

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 ~ October 8, 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
- VII. PROCLAMATIONS AND PRESENTATION**
  - a. Proclamation in remembrance of Jeffrey Renault, Town Engineer
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. Resolution 2015-07: A Resolution of the Town Council of the Town of Haverhill approving an accessory dwelling unit for 940 Woodland Avenue
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Consider Plat approval for Haverhill Pointe
  - b. Act on request for lien reduction for 4811 Dorchester Mews as requested by Tracy Lalim on behalf of Shapiro Fishman and Gache', LLP
- 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 ~ October 8, 2015**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, October 8, 2015 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Jo Plyler, Council Member and Mark C. Uptegraph, Council Member; Council Member Beavers participated via telephone. Also present were Town Attorney John Foster and Town Administrator Janice C. Rutan.

**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, with the exception of Council Member Beavers.

**COMMENTS FROM THE PUBLIC:**

Attorney Foster addressed the Council and those present explaining that although they may have received a notice for a Public Hearing, the request for Special Exception to allow for an accessory dwelling unit as filed by the property owners of 1121 Trailway would not be on this evening's agenda and would not be heard by Council.

**APPROVAL OF AGENDA**

The Town Administrator reported that the approval of the Haverhill Pointe Plat had been removed from the agenda per the request of DR Horton. Attorney Foster noted he would be presenting, for adoption, Resolution 2015-08, and for first readings, Ordinances 425, 432 through 436. 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**

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

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

Deputy Willie Hanks was present to report on the statistics from September 24, 2015 through October 8, 2015. There had been reports of suspicious persons, a domestic dispute, alarm calls, accidents, hit and run and 19 case numbers had been issued. There had been no burglaries, no break ins or stolen cars during the prior two weeks. The Council expressed their appreciation to the Palm Beach County Sheriff's office.

**PROCLAMATIONS AND PRESENTATION**

**Proclamation in remembrance of Jeffrey Renault, Town Engineer**

Eileen Renault, widow of Town Engineer Jeffrey Renault was present to accept the Proclamation on behalf of her late husband. Mayor Foy read the Proclamation into the record and presented a framed copy to Mrs. Renault. She expressed her appreciation to the Town Council and thanked them for the recognition. She added that Jeff had enjoyed working as the Town Engineer as he always considered Haverhill his home.

## **SECOND READINGS AND PUBLIC HEARINGS**

### **Resolution 2015-07: A Resolution of the Town Council of the Town of Haverhill approving an accessory dwelling unit for 940 Woodland Avenue**

The Town Administrator presented Staff's report. Both she and the Town Planner recommended Town Council approval of Resolution 2015-07 allowing for an accessory dwelling unit in the garage at 940 Woodland Avenue.

Mr. and Mrs. Ferrer were present in the audience and presented the Town Council with a sketch of the proposed ADU.

**A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve Resolution 2015-07 approving the special exception to allow for an accessory dwelling unit at 940 Woodland Avenue.**

## **FIRST READINGS AND REGULAR AGENDA**

### **~~Consider Plat approval for Haverhill Pointe~~**

### **Act on request for lien reduction for 4811 Dorchester Mews as requested by Tracy Lalim on behalf of Shapiro Fishman and Gache', LLP**

Ben Werber was present representing the bank. The attorneys for the bank had made an offer of \$3,500 to settle the lien with the Town.

Joseph Roche, Director of Public Services presented Staff's report. He explained that the property had been in disrepair and the Town had placed a lien that did not come into compliance until June of 2015, however, the pool was still non-compliant until July 2015. The total amount due the Town of Haverhill was \$59,500 of which \$2,000 was actual costs incurred by the Town.

Vice Mayor Gordon suggested the Town reduce the lien to \$20,000. Mr. Werber was unable to negotiate with the Town. He noted it may be cheaper for the bank to reforeclose the property. Vice Mayor Gordon expressed his frustration in the bank sending a representative to come before the Council with no authorization to act on behalf of the bank.

It was suggested that Mr. Werber gather certain information and get back in contact with the Town to further negotiate the lien reduction. He was asked to be prepared to tell Council the amount of the loan default and how much the property was being sold for.

By general consensus, Council authorized Vice Mayor Gordon to negotiate on behalf of the Town with the assistance of Staff.

## **FIRST READINGS**

### **RESOLUTION 2015-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, RECOGNIZING, ACKNOWLEDGING AND SUPPORTING THE FLORIDA CIVIL RIGHTS ACT, THE FLORIDA FAIR HOUSING ACT, THE FLORIDA LAW GOVERNING NON-DISCRIMINATION AT PUBLIC LODGING AND PUBLIC FOOD SERVICE ESTABLISHMENTS, THE PALM BEACH COUNTY EQUAL EMPLOYMENT ORDINANCE AND THE PALM BEACH COUNTY EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

The title was read by Attorney Foster. A discussion followed. Vice Mayor Gordon wanted the Town to adopt an Ordinance. Attorney Foster explained that if the Town were

to adopt an Ordinance, it would need to include all aspects of the Civil Rights Act and not just those included in the Resolution.

Discussion followed.

**A motion was then made by Council Member Uptegraph and seconded by Council Member Plyler to adopt Resolution 2015-08. The motion passed 3-1, with Vice Mayor Gordon voting against the motion for the reasons cited above.**

**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. **There being no public comment, a motion was made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve Ordinance No. 425 on first 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. **There being no public comment, a motion was made by Council Member Plyler, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 432 on first 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. Attorney Foster explained the purpose of Ordinance 433 was to correct a scrivener's error caused by the adoption of Ordinances 458 and 463. **There being no public comment, a motion was made by Vice Mayor Gordon, seconded**

by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 433 on first 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.

**Stacy Herig and Bruce Brown, 5118 Club Road.** Ms. Herig and Bruce Brown introduced themselves to the Council. They had recently purchased their home on Club Road and expressed support in adopting Ordinance No. 434.

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

**There being no public comment, a motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 435 on first 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. Attorney Foster explained that the recitals for the basis for enactment of the Ordinance, He reviewed each recital in great detail with Council as justification for the adoption of the Ordinance needed to be very clear. It clearly showed that the requirements included in the Ordinance were reasonable and not overly restrictive.

**There being no public comment, a motion was made by Council Member Plyler, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 436 on first reading.**

**REPORTS**

**Town Attorney**

Attorney Foster reported that regrettably, he would be unable to attend the October 22, 2015 Town Council meeting and pavilion dedication ceremony as he would be out of Town on business. Attorney Fuchs would be attending.

**Mayor**

Mayor Foy reported on the interview he had given with members of the Jehovah Witness Kingdom Hall for their grand opening ceremony.

He noted the NPDES reports were now due.

He had attended the Palm Beach County League of Cities District II and III luncheon.

**Town Administrator**

The Town Administrator reminded all that Devon Esplin would be getting married on October 10, 2015 and would be out of the office for the two weeks enjoying her honeymoon in Europe.

**Committee/Delegate Report**

None.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

None.

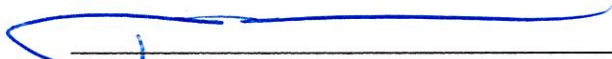
**NEW BUSINESS**


None.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:20 p.m.

Approved: November 19, 2015

  
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Janice C. Rutan, Town Administrator

  
\_\_\_\_\_  
Jay G. Foy, Mayor



**PROCLAMATION**

**Jeffrey David "Jeff" Renault**

*WHEREAS, Jeffrey David "Jeff" Renault passed away on July 11, 2015; and*

*WHEREAS, Jeff Renault was a true friend of the Town of Haverhill, having been raised here as a child and in later years serving as the Town of Haverhill's Town Engineer; and*

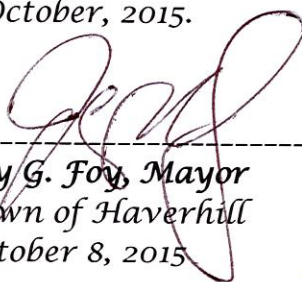
*WHEREAS, Jeff always let his love of the Town of Haverhill be known in his dedication through his engineering services and through his actions and support of many of the Town's functions, as Jeff could often be seen behind the scenes at the Town picnic, frying fish for the masses, serving food to the residents, sharing stories of Haverhill in its early days such as when he served as a paper boy, delivering copies of the TV Guide on horseback through dirt roads and just enjoying the hometown feel of the Town he always called home, and*

*WHEREAS, Jeff's love of the Town was in his blood, his mother Lucy having served as the Town's first Mayor; so it was only natural for him to always have the best interests of the Town at heart while serving as the Town's Engineer, and*

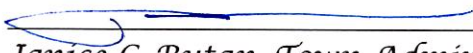
*WHEREAS, Jeff's love of his family, wife Eileen, and son Ryan was evident in the stories he often shared; how he loved golf, his neighborhood, decorating his home for the holidays, his cats, cruising and the many adventures that came along with his worldwide travels; his tales would bring a twinkle to his eye and always a smile to the listeners face, and*

*NOW THEREFORE, I, JAY G. FOY, Mayor of the Town of Haverhill, on behalf of the Town Council and Town residents, do hereby extend our condolences to Jeff's family and all those whose lives were touched by the pleasure of knowing Jeff and do further hereby declare July 11<sup>th</sup> to be Jeff Renault day in the Town of Haverhill.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Haverhill to be affixed this 8<sup>th</sup> day of October, 2015.*

  
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**Jay G. Foy, Mayor**  
Town of Haverhill  
October 8, 2015

**ATTEST:**

  
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Janice C. Rutan, Town Administrator

