 PM.



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>	02/24/2020	<b>SUBMITTED BY:</b>	City Clerk			
<b>SUBJECT:</b>	Second Reading - Ordinance 2020-01 – Establishing Regulations for the Sale and Consumption of Alcoholic Beverages					
<b>STAFF RECOMMENDATION: (MOTION READY)</b>	Motion to adopt Ordinance 2020-01 - Establishing Regulations for the Sale and Consumption of Alcoholic Beverages					
<b>SUMMARY:</b>	<p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING ADVERTISING GUIDELINES FOR RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES SITUATED WITHIN A HOTEL OR RESTAURANT; PROVIDES FOR PAYMENT OF EXCISE TAXES; PROVIDES FOR THE SALE OF LICENSE SPECIFIC ALCOHOLIC BEVERAGES; PROVIDES THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROHIBITS SUNDAY DELIVERIES OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS BY RETAIL VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGE CODE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p>					
<b>JUSTIFICATION:</b>						
<b>ITEM TO BE PRESENTED:</b>  <i>Select and Identify each document to be included in Agenda Packet:</i>	RESOLUTION	<input type="checkbox"/>	ORDINANCE	<input checked="" type="checkbox"/>	AGREEMENT	<input type="checkbox"/>
	STAFF REPORT	<input type="checkbox"/>	EXHIBIT(S)	<input type="checkbox"/>	BUDGET	<input type="checkbox"/>
	PROCLAMATION	<input type="checkbox"/>	OTHER	<input type="checkbox"/>		
	1. Ordinance 2020-01 Establishing Regulations for the Sale and Consumption of Alcohol					
<b>FISCAL IMPACT (if any):</b>	N/A			\$N/A		
<b>REVIEW &amp; APPROVAL:</b>						
<b>CITY MANAGER:</b>	Ken Cassel			<b>DATE:</b>	02/19/2020	
<b>CITY ATTORNEY:</b> <i>(As to Form &amp; Legality)</i>	Pam E. Booker			<b>DATE:</b>	2/19/2020	
<b>PROOF OF PUBLICATION:</b>						
<b>CITY CLERK:</b>	Publication(s): <u>Palm Beach Post</u>			Date: <u>02/10/2020</u>		
<b>COUNCIL ACTION</b>						
<b>ACTION TAKEN:</b>	<input type="checkbox"/> APPROVED AS RECOMMENDED		<input type="checkbox"/> APPROVED WITH REVISION(S)			
	<input type="checkbox"/> TABLED DATE: _____		<input type="checkbox"/> TABLED INDEFINITELY			
	<input type="checkbox"/> DENIED					

**ORDINANCE NO. 2020-01**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF VENDORS AND DISTRIBUTORS; PROVIDING FOR LICENSING OF NON-RESTAURANT RETAIL BEVERAGE STORES AND RETAIL LIQUOR STORES; PROVIDING THE OPERATING HOURS OF RETAIL PACKAGE STORES, RETAIL BEVERAGE STORES, RETAIL LIQUOR STORES AND CLUB VENDORS; PROVIDES RESTRICTIONS AS TO PUBLIC CONSUMPTION IN A PUBLIC OR IN CERTAIN PRIVATE PLACES, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGE CODE", PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance, and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

**WHEREAS**, the purpose of this ordinance is in the interest of the health, safety, peace and general welfare of the residents of the City, and under the authority of the City to regulate the sale and consumption of alcoholic beverages within the corporate limits of the City of Westlake; and

**WHEREAS**, the intent of the City Council is to establish reasonable and uniform regulations with regards to location and hours of operation that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the City; and

**WHEREAS**, this ordinance was written in accordance with Florida State Statutes Chapter's 561, 562, 563, 564, 565, 567 and 568; and collectively referred to as "Florida Beverage Law"; and

**WHEREAS**, the Local Planning Agency has conducted a hearing on October 28, 2019, and made a recommendation to the City Council with respect to the adoption of the alcoholic beverages ordinance; and

**WHEREAS**, the City Council has conducted a public hearing on November 4, 2019, considered the recommendation of the Local Planning Agency Board, the City staff and comments from the public into consideration and has determined that the adoption of this alcoholic beverages ordinance is in the best interest, health, and welfare of the City of Westlake.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:**

**Section 1. Incorporation:** The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.



**Section 2. Establishment of Alcoholic Beverages Code:** The Code of Ordinances for the City of Westlake shall contain a chapter entitled "**Alcoholic Beverages**" which code shall contain the provisions as specifically set forth herein.

## **Chapter 19 Alcoholic Beverages**

### **Article I**

#### **Section 19:1 Purpose and Intent:**

The City Council for the City of Westlake finds, determines and declares that it is in the best interest of the health, safety and welfare of the City and its residents and visitors that it enact the following regulations governing the location of alcoholic beverage establishments within the City. The purpose of this chapter is to provide uniform operational regulations for all establishment in the City dealing directly or indirectly with the sale or consumption of alcoholic beverages.

#### **Section 19:2 Definitions**

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Alcoholic** beverage means any beverage containing one-half of one percent or more of alcohol by volume, as determined in accordance with F.S. § 561.01(4).

**Alcoholic beverages** shall have the meaning ascribed in, F.S. § 561.01, as it may be amended from time to time.

**Beer or malt beverage** shall have the meaning ascribed in F.S. § 563.01, as it may be amended from time to time.

**Beverage** law means F.S. chapters 561, 562, 563, 564, 565, 567, and 568.

**Commercial establishment** parking lot means any area appurtenant to commercial establishments used by the public for parking thereto.

**Consumption off the premises** only means deemed to permit only the sale of alcoholic beverages in their original sealed containers.

**Container** means any can, bottle, carton, or other vessel of alcoholic beverage.

**Distributor** means all persons selling the beverages herein referred to at wholesale in the manner prescribed by the Florida Beverage Law, F.S. chapters 561 et seq.

**Intoxicating beverage and intoxicating liquor** shall have the meaning ascribed in F.S. § 561.01, as it may from time to time be amended.

**Liquor or distilled spirits** includes all spirituous beverages created by distillation and by mixture of distilled beverages by what is commonly termed blending, shall have the meaning ascribed in F.S. 561.01, as it may be amended from time to time.

**Manufacturer** means all persons who make alcoholic beverages, except those who make beer or wine for personal or family consumption pursuant to F.S. § 562.165.

**Motor vehicle** means any land vehicle which is not powered by muscular power.

**Night club** means a restaurant, dining room, or other establishment where intoxicating liquor is sold, given away, or consumed on the premises, and where floor shows or other forms of entertainment, subject to the federal tax thereon, are provided for guests at any time between the hours of midnight and 7:00 a.m.

**Premises or place of business** means a room or group of rooms within a building connected by doorways not less than three and one-half feet in width and six feet eight inches in height; provided that the rooms shall be contiguous and have common walls.

**Public or semi-public area** open for vehicular travel means all public roads, streets, sidewalks, highways, lanes, parkways, parks, ball fields, City Hall, libraries, alleys, parking lots, and parking areas on which the public is expressly or implicitly invited to travel by motor vehicle or which is otherwise open for vehicular travel. It shall not include areas such as golf courses, go-cart tracks, motocross tracks, and similar areas, or private driveways and property serving a single dwelling unit.

**Sale or sell** means any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a licensed club, licensed under the Beverage Law.

**Vendor** means all persons selling the beverages herein referred to at retail in the city in any quantity.

**Wine** shall have the meaning ascribed in F.S., § 564.01, as it may be amended from time to time.

### **Section 19.3 Classification of Vendors:**

For purposes of regulating the retail and wholesale sale and distribution of alcoholic beverages within the city, as specified in this Chapter, vendors are hereby classified as follows:

(1) **Package store.** A package store is a retail vendor of alcoholic beverages sold in sealed containers for consumption off premises only.

(2) **Retail store.** A retail store is a retail vendor of alcoholic beverages for consumption off the premises, which primarily offers for sale products others than alcoholic beverages. Retail stores include, without limitation, grocery stores, specialty stores, convenience stores, any gas stations/filling stations.

(3) **Consumption-on-premise vendors.** A consumption-on-premise vendor is a retail vendor of alcoholic beverages, with the corresponding state licensure, for consumption on premises.

(4) **Restaurant.** Restaurant is a business with full kitchen facilities, which primarily serves full meals and alcoholic beverages (through a corresponding state license) for consumption on premises;

(5) **Alcoholic beverage establishment.** Alcoholic beverage establishment is a business primarily devoted to serving alcoholic beverages for consumption on premises, including, without limitation, bars, pubs, tasting rooms, wine cafes and cigar bars.

(6) **Entertainment establishment.** Entertainment establishment is a business primarily devoted to serving alcoholic beverages and in which the service of food and/or entertainment is secondary to the consumption of alcoholic beverages. Entertainment establishments include, without limitation, dance halls, night clubs, adult entertainment venues, and any commercial establishment determined to meet the following factors:

(1) If the establishment regularly charges a cover charge, door charge, required contribution, or one-time membership fee which is paid at the door or has a minimum drink requirement;

(2) If none of the factors listed in subsection (1) above are present, then if four of the following conditions exist, then the establishment is an "entertainment establishment":

a. The establishment has a dance floor or other open area used by patrons for dancing or for viewing of entertainment (such dance floor or open space may be established by the removal or rearrangement of furniture or tables);

b. The hours of operations during which the use is open to the public include time between 11:00 a.m. and 2:00 a.m.; The maximum capacity for the establishment as set by the building and fire officials through fire, building, structure, and other relevant regulatory considerations is 100 or more persons. The fact that the facility may restrict its capacity to

some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building and fire officials may use various codes for this purpose (i.e., fire code provisions);

c. Alcohol is sold and consumed on the premises of the establishment at any time;

d. Advertisements for the establishment describe specific entertainment events or engagements (e.g. "House Party Saturday Night"; "DJ Saturday night"; "Live Music tonight");  
or

e. The establishment features a platform or musical staging area used in connection with performances or entertainment. The presence of karaoke machines shall not be deemed entertainment for the purpose of this subsection. The presence of live entertainment provided by one person, not utilizing pre-recorded music, incidental to a restaurant or bar shall not be deemed entertainment for the purpose of this subsection.

(3) Business identified as entertainment venues, though they might meet factors in subsection (2) herein, shall not be deemed entertainment establishments.

(7) **Entertainment venues.** Entertainment venues are business or other locations primarily devoted to an entertainment purpose or use in which the serving of food and alcoholic beverages is secondary to the entertainment purpose or use. Entertainment venues including, without limitation, art galleries, theaters, state-chartered not-for-profit theaters with live performances, movie theaters, museums, banquet halls, bowling allies, billiard halls and other amusement facilities as determined by the planning and zoning director or his or her designee.

(8) **Manufacturer of alcoholic beverages.** A manufacturer of alcoholic beverages is a business engaged in the production of alcoholic beverages, including, without limitation, the fermentation of cider, beer, or other malted beverages, and/or wine, the distilling of spirits and/or liquors, or the blending of alcoholic beverages to make a derivative product, for the purpose of sale through an alcoholic beverage distributor or at retail, as regulated by state statute. A manufacturer of alcoholic beverages may sell alcoholic beverages in open containers for consumption on premises and in sealed containers for consumption off premises. Manufacturers of alcoholic beverages include, without limitation, breweries, distilleries, brewpubs, and/or similar uses as determined by the planning and zoning director or his or her designee.

(9) **Private club.** A private club is a charter or incorporated club or lodge, organized for lawful purposes and not for the purpose of evading beverage laws, vending alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.

(10) **Alcoholic beverage distributor.** An alcoholic beverage distributor is a distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.

(11) **Hotels and motels.** Hotels and motels are businesses that provide temporary lodging on daily or short-term basis and may sell alcoholic beverages to guests as part of food and beverage offerings. This food and beverage offerings, including alcoholic beverages, may be offered independent of any restaurant, alcoholic beverage establishment, and/or entertainment venues that may be located within the hotel or motel or on the same premises as the hotel or motel.

## Article II

### Section 19:4 Location of Establishment:

A. **Distance Limitations:** No premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located within 1,000 feet from another place of business for which there is already issued a license for the retail sale of door to door alcoholic beverages for consumption on or off the premises; such distance to be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.

B. **Measurements:** The 1,000 feet distance requirement shall be measured by following a straight line from the nearest portion of the structure of the place of business, to an existing place of business having a legally established alcoholic beverage use.

C. **Sketch indicating location:** For the purpose of establishing the distance between alcoholic beverage uses, and between such uses and churches, public parks or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing alcoholic beverage establishment and any religious facility, public park or school within 1,000 feet. In case of dispute, the measurement scaled by the City Manager or the City Manager's designee shall govern.

### Section 19.5 Exceptions from Distance Requirements:

A. **Downtown Mixed Use:** Cocktail lounges, breweries, bars and restaurants located in the mixed used downtown district which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other cocktail lounges, breweries, bars or restaurant where alcoholic beverages are sold only to persons seated at tables.

(1) Limited musical entertainment is permitted in restaurants having a seating capacity of not less than 50 seats.

(2) Such entertainment shall be strictly incidental to the restaurant use.

(3) Outdoor entertainment and speakers may be permitted when the minimum distance from a single-family residential home is 1,500 feet, measured from property line to property line.

(4) Music that is plainly audible and/or creates a vibration at a distance of more than 150 feet from the premises shall constitute prima facie evidence of a violation of this chapter.

(5) No entertainment activity shall violate the City's noise ordinance.

(6) All entertainment activity shall cease at 2:00 a.m.

B. **Cocktail, Lounge, Bars and Restaurants:** Restaurants which serve alcohol for on premise consumption only, utilizing the cocktail lounge, bar as an accessory use and which meet the following criteria:

(1) The restaurant shall occupy 2,000 square feet of gross floor space.

(2) The restaurant shall have accommodations for service of 100 or more seats.

(3) The restaurant shall prepare and serve fully cooked meals daily.

(4) The restaurant shall contain full kitchen facilities with commercial grade burners, ovens, range hoods and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant.

(5) The restaurant shall be prohibited from advertising itself as a bar, cocktail lounge/bar, saloon, nightclub or similar type of establishment.

(6) The restaurant shall not have a separate entrance for patrons to access the cocktail lounge, bar.

(7) The cocktail lounge, bar shall be no larger than 20% of the gross square footage of the restaurant.

C. **Beer and Wine for Off Premise Consumption:** The sale of beer and wine as a grocery item for consumption off the premises, from grocery stores, convenience stores and the meat markets within the hours of operation for those facilities.

D. **Package Store in Shopping Center:** Only one package store shall be permitted per shopping center. Package stores shall not exceed twenty-five thousand square feet.

E. **Nightclubs in Hotels and Apartment Hotels:** The hotel or apartment hotel and nightclub must be located under the same roof. The hotel or apartment hotel must have at least 150 guest rooms or apartment units under the same roof. The music, dancing or disc jockey must be approved by the City Council.

F. **Cocktail Lounges, Breweries, Bars:** A cocktail lounge, brewery or bar which does not meet the criteria for food service as set forth in Section 19.5(A), or Section 19.5(B), may exist in the Downtown Mixed Use area as long as each business is located a minimum of two-hundred (200) feet from another business used as a cocktail lounge, brewery or bar. Cocktail lounge(s), brewery or a bar may not be located adjacent to one another.

#### **Section 19.6 Licensing Requirements:**

(A) Any person or entity engaging in any business selling beer, wine or alcoholic beverages shall obtain a certificate of use for the premises and shall be subject to the business tax licensure requirements of the City, and all regulations and laws of the State of Florida as applicable to the particular business.

(B) All prerequisites for the use of the premises for the sale of alcoholic beverage must be complied with by the applicant.

(C) Certificate of Use must be established on the premises within thirty (30) days of the date of the issuance of a certificate of use, otherwise said certificate of use shall be null and void.

#### **Section 19.7 Hours of Sale. Generally.**

(1) No intoxicating liquors or intoxicating beverages, including all malt beverages and wine, consumed, or served or permitted to be served, or consumed, in any place located within the city holding a license under the laws of the state and the city, authorizing same, between the hours of 2:00 a.m. and 7:00 a.m.

(2) For New Year's Eve, December 31, the prohibited hours of sale shall be 5:00 a.m. to 7:00 a.m. on the following day, January 1.

#### **Section 19.8 Limitation of Sales on Certain Premises, Places of Business**

(A) It shall be unlawful for any vendor to sell, offer for sale, or serve, or permit to be consumed, any alcoholic beverages upon any premises or in any place or places of business which do not meet the definition of and requirements for premises or place of business as provided for and defined in section 19.3.

##### **(B) Distance Limitation Between Vendors**

No license for the sale of alcoholic beverages at retail, including malt and wine beverages, for consumption on or off the premises, shall be issued where the place of business designated in the application therefor is located within 1,000 feet from another place of business for which there is already issued a license for the retail sale of alcoholic beverages for consumption on or

off the premises; such distance to be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.

(1) **Exception:** Such distance limitation shall not apply to the following:

(a) Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(b) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel or motel.

(c) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than one year in the city.

(C) **Between vendor and place of worship.** No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 1,000 feet of an established place of worship. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the place of worship.

(1) **Exception:** Such distance limitation shall not apply to the following:

(a) Vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(b) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is licensed by the city as a bona fide hotel, motel, or motor court.

(c) Vendors of alcoholic beverages, including malt and wine beverages, for consumption on the premises only where the vendor is a veterans or fraternal organization of national scope or is a group of persons associated together as a chartered or incorporated club, including incorporated social clubs which have been in continuous active existence and operation for a period of not less than one year in the city.

(D) **Between vendor and school.** No license for the retail sale of alcoholic beverages, including malt and wine beverages, shall be issued to a vendor whose place of business is located within 1,000 feet of an established public or private elementary school, middle school, or secondary school. The distance shall be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the school grounds.

(1) **Exception:** Such distance limitation shall not apply to vendors of alcoholic beverages, including malt and wine beverages, where the vendor is licensed by the city as a restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

(E) This section shall not be construed or held to affect the rights of any existing established business or its successors or assigns with respect to the location of the businesses.

(F) Whenever a business has been lawfully established and thereafter a place of worship or school is established within a distance otherwise prohibited by this section, the establishment

of the place of worship or school shall not be cause for the revocation of the occupational license or otherwise prevent the continuation of the business.

### **Article III**

#### **Section 19.10 City Council Exceptions to Distance Limitations Between Vendors**

The distance requirements set forth in this section are primarily intended to promote the safety, health, morals, and general welfare of the citizens of the city. The city council is of the opinion that certain businesses licensed by the state by special license to sell alcoholic beverages at retail may warrant an exception to the distance requirements above provided; these businesses are:

- (1) Vendors of alcoholic beverages, including wine and malt beverages, at retail for off-premises consumption only.
- (2) Vendors of alcoholic beverages, including wine and malt beverages, at retail for on-premises consumption only, where the sale thereof is the main function of the business.

#### **Section 19.11 City Council Distance Exception:**

The city council, and it alone, may upon written application for a miscellaneous petition by the vendors of alcoholic beverages, including malt and wine beverages, as defined in this section, by resolution, grant a variance to the distance requirements of the application shall be accompanied by appropriate survey material, maps, and site plan.

(A) No variance to the distance requirements shall be made until after a public hearing thereon is held, and a notice of the public hearing shall be published in a newspaper of general circulation in the city on a date no less than 15 days prior to the date set for the hearing.

(B) Further, no variance to the distance requirements shall be granted unless the city council finds the following requirements are met:

- (1) The established distance requirement of 1,000 feet from an established public or private elementary school, middle school, or secondary school is not violated. The distance shall be the airline measurement taken from the center of the main entrance of the school grounds.
- (2) In the opinion of the city council, the granting of the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the city which this chapter is intended to promote.

#### **Section 19.12 Vendors of Malt and Wine Beverages for Consumption Off Premises Only**

The limitations provided in 19.4 shall not apply to vendors of malt and wine beverages for consumption off premises only.

#### **Section 19.13 Drinking Intoxicating Liquors in Streets and Parks**

(A) No person shall drink any spirituous, vinous, malt, or other intoxicating liquors in or upon any public street, avenue, alley, park, or other public way or place in the city. However, the city manager may authorize the consumption of alcoholic beverages in a city park pursuant to the regulations set forth in Chapter 16 (Parks & Recreation Chapter), of this Code.

(B) The City Manager shall not grant an authorization if in his opinion the public safety and peace may become impaired.

**Section 19.14 Consumption, Possession of Alcoholic Beverages in Commercial Establishment Parking Lots or Motor Vehicles. Findings and declarations.**

- (1) The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots contributes to lewd behavior, verbal harassment, intoxicated disorderly conduct, destruction of property, excessive noise, and litter.
- (2) The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots has led to an increase in the number of violent crimes committed on and near those commercial establishment parking lots.
- (3) Individuals consuming alcoholic beverages in and around commercial establishment parking lots deter the public's use and enjoyment of these areas.
- (4) No effective means exist to deter the violent, disorderly, destructive, or offensive conduct associated with the consumption of alcoholic beverages in and around uncontrolled commercial establishment parking lots other than to prohibit the consumption of alcohol in those areas.
- (5) Consumption of alcoholic beverages or possession of open containers of alcoholic beverages while in or on motor vehicles leads to and encourages the operation and control of motor vehicles while impaired and distracting and disorderly conduct of passengers including, but not limited to, littering. The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots and the consumption of alcohol in motor vehicles is detrimental to the health, safety, and general welfare of the public.

**19.15 Prohibited acts. The following unlawful acts are prohibited:**

- (1) It shall be unlawful for any person to drink or consume any alcoholic beverage in or within 1,000 feet of a commercial establishment parking lot in the city, except in those areas in which such consumption is permitted pursuant to the beverage law; special or general act of the state legislature; the state administrative code; or city ordinance, resolution, or administrative approval. Nothing in this section shall prohibit consumption on private property within 1,000 feet of a commercial establishment parking lot. It shall be unlawful for any person to possess any alcoholic beverage in or within 1,000 feet of a commercial establishment parking lot in the city, except in those areas in which such possession is permitted pursuant to the beverage law; special or general act of the state legislature; the state administrative code; or city ordinance, resolution, or administrative approval unless the alcoholic beverage is in the original container with the seal unbroken.
- (2) It shall be unlawful for any person to possess any container of alcoholic beverage, except an original container with the seal unbroken, or to consume any alcoholic beverage, in or on a motor vehicle being operated on a public or semipublic area open for vehicular travel.
- (3) It shall be unlawful for any person, without the consent of the city manager or his/her designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with the chapter pertaining to special events.
- (4) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.



**Section 19.16 Exceptions. This section shall not apply to:**

- (1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign.
- (2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages provided that such alcoholic beverage is being transported solely for commercial purposes.
- (3) The transportation of any open container of alcoholic beverage in or on any motor vehicle provided that such container is in a compartment of the vehicle not readily accessible to the driver or passengers, such as a locked (not merely latched) glove compartment, trunk, or other non-passenger or non-driver area of the motor vehicle.
- (4) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage.
- (5) The operation, for a consideration, of any motor vehicle by an individual duly licensed and supplied by a chauffeur service, limousine service, taxicab company, or bus company provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage, and is operating the vehicle while under, and in the scope of, the employment of a chauffeur service, limousine service, taxicab company, or bus company. The operator shall have in his/her possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company, or bus company.

**Section 19.17 Application of zoning code**

In all cases the location of any place of business for the sale of alcoholic beverages, including malt and wine beverages at retail, shall be in accordance with the permitted use provisions of the city zoning code.

**Section 3. 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 4. Codification:** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

**Section 5. Scrivener's Error:** The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk without the need for approval by the City Council.

**Section 6. Effective Date:** This ordinance shall be effective upon adoption on second reading.

PASSED this 10<sup>th</sup> day of February, 2020, on first reading.

PUBLISHED this 10<sup>th</sup> day of February, 2020, in the Palm Beach Post.

PASSED AND ADOPTED this 24<sup>th</sup> day of February ,2020 on second reading.

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City of Westlake  
Roger Manning, Mayor

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Zoie P. Burgess, City Clerk

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



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>	02/24/2020	<b>SUBMITTED BY:</b>	City Clerk
<b>SUBJECT:</b>	Second Reading - Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)	Motion to Adopt Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office		
<b>SUMMARY:</b>	A ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.		
<b>JUSTIFICATION:</b>	Section 101.75, F.S. permits municipalities to adopt by ordinance a new date for the municipal election. The dates for qualifying for the election may also be moved by the passage of such ordinance.		
<b>ITEM TO BE PRESENTED:</b>  <i>Select and Identify each document to be included in Agenda Packet:</i>	RESOLUTION <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	AGREEMENT <input type="checkbox"/>
	STAFF REPORT <input type="checkbox"/>	EXHIBIT(S) <input type="checkbox"/>	BUDGET <input type="checkbox"/>
	PROCLAMATION <input type="checkbox"/>	OTHER <input type="checkbox"/>	
	1. Ordinance 2020-02 – To Adjust the Dates for Qualifying for Municipal Elected Office.		
<b>FISCAL IMPACT (if any):</b>			\$
<b>REVIEW &amp; APPROVAL:</b>			
<b>CITY MANAGER:</b>	Ken Cassel	<b>DATE:</b>	02/19/2020
<b>CITY ATTORNEY:</b> <i>(As to Form &amp; Legality)</i>	Pam E. Booker	<b>DATE:</b>	2/19/2020
<b>PROOF OF PUBLICATION:</b>			
<b>CITY CLERK:</b>	Publication(s): <u>Palm Beach Post</u>	Date:	<u>02/10/2020</u>
<b>COUNCIL ACTION</b>			
<b>ACTION TAKEN:</b>	<input type="checkbox"/> APPROVED AS RECOMMENDED		<input type="checkbox"/> APPROVED WITH REVISION(S)
	<input type="checkbox"/> TABLED DATE: _____		<input type="checkbox"/> TABLED INDEFINITELY
	<input type="checkbox"/> DENIED		

**ORDINANCE 2020-02**

**A ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

**WHEREAS**, the City of Westlake, as have other municipalities in Palm Beach County, been requested by the Palm Beach County Supervisor of Elections (“SOE”) to move its municipal election qualifying period to an earlier period that provides sufficient time for the SOE to send absentee ballots to overseas citizens; and

**WHEREAS**, the City Council has reviewed its qualifying period, the SOE request and additional information from the City Clerk, and based on same, desires to adjust the qualifying period dates for the City’s municipal election; and

**WHEREAS**, Florida Statutes, §101.75, allows municipalities to change the date of any municipal election to a date concurrent with any statewide or countywide election, notwithstanding any provision of local law or municipal charter; and

**WHEREAS**, the City Council believes adjusting the qualification dates are in the best interests of the residents of Westlake.

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

**Section 1: Incorporation:** The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth herein.

**Section 2: Notice of Election.** Notice shall be published at least once for two weeks prior to each election in a newspaper of general circulation in the City and posted during such period of time on the bulletin board in the City Hall and on the City’s website.

**Section 3: Qualification Dates:** The qualifications dates for the City of Westlake’s election shall be from noon on Tuesday, February 25, 2020, through noon on Friday, March 6, 2020, at the request of the Palm Beach County Supervisor of Elections. Any qualified elector within the City may become a candidate for any office to be filled at any election by filing with the city clerk, a written notice that he or she intends to be a candidate for such office. In addition to the written notice, each candidate must complete any and all qualifying documents, which must be filed with the city clerk no earlier than noon on the last Tuesday in February, (February 25, 2020), nor later than noon on the first Friday in March (March 6, 2020) of the calendar year in which the election is to be held. Candidates who filed the Appointment of Campaign and Designation of Campaign Depository for Candidates may be allowed to utilize previously filed qualifying documents.

**Section 4: Notice to Supervisor of Elections:** In the event that special circumstances require an adjustment to this qualifying period, the City Council may adjust same by ordinance, so long as any such adjustment allows the City to still meet all deadlines from the Palm Beach County Supervisor of Elections for conducting the election. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the city clerk by 5:00 p.m. after the close of qualifying.

**Section 5: Municipal election dates, qualifying periods, and run-off election dates for years of statewide or countywide presidential preference primary elections.** Florida Statute §101.75, delegates authority to the City to move the date and qualifying period of any City election to a date concurrent with other statewide or countywide elections. Notwithstanding the sections of the City Charter and Code of Ordinances regarding the municipal election date, election qualifying period, and date of runoff election, the City shall hold its Municipal election concurrently with any statewide or countywide presidential preference primary elections when those occur, and adhere to the following Municipal election date, qualifying period, and date of run-off election in such instances:

- (1) Beginning in 2020, the City shall hold its municipal election on March 31, 2020, concurrently with run-off date for the presidential preference primary elections.
- (2) The municipal run-off election date for the City’s municipal election shall be on Tuesday, April 21, 2020, depending on the availability of the Palm Beach County Supervisor of Elections to conduct the election.

- (3) When a presidential preference primary election occurs in future years, the City shall set a concurrent election date, qualifying period, and date of run-off election by separate ordinance.

**Section 6: Conflicting Ordinances:** All ordinances and parts of ordinances which are in conflict with this ordinance are hereby repealed.

**Section 7: 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 8: Effective Date:** This Ordinance shall be effective upon adoption on second reading.

PASSED AND APPROVED on this 10<sup>th</sup> day of February, 2020, on first reading.

PUBLISHED on this 10<sup>th</sup> day of February, 2020 in the Palm Beach Post.

PASSED AND ADOPTED on this 24<sup>th</sup> day of February 2020, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Zoie P. Burgess, City Clerk

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



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>	02/24/2020	<b>SUBMITTED BY:</b>	City Clerk			
<b>SUBJECT:</b>	Housing Assistance Purchase Program Yearly Guidelines					
<b>STAFF RECOMMENDATION:</b> (MOTION READY)	Motion to approve the Housing Assistance Purchase Program Yearly Guidelines for Fiscal Year 2019-2020					
<b>SUMMARY:</b>	Where the City has established a housing assistance purchase program and utilizes funds received to provide down-payment, closing costs and rental assistance for the purchase or rental of single family and multi-family units.					
<b>JUSTIFICATION:</b>						
<b>ITEM TO BE PRESENTED:</b>  <i>Select and Identify each document to be included in Agenda Packet:</i>	RESOLUTION	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	AGREEMENT	<input type="checkbox"/>
	STAFF REPORT	<input type="checkbox"/>	EXHIBIT(S)	<input type="checkbox"/>	BUDGET	<input type="checkbox"/>
	PROCLAMATION	<input type="checkbox"/>	OTHER	<input checked="" type="checkbox"/>		
	1. Housing Assistance Purchase Program Yearly Guidelines					
<b>FISCAL IMPACT (if any):</b>	N/A				\$N/A	
<b>REVIEW &amp; APPROVAL:</b>						
<b>CITY MANAGER:</b>	Ken Cassel			<b>DATE:</b>	02/19/2020	
<b>CITY ATTORNEY:</b> <i>(As to Form &amp; Legality)</i>	Pam E. Booker			<b>DATE:</b>	2/19/2020	
<b>PROOF OF PUBLICATION:</b>						
<b>CITY CLERK:</b>	Publication(s): <u>N/A</u>			Date: <u>N/A</u>		
<b>COUNCIL ACTION</b>						
<b>ACTION TAKEN:</b>	<input type="checkbox"/> APPROVED AS RECOMMENDED		<input type="checkbox"/> APPROVED WITH REVISION(S)			
	<input type="checkbox"/> TABLED DATE: _____		<input type="checkbox"/> TABLED INDEFINITELY			
	<input type="checkbox"/> DENIED					

**City of Westlake**

**Housing**

**Assistance**

**Purchase**

**Program**

**Yearly Guidelines**

Fiscal Year 2019 - 2020







## CITY OF WESTLAKE

### Housing Assistance Purchase Program

#### Guidelines

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 Housing 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. 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 Housing 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 may adjust the housing fee amount of \$1,500.00, upward or downward depending on the housing product type being developed. Multi-family housing products may contribute less than \$1,500.00 per housing unit, and higher end housing product types may contribute more than \$1,500.00 per housing unit.
- The Foundation shall collect a percentage of sale proceeds from the sale and re-sale of all nonresidential 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 Housing 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 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.

Eligible homebuyer applicants shall not have liquid assets exceeding \$30,000.00, except for amounts invested in financial instruments exclusively designated as a retirement account such as an IRA or 401K plan.

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. Applicants must be United States citizen(s). Proof of citizenship will be required.

The home must be located within the City of Westlake. Where State and/or Federal funds are utilized, the sales price of the home shall not exceed the maximum sales price as established by Palm Beach County and/or the State of Florida according to HUD guidelines. The sales price may exceed the median purchase price of the statistical area, as adjusted annually, utilizing all other sources of funds.

Eligible homebuyer applicants must have a FICO credit score of at least 620. Based upon extenuating circumstances, the City Manager has the discretion to approve an application with a credit score between 600 and 619. If the credit score is less than 600 the homebuyer applicant will be deemed ineligible for a grant or loan award.

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

<b>WHP CATEGORIES</b>	<b>2019 HOUSEHOLD INCOME</b>	<b>2019 SALES PRICES</b>
<b>Low (60-80% of AMI)</b>	<b>\$45,240 - \$60,320</b>	<b>\$158,340.00</b>
<b>Moderate-1(&gt;80-100% of AMI)</b>	<b>\$60,320 - \$75,400</b>	<b>\$203,580.00</b>
<b>Moderate-2(&gt;100-120% of AMI)</b>	<b>\$75,400 - \$90,480</b>	<b>\$248,820</b>
<b>Middle (&gt;120-140% of AMI)</b>	<b>\$90,480 - \$105,560</b>	<b>\$294,060</b>

### 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.

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

### 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. Awards will be provided based upon financial need. No cash out will be provided to income eligible applicants, only down payment and/or closing cost assistance will be provided.

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.



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>	02/24/2020	<b>SUBMITTED BY:</b>	City Clerk			
<b>SUBJECT:</b>	Election 2020 Polling Location Agreement with the Palm Beach County School Board					
<b>STAFF RECOMMENDATION:</b> (MOTION READY)	Motion to approve and authorize the City Manager to execute a Polling Location Agreement with the Palm Beach County School Board					
<b>SUMMARY:</b>	<p>Prior to each municipal election, an agreement with the precinct location must be executed to ensure necessary access, certain equipment (chairs, tables etc.) and the proper location contacts are identified. The City's one polling location is identified as Seminole Ridge High School, therefore an agreement must be approved by the School Board.</p> <p>Staff has confirmed with the School that availability and accommodations will be made for the City's Municipal Election and the possibility of a run-off election. In turn the necessary agreement was provided to the School Board, which has been approved and now available for the City to execute.</p>					
<b>JUSTIFICATION:</b>	To identify and agree upon terms to providing a polling location for the City of Westlake's Municipal Election March 31 and the possibility of a run-off election April 21, 2020.					
<b>ITEM TO BE PRESENTED:</b>  <i>Select and Identify each document to be included in Agenda Packet:</i>	RESOLUTION	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	AGREEMENT	<input checked="" type="checkbox"/>
	STAFF REPORT	<input type="checkbox"/>	EXHIBIT(S)	<input type="checkbox"/>	BUDGET	<input type="checkbox"/>
	PROCLAMATION	<input type="checkbox"/>	OTHER	<input type="checkbox"/>		
	1. Polling Location Agreement					
<b>FISCAL IMPACT (if any):</b>	N/A			\$N/A		
<b>REVIEW &amp; APPROVAL:</b>						
<b>CITY MANAGER:</b>	Ken Cassel			<b>DATE:</b>	02/19/2020	
<b>CITY ATTORNEY:</b> <i>(As to Form &amp; Legality)</i>	Pam E. Booker			<b>DATE:</b>	2/19/2020	
<b>PROOF OF PUBLICATION:</b>						
<b>CITY CLERK:</b>	Publication(s): <u>N/A</u>			Date: <u>N/A</u>		
<b>COUNCIL ACTION</b>						
<b>ACTION TAKEN:</b>	<input type="checkbox"/> APPROVED AS RECOMMENDED		<input type="checkbox"/> APPROVED WITH REVISION(S)			
	<input type="checkbox"/> TABLED DATE: _____		<input type="checkbox"/> TABLED INDEFINITELY			
	<input type="checkbox"/> DENIED					

**POLLING LOCATION AGREEMENT FORM**  
**CITY OF WESTLAKE**  
**4001 Seminole Pratt Whitney Road, Westlake Florida 33470 | (561) 530-5880**  
**zburgess@westlakegov.com**

Precinct No.: 6072

This AGREEMENT dated this Feb 17, 2020, by and between the City of Westlake, Florida, and the School Board of Palm Beach County of the Polling Place located at: 4601 Seminole Ridge Pratt Whitney Road, Westlake FL 33470.

- The owner agrees to provide a polling place for the **Tuesday, March 31, 2020** Municipal Election, and if necessary, **Tuesday, April 21, 2020** (run-off). Please return this form to the City Clerk's Office no later than February 20, 2020.
- To provide the following items from 6:00 AM until closing procedures required by Florida Statutes are completed by the Election Board. (Please circle YES or NO for each category)

CHAIRS FOR ELECTION WORKERS     YES     NO    RESTROOM FACILITIES AVAILABLE     YES     NO  
 TABLES FOR ELECTIONS WORKERS     YES     NO    AIR CONDITIONING/HEATING     YES     NO

- To provide access to the Polling Place on election day by the following means:

Owner will open Polling Place NO LATER THAN 6:00 AM on Election Day.

**STATEMENT OF INDEMNITY:** To the extent permitted and subject to the limitations of §768.28, Fla. Stat., the City of Westlake shall be responsible for damages, arising out of injury or damage to persons or property caused by or resulting from the negligence of the City of Westlake or any of its officers, employees or volunteers. Nothing in this provision shall constitute as a waiver of sovereign immunity.

**ADDITIONAL INFORMATION NEEDED:**

- To provide access to the premises or delivery and pickup of voting equipment before and after each Election, please provide the days and hours facility is open for the delivery and pickup of voting equipment: Days: \_\_\_\_\_ Hours: \_\_\_\_\_

Please call school:

**Name and telephone number of EMERGENCY contact person before and after regular business hours:**

Audley Stewart	561-422-2601	917-365-7924	Audley.stewart@palmbeachschools.org
Name	Telephone Number	Cell Phone Number	Email

**Name and telephone number of contact person at Polling Place on Election Day:**


Dale Pelfrey	561-422-2601	561-312-6915	Dale.pelfrey@palmbeachschools.org
Name	Telephone Number	Cell Phone Number	Email

**Two alternate contacts:**

Yvonne Miller	561-422-2601	561-563-0020	Yvonne.miller@palmbeachschools.org
Name	Telephone Number	Cell Phone Number	Email

Name	Telephone Number	Cell Phone Number	Email
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**I AGREE TO THE ABOVE CONDITIONS AND WILL MAKE MY FACILITY AVAILABLE TO THE CITY OF WESTLAKE ON THE DATES INDICATED ABOVE.**

  
 SIGNATURE

Wanda F. Paul, Chief Operating Officer 561-357-7573    Feb 17, 2020  
 PRINTED NAME For the School District:    DATE SIGNED

SIGNATURE    PRINTED NAME For the City of Westlake, FL    DATE SIGNED





# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>	02/24/2020	<b>SUBMITTED BY:</b>	City Clerk			
<b>SUBJECT:</b>	Co-Sponsor an Election Candidate Forum					
<b>STAFF RECOMMENDATION:</b> (MOTION READY)	Motion to approve and authorize the City Manager to execute a co-sponsor participation agreement with the League of Women Voters of Palm Beach County to moderate an Election Candidate Forum					
<b>SUMMARY:</b>	<p>The League of Women Voters of Palm Beach County, a non-profit organization reached out to the City in efforts to moderate a non-partisan candidate forum for the March Election. Their goal is to provide a forum to encourage voters to make their own decisions about candidates, without suggesting that any candidate be supported or opposed.</p> <p>The City is only asked to secure the venue and provide the public relations. The League will invite the candidates, set the guidelines and format, secures the volunteers (timekeepers, ushers, question reviewers, etc.) and moderates the event.</p> <p>The Candidate forum is anticipated to be held Monday 16, 2020 at 6:30 PM.</p>					
<b>JUSTIFICATION:</b>	Provide a Non-Partisan moderated platform independent of the City to present candidates running for a city council seat in the March Election.					
<b>ITEM TO BE PRESENTED:</b>  <i>Select and Identify each document to be included in Agenda Packet:</i>	RESOLUTION	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	AGREEMENT	<input checked="" type="checkbox"/>
	STAFF REPORT	<input type="checkbox"/>	EXHIBIT(S)	<input type="checkbox"/>	BUDGET	<input type="checkbox"/>
	PROCLAMATION	<input type="checkbox"/>	OTHER	<input type="checkbox"/>		
	1. Co-Sponsor Participation Agreement					
<b>FISCAL IMPACT (if any):</b>	N/A				\$N/A	
<b>REVIEW &amp; APPROVAL:</b>						
<b>CITY MANAGER:</b>	Ken Cassel				<b>DATE:</b> 02/19/2020	
<b>CITY ATTORNEY:</b> <i>(As to Form &amp; Legality)</i>	Pam E. Booker				<b>DATE:</b> 2/19/2020	
<b>PROOF OF PUBLICATION:</b>						
<b>CITY CLERK:</b>	Publication(s): <u>N/A</u>				Date: <u>N/A</u>	
<b>COUNCIL ACTION</b>						
<b>ACTION TAKEN:</b>	<input type="checkbox"/> APPROVED AS RECOMMENDED		<input type="checkbox"/> APPROVED WITH REVISION(S)			
	<input type="checkbox"/> TABLED DATE: _____		<input type="checkbox"/> TABLED INDEFINITELY			
	<input type="checkbox"/> DENIED					



**LEAGUE OF WOMEN VOTERS OF PALM BEACH COUNTY**

P.O. BOX 6208 • DELRAY BEACH, FLORIDA 33482-6208 • (561) 276-4898 • www.lwvpbc.org

**CO-SPONSOR PARTICIPATION AGREEMENT**

**League of Women Voters Palm Beach County Candidate Forum Group  
and  
City of Westlake  
4001 Seminole Pratt Whitney Road, Westlake, Florida 33470**

**THE LEAGUE OF WOMEN VOTERS of PALM BEACH COUNTY (LWVPBC) is a nonpartisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. In an effort to fulfill our mission and reach our goals, the following criteria have been established for debates and candidate forums sponsored by or participated in by LWVPBC.**

- \* Candidates who have qualified for a particular race must be invited to attend and participate. Invitations will be extended by League moderators. If a candidate is unable or unwilling to appear, LWVPBC may read any factual reasons given for the absence, without editorial comment, at the forum. If only one candidate is present, the forum for that race may be modified at the discretion of LWVPBC.
  - \* Surrogates may NOT stand in for candidates.
  - \* The debate/forum rules will be provided to candidates by League moderators, either orally or in writing, at least 10 days prior to the beginning of the debate/forum.
  - \* Candidates will be notified at least 10 days prior to the debate/forum if the debate/forum will be recorded via video or audio. Participation by the candidates indicates agreement to such recording.
  - \* All debate/forum content, whether the property of LWVPBC, the sponsoring organization, or a candidate, is subject to LWVPBC rules. Permission must be granted, in writing, by LWVPBC to rebroadcast or edit the debate/forum or to print excerpts.
  - \* Candidates must agree that they will not use any portion of the debate/forum in a political advertisement.
  - \* Content from the debate/forum may be posted in written form, streaming audio/video or in large print by LWVPBC on the League website, LWVPBC.org.
  - \* No candidate will be endorsed by the LWVPBC. No candidate may be endorsed by a sponsoring organization during a forum where LWVPBC is a participant.
- \*The League of Women Voters is a Nonpartisan Organization**

**I, being authorized to act on behalf of (Sponsoring Organization), fully understand and agree to abide by the above rules and guidelines.**

\_\_\_\_\_  
**(Sponsoring Organization)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Title**



**Fire Rescue**

Chief Reginald K. Duren  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Mack Bernard, Mayor  
Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

February 13, 2020

Ken Cassel, Village Manager  
City of Westlake  
4001 Seminole Pratt Whitney Rd.  
Westlake, FL 33470

Dear Mr. Cassel:

Enclosed is the Response Time Report for the City of Westlake for the month of January 2019.

If you have any questions of concerns, please contact me at 561-214-3263

Sincerely,

William Rowley, District Chief  
Palm Beach County Fire Rescue



2/3/2020

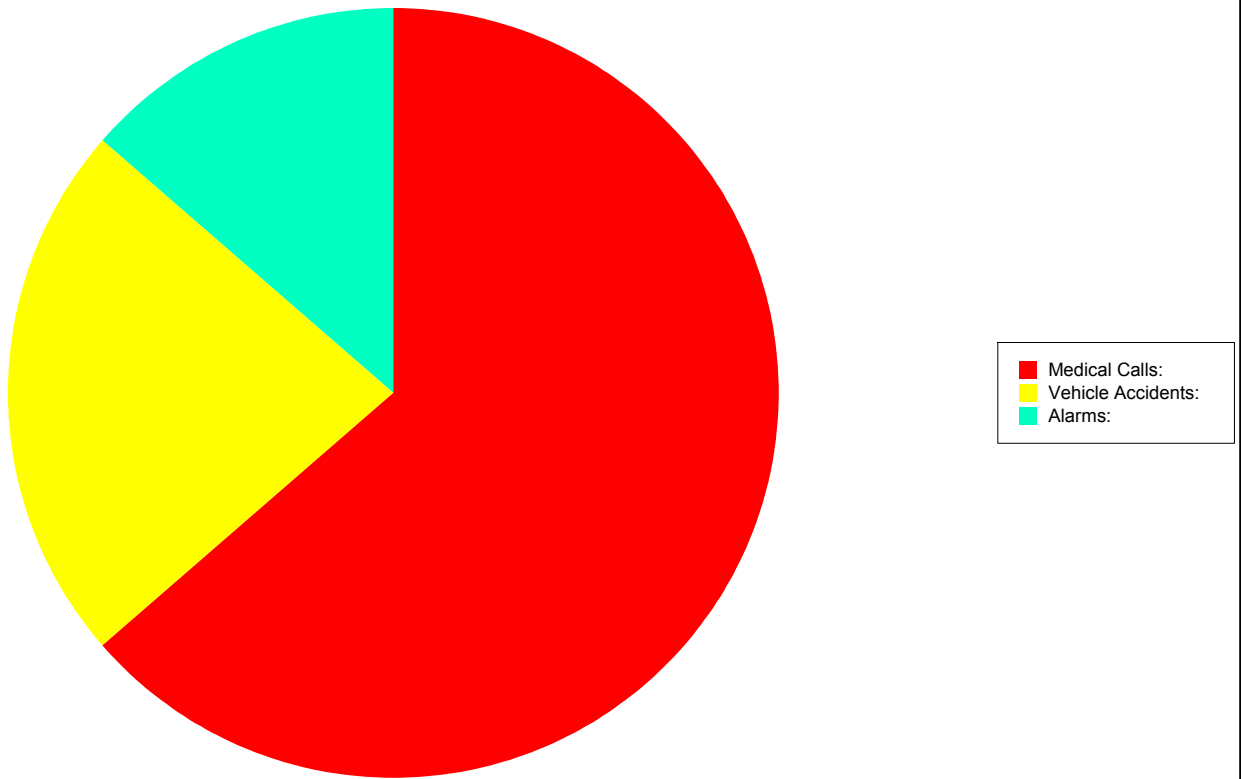
# Palm Beach County Fire Rescue

## Westlake - # of Calls by Type

20200101 to 20200131

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	14
Vehicle Accidents:	5
Alarms:	3
<b>Total number of Events:</b>	<b>22</b>

### Calls by Situation Dispatched





2/3/2020

# Palm Beach County Fire Rescue

## Westlake Response Time Report

### 20200101 to 20200131

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
<b>Emergency Calls:</b>														
F20001429	22	210		01/03/2020	06:31:52	06:32:28	06:32:36	06:34:12	06:39:16	07:07:38	0:00:44	0:01:36	0:05:04	0:07:24
F20002005	22	141	BUTTONBUSH DR WLK	01/04/2020	00:23:07	00:26:52	00:27:03	00:28:24	00:35:18	01:20:22	0:03:56	0:01:21	0:06:54	0:12:11
F20004065	22	400	SEMINOLE PRATT WHITNEY RD/PERSIMMON I	01/07/2020		09:16:13	09:16:25	09:17:35	09:21:05	09:49:17	0:00:37	0:01:10	0:03:30	0:05:17
F20004577	22	141	WHIPPORWILL CIR/BUTTONBUSH DR WLK	01/08/2020	02:15:36	02:17:06	02:17:10	02:18:18	02:26:26	02:53:54	0:01:34	0:01:08	0:08:08	0:10:50
F20004894	22	460	TOWN CENTER PKWY S WLK	01/08/2020	14:29:33	14:30:17	14:30:29	14:31:12	14:33:35	14:48:01	0:00:56	0:00:43	0:02:23	0:04:02
F20008487	22	135	SEMINOLE PRATT WHITNEY RD WLK	01/14/2020		07:28:05	07:28:21	07:28:55	07:31:34	08:17:34	0:00:41	0:00:34	0:02:39	0:03:54
F20009889	22	520	SEMINOLE PRATT WHITNEY RD WLK	01/16/2020	10:21:22	10:21:55	10:22:09	10:22:57	10:26:03	11:24:19	0:00:47	0:00:48	0:03:06	0:04:41
F20010587	22	400	WHIPPORWILL CIR WLK	01/17/2020	11:42:25	11:43:12	11:43:19	11:44:01	11:50:04	12:11:40	0:00:54	0:00:42	0:06:03	0:07:39
F20016030	22	150	TOWN CENTER PKWY S WLK	01/25/2020		17:18:56	17:18:58	17:19:13	17:27:21	17:44:40	0:00:27	0:00:15	0:08:08	0:08:50
F20016740	22	400	SEMINOLE PRATT WHITNEY RD/PERSIMMON I	01/26/2020		19:10:53	19:11:00	19:11:33	19:15:03	19:19:50	0:00:32	0:00:33	0:03:30	0:04:35
F20017156	22	110	SEMINOLE PRATT WHITNEY RD WLK	01/27/2020		13:33:20	13:33:27	13:34:19	13:37:06	14:04:46	0:00:32	0:00:52	0:02:47	0:04:11
F20017217	22	600	SEMINOLE PRATT WHITNEY RD WLK	01/27/2020		15:02:35	15:02:45	15:03:29	15:06:04	15:47:16	0:00:35	0:00:44	0:02:35	0:03:54
F20017660	22	110	SEMINOLE PRATT WHITNEY RD WLK	01/28/2020		08:14:57	08:15:27	08:15:55	08:18:04	08:30:42	0:00:55	0:00:28	0:02:09	0:03:32
F20018208	22	170	SEMINOLE PRATT WHITNEY RD WLK	01/29/2020		00:17:42	00:17:55	00:19:27	00:22:07	01:03:00	0:00:38	0:01:32	0:02:40	0:04:50
F20018419	22	210	WHIPPORWILL CIR WLK	01/29/2020		10:28:35	10:28:45	10:29:30	10:33:25	11:19:47	0:00:35	0:00:45	0:03:55	0:05:15
F20019843	22	110	SWITCHGRASS LN/WHIPPORWILL CIR WLK	01/31/2020	14:00:32	14:00:54	14:01:09	14:01:42	14:05:44	14:42:32	0:00:37	0:00:33	0:04:02	0:05:12

**Average Response Times:**

**0:00:56   0:00:51   0:04:20   0:06:07**

**Non Emergency Calls:**

F20007849	22	77	WHIPPORWILL CIR WLK	01/13/2020		08:25:10	08:25:24	08:25:52	08:30:58	08:41:37	0:00:39	0:00:28	0:05:06	0:06:13
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2/3/2020

# Palm Beach County Fire Rescue

## Westlake Response Time Report

### 20200101 to 20200131

Event #	Station	Sit Disp	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
F20011781	22	76	RAIN LILLY WAY WLK	01/19/2020		09:27:54	09:28:01	09:28:33	09:33:29	09:36:05	0:00:32	0:00:32	0:04:56	0:06:00

#### Corrupt Data:

F20000466	22	110	TOWN CENTER PKWY S WLK	01/01/2020		16:07:47	16:07:48		16:07:48	16:22:14	Empty Time Fields			
F20006153	22	400	TOWN CENTER PKWY S WLK	01/10/2020		14:08:05	14:08:10	14:09:19		14:10:19	Empty Time Fields			
F20007900	22	110	TOWN CENTER PKWY S WLK	01/13/2020		09:43:56	09:44:00		09:44:00	09:59:00	Empty Time Fields			
F20007544	22	76	TOWN CENTER PKWY S WLK	01/12/2020		17:26:07	17:26:17		17:27:57	17:29:56	Empty Time Fields			

Total number of Events: 22

\*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.