

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Remar M. Harvin, Council Member
Daniel H. Sohn, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ April 26, 2018
7:00 p.m.
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- V. ROLL CALL**
- VI. APPROVAL OF AGENDA**
- VII. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the April 20, 2018 regular meeting and April 3, 2018 workshop meeting
- VIII. PROCLAMATIONS AND PRESENTATION**
- IX. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- X. SECOND READINGS AND PUBLIC HEARINGS**
 - a. **ORDINANCE NO. 461:**
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL SEPTEMBER 28, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
 - a. **ORDINANCE NO. 462**
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA DECLARING A ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR REZONING, ZONING TEXT AMENDMENT, SITE PLAN APPROVAL, CHANGE IN LAND USE UNDER THE COMPREHENSIVE PLAN, AND THE SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS (CHAPTER 54 OF THE TOWN OF HAVERHILL CODE OF ORDINANCES) UNTIL JULY 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES
- XI. REGULAR AGENDA AND FIRST READINGS**
 - a. Discuss Council policy on social media
 - b. Discuss drainage at 1261 Park Lane
- XII. REPORTS**
 - Town Attorney
 - Mayor
 - Town Administrator
 - Committee/Delegate Report

Treasurer's Report (included in packet)

XIV. UNFINISHED BUSINESS

XV. NEW BUSINESS

XVI. 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, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ April 26, 2018
OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, April 26, 2018 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Remar Harvin, Council Member and Daniel Sohn, Council Member. Also present were Lance Fuchs, Town Attorney and Janice C. Rutan, Town Administrator.

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 in the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present except for Council Member Uptegraph.

COMMENTS FROM THE PUBLIC

Mayor Foy questioned why Public Comments would occur before the approval of the Agenda. The Town Administrator responded that having public comment prior to approving the agenda would allow the public to object to items on the agenda prior to it being approved.

APPROVAL OF AGENDA

The Town Administrator suggested the agenda be renumbered to allow Council Member Daniel Sohn time to address an item on the agenda prior to his unscheduled early departure from the meeting as well as offer the Engineer an opportunity to move up on the Agenda. The minutes of the April 20, 2018 regular meeting were not completed. Mayor Foy asked the agenda remain numbered as presented.

A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (4-0) to approve the agenda as amended.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

The Deputy present reported on the crime statistics in Haverhill for the previous 2-week period:

- 10 traffic stops along Belvedere Road
- 20 extra patrols outside of permit detail
- 5 reports of suspicious people
- 3 burglaries to vehicles (all cars were left unlocked)
- Routing business checks and traffic stops

Council Member Harvin complained about an accident at 5364 Club Road, however due to 7 cars left unattended blocking PBC Lift Station at Club Road entrance to Haverhill Park it was difficult to administer the accident. Director of Public Services Joseph Roche commented that he had been tagging vehicles at that location.

The Deputy commented that because of Haverhill's additional detail, the Town remains safer than the surrounding areas. He suggested public service announcements reminding all residents to lock their vehicle doors.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the ~~April 20, 2018 regular meeting~~ and April 3, 2018 workshop meeting.

A motion was made by Council Member Sohn, seconded by Vice Mayor Gordon and unanimously passed to approve the Consent Agenda as amended.

PROCLAMATIONS AND PRESENTATION

None.

PUBLIC COMMENT:

Joel Matteo, RKG Inc. 5364 Belvedere Road: Came to discuss the possibility to subdivide land he had recently purchased on Belvedere Road. It was explained that the Town is presently under a moratorium for all subdivisions. He had already received approval from the Department of Health for septic on the lots. Mr. Matteo was invited to come back and meet with the Town Administrator to go over the process for subdivision when the moratorium expires.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 461: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL SEPTEMBER 28, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Fuchs. There was a brief discussion regarding the conflict in the State and Federal laws concerning medical marijuana.

A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (4-0) to pass Ordinance No. 461 on second reading.

Mayor Foy confirmed that Council member Sohn had voted on the motion. He noted for the record that a no vote on an issue by a member of the Council would be recorded as a vote in favor of the motion.

ORDINANCE NO. 462: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA DECLARING A ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR REZONING, ZONING TEXT AMENDMENT, SITE PLAN APPROVAL, CHANGE IN LAND USE UNDER THE COMPREHENSIVE PLAN, AND THE SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS (CHAPTER 54 OF THE TOWN OF HAVERHILL CODE OF ORDINANCES) UNTIL JULY 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The title was read by Attorney Fuchs. **A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (4-0) to pass Ordinance No. 462 on second reading.**

REGULAR AGENDA AND FIRST READINGS

Discuss Council policy on social media

The Town Administrator was seeking Council guidance on maintaining private websites and Facebook accounts for individual Council members. She explained that as Records Custodian, she cannot maintain a record copy of the social media pages of individual accounts unless the accounts were hosted by the Town's server.

Attorney Fuchs next addressed the Town Council. He commented on the two separate legal issues that their firm would be offering opinions on. The first being that social media accounts being maintained on servers other than the Town's server were in violation of the public records laws. The second would be "can the Town maintain the social media pages of individual Council members to maintain the public record"?

He next confirmed that none of those present, other than Council Member Sohn were maintaining private web pages as a Council member of the Town of Haverhill.

Mayor Foy requested clarification as to whether the Council was being asked to set policy, or address the budgetary issues associated with maintaining a server for this use. He did not see this as being a policy issue.

Attorney Fuchs the requested of Council member Sohn if he would take down his Facebook and Twitter accounts considering their legal opinion that they were violative of the public records law. Council member Sohn agreed only if Council was in support of the Attorney's opinion.

He noted for the record that other elected officials were using social media as their platform to reach constituents that were not on municipal servers. He was making good on a campaign promise to use social media to keep the residents informed of Town business.

Discussion followed. Mayor wants to be sure he was not limiting freedom of speech. It was made clear that if the person was acting as an elected official of the Town to disseminate Town business it would need to meet the public record law. Vice Mayor Gordon agreed noting that all persons acting on behalf of the Town should have the authorization of the Town Council to act in that capacity.

Council member Sohn agreed to provide the Town with a record of the sites by using the tolls made available through the Florida League of Cities.

Further, Attorney Fuchs requested whether the Town was looking into providing a server for this use. By consensus Council agreed it would involve too much cost and staff time. Vice Mayor Gordon added that both issues before the Council were quite problematic.

Council Member Sohn had agreed to take the sites down and provide the record to the Town Administrator.

Discuss drainage at 1261 Park Lane

Todd McLeod gave an update on the Park and Cyprus Lane drainage improvement project. He reported that it is near completion with only the speed humps yet to be installed.

He reported that the homeowner at 1261 Park Lane, Bonnie Graham, has claimed that her back porch (which was a carport) has begun to flood since the project had begun. During construction it was noticed that there was a small pvc pipe and trench drain that had emptied into the ditches that the town had filled it. The porch is approximately 1.5 feet lower than the road and the driveway slopes down. They had discovered a few of these same type issues during the project and to correct the problem, they had been installing bubble ups, however, this solution was not working for this property.

It would be the engineer's recommendation to take the drain basin and pick up from that point to head north to the catch basin tying her drain line into the catch basin.

He asked Attorney Fuchs if the Town should be going through permitting to remedy this situation. The Attorney opined that the Town cannot treat this property any different than any of the other properties.

Mayor Foy noted that the Town would need to be responsible for anything from the property line to the system. It was agreed that the Town would issue a no fee permit for the project so that the Town's actions can be memorialized, and it will answer any concerns the Town may have about the former system being permitted.

The Town Administrator also reported that the property owner had lost personal property in the floods to her porch. It was also agreed that the Town would obtain a release once she was made whole for the loss property.

The Town Engineer expressed his concern that protocols be followed so that a precedent would not be set.

It was estimated that the cost for this repair, which may involve boring under the property owner's driveway, would be between \$5,000 and \$6,000.

Council noted they were quite impressed with how well Park and Cyprus Lanes looked after the resurfacing project.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy reported on a recent meeting of the Water Resource Task Force.

Town Administrator

The Town Administrator reminded all that the Palm Beach County League of Cities annual Gala was scheduled for May 24, 2018 at the Kravitz Center. Vice Mayor Gordon would be sworn in as a member of the Board of Directors. All members of Council expressed an interest in attending.

The new property owner of 971 Briarwood Drive was present in the audience and introduced himself to the Town Council.

Committee/Delegate Report

Councilman Harvin reported on his attendance at the Palm Beach County League of Cities General Membership and workshop for local officials meeting. Todd Bonlarron reported on the past legislative session; a very informative presentation was made by the Director of the Emergency Management as well as from the Director of Libraries. All newly elected officials were introduced to the membership. He then announced that there was a newly designed website that was introduced at the CCAN Committee meeting.

Council Member Harvin announced that the Caucus of Black Elected Officials were forming a Palm Beach County Chapter.

Council Member Sohn reported on his attendance at the Equality Florida Gala. He also announced the opening of a Youth off Drop Center.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

A status update was given on the Cheryl Road subdivision and the construction of the homes.


NEW BUSINESS

None.

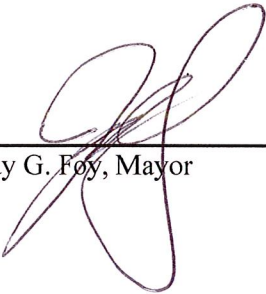
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:30 p.m.

Approved: June ~~18~~ 2018



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor