

Jay G. Foy, Mayor  
James E. Woods, Vice Mayor  
Jerry E. Beavers, Council Member  
Lawrence Gordon, Council Member  
Mark C. Uptegraph, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL**  
**Regular Town Council Meeting**  
**Thursday, October 23, 2014**  
**Town Hall – 4585 Charlotte Street**  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the September 25, 2014 Regular Meeting and the October 9, 2014 Regular meeting and the October 7, 2014 workshop
- VII. PRESENTATIONS AND PROCLAMATIONS**
  - a. Proclamation recognizing Joseph Roche's twenty years of service
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Consider request for variation from the requirements of Section 58-331 (b) "Storage Sheds" as filed by Matthew Monahan to allow for a 10' x 30' shed on his property located at 5175 Club Road.
  - b. **ORDINANCE NO. 423: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**
  - c. **ORDINANCE NO. 424: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, CLARIFYING SECTION 30-61 TO REQUIRE PROPERTY OWNERS WITHIN THE TOWN TO PROVIDE ROLLOFF SERVICE FOR ALL CONSTRUCTION DEBRIS AND TO NOT ALLOW A NUISANCE TO BE CREATED; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**
  - d. **ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR**

**SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

- e. **ORDINANCE NO. 426: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADDING A NEW SECTION 58-10 RELATING TO THE INSTALLATION OF SIGNAGE ON ALL PROPERTY WHICH IS SUBJECT TO AN APPLICATION FOR CHANGE IN LAND USE, REZONING, VARIANCE OR SPECIAL EXCEPTION APPROVAL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**
- f. **ORDINANCE NO. 427: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-8. DEFINITIONS "CONGREGATE LIVING FACILITY" AND AMENDING ARTICLE IX. SUPPLEMENTAL DISTRICT REGULATIONS. DIVISION 10 "CONGREGATE LIVING FACILITIES" TO CLARIFY THAT COMMUNITY RESIDENTIAL HOME IS AS DEFINED BY CHAPTER 419, FLA. STAT., AND BY AMENDING SEC. 58-490 TO CLARIFY THAT ONLY TYPE I CONGREGATE LIVING FACILITIES ARE PERMITTED IN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- g. **Consider amending the Town of Haverhill's Fee schedule to include a fee specific to "Accessory Dwelling Units" as a Special Exception**

**XI. REPORTS**

**Town Attorney**

**Mayor**

**Administrator's Report**

**Committee/Delegate Report**

**Treasurer's Report (included in packet)**

**XII. UNFINISHED BUSINESS**

**XIII. NEW BUSINESS**

**XIV. ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL**  
**Regular Town Council Meeting**  
**Thursday, October 23, 2014**  
**Town Hall – 4585 Charlotte Street**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, October 23, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney Lance Fuchs; Town Administrator Janice Rutan and Director of Public Services, Joseph Roche.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Foy offered the Invocation and led the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator recorded all members present.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

**With no additions, deletions or substitutions, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the agenda as presented.**

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the September 25, 2014 Regular Meeting and the October 9, 2014 Regular meeting and the October 7, 2014 workshop**

**A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the consent agenda as presented.**

**COMMENTS FROM THE PUBLIC (Revisited after Mr. Glassco arrived)**

**Tim Glassco, Bensel Street, West Palm Beach.** Mr. Glassco read a letter to Council regarding the telecommunication tower into the record.

**A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed to (5-0) receive and file Mr. Glassco's correspondence.**

**PROCLAMATIONS AND PRESENTATION**

**Proclamation recognizing Joseph Roche's twenty years of service**

**Mayor Foy presented Joseph Roche, Director of Public Services with a Proclamation recognizing Mr. Roche's twenty years of service with the Town of Haverhill. The Proclamation was read into the record. Council expressed their appreciation to Mr. Roche for his dedication to the Town and its residents.**

## **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**

Deputy Siew addressed the Town Council on crime statistics for the period October 9<sup>th</sup> through the 22<sup>nd</sup>. There had been 1 burglary to an apartment, 1 domestic call and one hit and run.

Council expressed appreciation to the Palm Beach County Sheriff's office.

## **SECOND READINGS AND PUBLIC HEARINGS**

None.

## **FIRST READINGS AND REGULAR AGENDA**

**Consider request for variation from the requirements of Section 58-331 (b) "Storage Sheds" as filed by Matthew Monahan to allow for a 10' x 30' shed on his property located at 5175 Club Road.**

**Because Mr. Monahan had expressed to staff that the project would most probably be put on hold, a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to table the matter.**

**ORDINANCE NO. 423: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

The title was read by Attorney Fuchs. Attorney Fuchs clarified that the moratorium was for a period expiring August 1, 2015, however it could be extended by the Town Council.

**There being no public comment and no further discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to approve Ordinance No. 423 on first reading.**

**ORDINANCE NO. 424: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, CLARIFYING SECTION 30-61 TO REQUIRE PROPERTY OWNERS WITHIN THE TOWN TO PROVIDE ROLLOFF SERVICE FOR ALL CONSTRUCTION DEBRIS AND TO NOT ALLOW A NUISANCE TO BE CREATED; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**

The title was read by Attorney Fuchs.

**There being no public comment and no further discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 424 on first reading.**

**ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Fuchs.

**There being no public comment and no further discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve Ordinance No. 425 on first reading.**

**ORDINANCE NO. 426: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADDING A NEW SECTION 58-10 RELATING TO THE INSTALLATION OF SIGNAGE ON ALL PROPERTY WHICH IS SUBJECT TO AN APPLICATION FOR CHANGE IN LAND USE, REZONING, VARIANCE OR SPECIAL EXCEPTION APPROVAL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**

The title was read by Attorney Fuchs.

**There being no public comment and no further discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 426 on first reading.**

**ORDINANCE NO. 427: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-8. DEFINITIONS "CONGREGATE LIVING FACILITY" AND AMENDING ARTICLE IX. SUPPLEMENTAL DISTRICT REGULATIONS. DIVISION 10 "CONGREGATE LIVING FACILITIES" TO CLARIFY THAT COMMUNITY RESIDENTIAL HOME IS AS DEFINED BY CHAPTER 419, FLA. STAT., AND BY AMENDING SEC. 58-490 TO CLARIFY THAT ONLY TYPE I CONGREGATE LIVING FACILITIES ARE PERMITTED IN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Fuchs.

**There being no public comment and no further discussion, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 427 on first reading.**

**Consider amending the Town of Haverhill's Fee schedule to include a fee specific to "Accessory Dwelling Units" as a Special Exception**

The Town Administrator offered staff's report. She explained that the cost for an application for a Special Exception to come before Council was \$1,000 with an additional \$1,000 to be held in escrow. That amount was proving to be a hardship for those residents that were filing for a special exception for an ADU (Accessory Dwelling Unit) for an immediate family member. It was her recommendation that Council consider assigning a fee specific for a special exception for an Accessory Dwelling Unit.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to set the application fee for a Special Exception for and ADU (Accessory Dwelling Unit) at \$350.00.**

## **REPORTS**

**Town Attorney**

**None.**

## **Mayor**

Mayor Foy reported on the Read for the Record event that took place on October 21, 2014. He, Council Members Beavers and Uptegraph and the Town Administrator Rutan read "Bunny Cakes" to approximately 173 children at Haverhill Baptist Church, Whiz Kidz North and South, Wynnebrook Elementary, Rainbow Kids, Hope Centennial Elementary school and the Boys and Girls Club.

Mayor Foy reported that a technical group had been formed to review FEMA maps and found that data had been interpreted incorrectly by FEMA due to a software issue. FEMA may accept the corrections.

Mayor Foy disclosed that Mr. Glassco had discovered the Mayor was claiming homestead exemptions on two properties. After conferring with his Attorney, the Mayor's Attorney opined that he was entitled to take an exemption on his property in Haverhill and on the property he owned with his son because of the way they took title to the property, as tenants in the entirety, and because of the value of the property.

**Administrator's Report**

The Town Administrator reported that she had heard from Khurshid Mohyuddin from Palm Beach County informing her that the County would be considering an amendment to their comprehensive plan removing the CRALLS designation from the Belvedere Road corridor. The amendment had been initiated by Duke. She would be in contact with John Kim, Traffic Engineer. The MPO had passed the 2040 TIP showing Belvedere Road as four lanes.

She had heard from Jason Sawyer, EBI Consulting, that Verizon was no longer interested in the Town of Haverhill's ballfield tower site.

**Committee/Delegate Report**

Vice Mayor Woods announced that the Special Events Committee was putting the final touches together for the Halloween event on October 31, 2014. He also announced the Town would be sponsoring a Neighborhood Garage sale on November 15, 2014. The Shred Truck would be onsite and Walgreen's would be offering flu and shingle shots.

Council Member Beavers reported on the Palm Beach County League of Cities Meeting. ITE offered a presentation dealing with solar panels, construction and energy loans and artificial turf.

He then reported on the Board meeting where a motion was passed that strongly opposing the Board of County Commissioners action separating Palm Beach County from the Treasure Coast Regional Planning Council and instead joining the South Florida Planning Council and was encouraging each of the Palm beach County municipalities to adopt a similar Resolution.

There was a presentation on medical marijuana.

**Treasurer's Report**

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

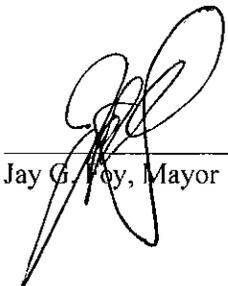
None.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved: November 13, 2014

  
Janice O. Rutan, Town Administrator

  
Jay G. Foy, Mayor