

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



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ November 19, 2015
7:00 p.m.

- 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 for the September 24, 2015 regular meetings, October 8, 2015 and October 22, 2015 regular meetings.
- VII. PROCLAMATIONS AND PRESENTATION
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE
- IX. SECOND READINGS AND PUBLIC HEARINGS
 - a. **ORDINANCE NO. 425**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 5, C-1 LIMITED COMMERCIAL DISTRICT, SECTION 58-213, PROHIBITED USES, TO PROHIBIT ANIMAL SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
 - b. **ORDINANCE NO. 432**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 26, PEDDLERS AND SOLICITORS, BY ADDING A NEW ARTICLE III, SECTION 26-30, TO PROHIBIT CANVASSERS OR SOLICITORS IN THE PUBLIC RIGHT-OF-WAY AT CERTAIN INTERSECTIONS WITHIN THE TOWN, MAKINGS FINDINGS AND ARTICULATING THE PURPOSE AND INTENT OF SUCH REGULATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
 - c. **ORDINANCE NO. 433**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4, R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 58-199, SPECIAL EXCEPTIONS, TO ALLOW SELF SERVICES STORAGE FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
 - d. **ORDINANCE NO. 434**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 58-331, STORAGE SHEDS, TO MODIFY THE SIZE OF THE STORAGE SHED ALLOWED BASED ON LOT SIZE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
 - e. **ORDINANCE NO. 435**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4, R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 58-

199, SPECIAL EXCEPTIONS, TO ALLOW SELF SERVICES STORAGE FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

f. ORDINANCE NO. 436

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, CODE OF ORDINANCES, BY AMENDING ARTICLE I, SECTION 58-8, DEFINITIONS, TO MODIFY THE DEFINITION OF CONGREGATE LIVING FACILITY, AND TO AMEND ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 11, CONGREGATE LIVING FACILITIES REGULATIONS, TO ADD REQUIREMENTS CONCERNING SOBER LIVING HOME REGULATIONS INCLUDING REGISTRATION, ADVERTISING, INSPECTIONS, SUSPENSION OR REVOCATION OF PERMIT, AND EVICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

X. FIRST READINGS AND REGULAR AGENDA

- a. Consider Plat approval for Haverhill Pointe
- b. Consider application for minor subdivision as filed by Carlos Gonzalez, agent for Gustavo Solana (Cheryl Road – PCN 22-42-43-26-00-0005330)

XI. REPORTS

Town Attorney
Mayor
Town Administrator
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, 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 ~ November 19, 2015
Official Minutes**

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, November 19, 2015 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor and Jo Plyler, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Planner Josh Nichols and Town Engineer, Todd McLeod, Town Administrator Janice C. 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 asked for a moment of silence in remembrance of Council Member Jerry Beavers who passed away November 17, 2015. Mayor Foy then led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members were present.

COMMENTS FROM THE PUBLIC:

None.

APPROVAL OF AGENDA

The Town Administrator requested the minutes of the October 22, 2015 regular meeting minutes be removed from the Consent Agenda. **A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the September 24, 2015 regular meetings, October 8, 2015 and ~~October 22, 2015~~ regular meetings.

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

PROCLAMATIONS AND PRESENTATION

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Not present.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 425

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 5, C-1 LIMITED COMMERCIAL DISTRICT, SECTION 58-213, PROHIBITED USES, TO PROHIBIT ANIMAL SALES; 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 Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Council Member Plyler, seconded by Vice Mayor Gordon and unanimously passed (4-0) to adopt Ordinance No. 425 on second reading.

ORDINANCE NO. 432

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 26, PEDDLERS AND SOLICITORS, BY ADDING A NEW ARTICLE III, SECTION 26-30, TO PROHIBIT CANVASSERS OR SOLICITORS IN THE PUBLIC RIGHT-OF-WAY AT CERTAIN INTERSECTIONS WITHIN THE TOWN, MAKINGS FINDINGS AND ARTICULATING THE PURPOSE AND INTENT OF SUCH REGULATIONS, PROVIDING FOR ENFORCEMENT AND PENALTIES PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to adopt Ordinance No. 432 on second reading.

ORDINANCE NO. 433

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4, R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 58-199, SPECIAL EXCEPTIONS, TO ALLOW SELF SERVICES STORAGE FACILITIES; 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 Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to adopt Ordinance No. 433 on second reading.

ORDINANCE NO. 434

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 58-331, STORAGE SHEDS, TO MODIFY THE SIZE OF THE STORAGE SHED ALLOWED BASED ON LOT SIZE; 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 Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Council Member Plyler, seconded by Vice Mayor Gordon and unanimously passed (4-0) to adopt Ordinance No. 434 on second reading.

ORDINANCE NO. 435

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF

ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4, R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, SECTION 58-199, SPECIAL EXCEPTIONS, TO ALLOW SELF SERVICES STORAGE FACILITIES; 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 Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Plyler and unanimously passed (4-0) to adopt Ordinance No. 435 on second reading.

ORDINANCE NO. 436

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, CODE OF ORDINANCES, BY AMENDING ARTICLE I, SECTION 58-8, DEFINITIONS, TO MODIFY THE DEFINITION OF CONGREGATE LIVING FACILITY, AND TO AMEND ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 11, CONGREGATE LIVING FACILITIES REGULATIONS, TO ADD REQUIREMENTS CONCERNING SOBER LIVING HOME REGULATIONS INCLUDING REGISTRATION, ADVERTISING, INSPECTIONS, SUSPENSION OR REVOCATION OF PERMIT, AND EVICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to adopt Ordinance No. 436 on second reading.

FIRST READINGS AND REGULAR AGENDA

Consider Plat approval for Haverhill Pointe

Mayor Foy recused himself from discussion and voting on the matter before the Council due to a possible conflict of interest resulting from a prior business arrangement with his firm and the applicant.

Town Planner Josh Nichols and Town Engineer Todd McLeod presented Staff's report. He explained that open space tracts 1-7 were reserved to Haverhill Baptist Church for future dedication to those property owners.

A motion was then made by Vice Mayor Gordon and seconded by Council Member Plyler and passed 3 – to approve the Haverhill Pointe and to authorize the Mayor to sign the Plat on behalf of the Town of Haverhill in his administrative capacity. The vote passed 3-1, with Mayor Foy abstaining from the vote.

Consider application for minor subdivision as filed by Carlos Gonzalez, agent for Gustavo Solana (Cheryl Road – PCN 22-42-43-26-00-0005330)

Josh Nichols presented staff's report. He explained that the request for a minor subdivision and approval of a Preliminary Plan within the Town of Haverhill municipal boundaries to create a total of three parcels mirrors the existing lots on the west side of Cheryl Road.

The applicant Carlos Gonzalez and the property owner Gustavo Solana were present. They represented that the Department of Health had already been contacted. A brief discussion followed.

Town Planner Nichols explained that the Town Code requires that any subdivision of land within the Town into two or more lots shall be done by Plat.

The applicant and property owner expressed objection to having to file a Plat. It was confirmed by Staff that the property across the street had been platted.

Reviewing the two options for recommendation before Council, a motion was made by Vice Mayor Gordon, seconded by Council Member Plyler and unanimously passed (4-0) approve the preliminary subdivision plan to subdivide the subject property onto three parcels in accordance with Section 54-4 and Sections 58-166 – 170 subject to the condition that the final plat must contain the information as required by Section 54-4 (c)(2), F.S. 177, and any items relative to the approval of the Preliminary Plan by the Town Council and any conditions relating thereto, including comments by the Town Engineer.

REPORTS

Town Attorney

Attorney Foster reported the Town had received a request for reasonable accommodation from Attorney Lynne pertaining to the sober house located at 791 Haverhill Road.

He reported that the theme for this year's South Florida Fair would be "Discover the Palm Beaches". They would be offering all Palm Beach municipalities a free space at the fair to highlight and showcase their Town. Further information would be forthcoming.

Mayor

Mayor Foy reported that he had visited Council Member Beavers at Hospice on the day he passed. The Mayor was confident that although Council Member Beavers was not awake during the visit, he was at peace.

He next reported on the Palm Beach County League of Cities District 2 and 3 luncheon.

The Loxahatchee River Plan has been placed on hold due to lack of funding.

Regarding the FEMA FIRMs, there had been a meeting with Palm Beach County and the municipalities to discuss the acquisition of LIDAR data and specific products that could be obtained at the same time.

Town Administrator

The Town Administrator reported that Council Member Beavers' wife, Peggy had requested hosting a "Celebration of Life" at the Town Hall. Council supported the idea.

She next reported on the success of the Halloween event held on October 30, 2015.

A brief discussion took place regarding the upcoming election and whether an appointment would need to be made prior to the March 15, 2016 election.

Committee/Delegate Report

Treasurer's Report

Included in packet

UNFINISHED BUSINESS

None.

NEW BUSINESS

Vice Mayor Gordon requested Council support in passing a Proclamation declaring December 1, 2015 World HIV Aids day. Mayor Foy commented he was not in support of Proclamations.

A motion was then made by Council Member Plyler and seconded by Vice Mayor Gordon to pass a Proclamation proclaiming December 1, 2015 "World AIDS Day"; and to urge all residents of the Town of Haverhill to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge and urge residents to join the global effort to prevent further spread of HIV/AIDS.

The motion passed 3-1, with Mayor Foy voting against.


TRI CITIES BAR B Q

Mayor Foy reminded all the the Tri Cities Bar b q and golf tournament would be held on December 4, 2015 in Belle Glade.

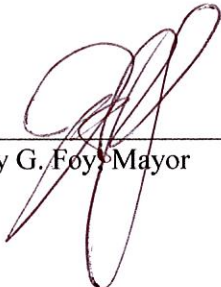
ADJOURNMENT

With no further business to come before the Town Hall, the meeting adjourned at 7:45 p.m.

Approved: December 10, 2015



Janice C. Rutan, Town Administrator



Jay G. Foy Mayor

