

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 ~ October 11, 2018**

**7:00 p.m.**

**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 14 and 28 Regular Meetings
- VII. PROCLAMATIONS AND PRESENTATION**
  - a. Presentation of the Proclamation declaring October 14, 2018 through October 20, 2018 Mediation Week to the Palm Beach County Bar Association (Vice Mayor Gordon).
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
  - a. Approve the LED Lighting Agreement between the Town of Haverhill and Florida Power and Light Company
  - b. Consider Request for Lien Reduction as requested by Dayani Chirino, property owner at 5215 Bethany Lane
  - c. Consider Request for Lien Reduction as requested by Naiteur R. Casimir, Managing Partner of All Associates Plus, LLC, property owner of property located at 5382 Toronto Road
  - d. Ordinance No. 468: An Ordinance of the Town of Haverhill declaring zoning in progress and imposing a moratorium on acceptance of processing new applications for the establishment of Medical Marijuana Treatment Facilities including Dispensing Facilities until April 25, 2019
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REPORTS**
  - Town Attorney
  - Mayor
  - Town Administrator
  - Committee/Delegate Report
  - Treasurer's Report (included in packet)
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ October 11, 2018**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, October 11, 2018 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph; Council Member; Remar Harvin, Council Member and Daniel Sohn, Council Member. Also present were John Foster, 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.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

The Town Administrator requested the minutes from 9/27/218 be removed from the agenda. A motion was made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (5-0) to approve the agenda as presented.

**APPROVAL OF THE CONSENT AGENDA**

Approval of the minutes of the September 14 and ~~28 Regular Meetings~~

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

**PROCLAMATIONS AND PRESENTATION**

Although originally adopted on September 25, 2018, Mayor Foy read into the record the Proclamation declaring October 14, 2018 through October 20, 2018 Mediation Week and presented same to Vice Mayor Lawrence Gordon accepting on behalf of the Palm Beach County Bar Association.

Vice Mayor Gordon expressed his appreciation to the Town Council and commented on the importance of mediation in these times where most issues are dealt with through hostility. Mayor Foy agreed commenting that perception has become reality.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**

Palm Beach County Sheriff's office was present and reported on the previous two weeks. There had only been one reported burglary to a vehicle. The vehicle had been left unlocked and there was a purse left inside.

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

## **REGULAR AGENDA AND FIRST READINGS**

### **Approve the LED Lighting Agreement between the Town of Haverhill and Florida Power and Light Company**

The LED Lighting Agreement between the Town of Haverhill and Florida Power and Light was reviewed by the Town Council. Mayor Foy commented that he would prefer brighter lights along the busier thoroughfares, but not in the residential neighborhoods.

Discussion then followed concerning the lights in the New Parkview Place neighborhood. The LED lighting plan was next discussed. **A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve entering into the Agreement with FPL modify the existing lights with lighting plan RSW 41 Watt 4000K, Option 3 and to authorize the Mayor to sign the Agreement.**

Staff would reach out to FP&L to determine the Lighting Plan the County was using for the poles abutting the Town of Haverhill.

Notice of the LED lighting program would be included in the upcoming newsletter.

**Because neither of the parties for Agenda Items 9a and 9b were present, a motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to delete item IXa and IXb from the agenda.**

- ~~a. Consider Request for Lien Reduction as requested by Dayani Chirino, property owner at 5215 Bethany Lane~~
- ~~b. Consider Request for Lien Reduction as requested by Naitour R. Casimir, Managing Partner of All Associates Plus, LLC, property owner of property located at 5382 Toronto Road~~

### **Ordinance No. 468: An Ordinance of the Town of Haverhill declaring zoning in progress and imposing a moratorium on acceptance of processing new applications for the establishment of Medical Marijuana Treatment Facilities including Dispensing Facilities until April 25, 2019**

The title was read by Attorney Foster. Attorney Foster recommended the Town Council extend the moratorium citing a recent decision of the Leon County Circuit Court that declared portion of the law unconstitutional. The matter may go before the Florida Supreme Court. The case, filed by a man with stage 4 lung cancer, wanted to grow his own medicinal marijuana and offered the compelling argument that the law authorizes a monopoly by limiting those who can grow marijuana.

Discussion followed regarding hemp oil and the removal of the THC from the marijuana.

**A motion was made by Council Member Sohn and seconded by Council Member Uptegraph to approve Ordinance No. 468 on first reading**

Mayor Foy commented that although he was comfortable with extending the moratorium, he would like the Council to take action by adopting an Ordinance regulating medical marijuana within the Town's limits. Vice Mayor Gordon agreed.

**The vote was called and passed unanimously 5-0.**

## **SECOND READINGS AND PUBLIC HEARINGS**

None.

## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

Mayor Foy reported on the recent ethics training and how the belief is that “perception is reality” when it comes to ethics. Mayor Foy reported on the Palm Beach County District 2&3 luncheon, a discussion including the Mayor from South Palm Beach, the NPDES program and the Water Resource Task Force.

### **Town Administrator**

The Town Administrator announced the Read for the Record schedule for October 25, 2018.

### **Committee/Delegate Report**

Council Member Harvin reported on the meeting held at El Sabor restaurant.

### **Treasurer’s Report**

Included in Packet

## **UNFINISHED BUSINESS**

Council member Sohn reported on the IEMO conference he had attended. During the conference, he had reached out to a Council member from Greenacres who had expressed an interest in entering into an Interlocal with the Town for the baseball field. Council Member Sohn requested the Town Administrator provide him an actual cost estimate for the Town to maintain the ballfield.

He commended both Lee Feldman and Lynn Tipton for their presentations during the conference and that the experience was an education for the newly elected municipal official was outstanding.

He also noted that he had been appointed to serve of the Florida League of Cities Policy Committee. The meeting scheduled for October 11, 2018 had been postponed due to the hurricane affecting the northern part of the State.

He spoke to the importance of Home Rule and the right of the taxpayer to define their own destiny through home rule.

He requested the Town Administrator reach out to the Florida League of Cities for a quote to provide the Town’s insurance for the next fiscal year.

The Farm Share program he had been working on with the City of West Palm Beach was being postponed.

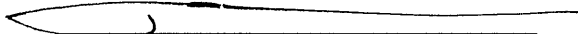
## **NEW BUSINESS**

Council requested the Town Administrator include educational information on planting the right trees in the right places as provided in the Florida Power and Light brochure. It is hoped that this information will prevent residents from planting trees that grow into and interfere with the power lines, especially during inclement weather.

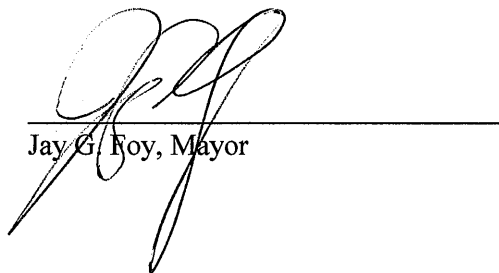
**ADJOURNMENT**

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

Approved: November 15, 2018



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor