

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 OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, January 23, 2020
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 November 5, 2019 and December 2, 2019 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- VI. REGULAR AGENDA AND FIRST READINGS**
 - a. Schedule LPA and Public Hearing for the consideration of Ordinance No. 477 Rezoning
 - b. Schedule Public Hearings for the adoption of Ordinances No. 478 - 487
- VII. 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**

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 OF HAVERHILL
WORKSHOP
Thursday, January 23, 2020
OFFICAL MINUTES**

The Town Council of the Town of Haverhill Town Council held a workshop on Thursday, January 23, 2020 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. The purpose of the workshop was to receive public input on the proposed Ordinances being considered by the Town Council. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member and Daniel Sohn, Council Member. Also present were John Foster, Town Attorney; Janice C. Rutan, Town Administrator.

CALL TO ORDER

The Workshop was called to order at 6:00 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 with the exception of Council Member Harvin.

Mayor Foy welcomed all to the meeting. He thanked all for participating in the third workshop held to discuss proposed Ordinances. Mayor Foy introduced Attorney Foster who would highlight the changes being considered for Ordinance 480, Fences and Hedges with less restrictions than the present Ordinance. The other matter to be considered is recreational vehicles and boats, etc. Because they cannot vote at the workshop, Mayor Foy noted he would make a recommendation at the regular meeting that the Town Council consider moving forward with the less controversial Ordinances and hold off on the other Ordinances until they have received input from the residents. They will ask the Town Administrator to enforce the most egregious code and not the code violations for matters that will be coming before Council.

Attorney Foster provided Staff's report and handed out the revised drafts of Ordinances. He highlighted specific changes to the hedge and fence Ordinance. He noted that all fences must be upright and in good condition and all hedges maintained in a healthy condition. . He referred to item 'h', which was the clause noting that those properties that may not have been in compliance with Section 58-319 would now be in compliance.

With respect to the RVs, he commented that resident Bill DeBay had made certain recommendations and using his comments, he agreed to delete the reference to recreational vehicle. He included the definition for commercial vehicles and with regard to travel trailers, that section too was deleted. There was an exception made noting that a truck and adjoining trailer would be considered one commercial vehicle.

Attorney Foster next referred to the section of the Ordinance that tied the number of water craft permitted per lot to the size of the lot. He explained this provision in great detail. Ord. 487 only repealed the red light camera ordinance that was adopted many years ago. Ord. 488 is the moratorium for medical treatment facilities within the Town. He reported how the State legislation was preempting the power of municipalities to govern their own governments and this was a prime example. A medical marijuana dispensing establishment would become so

onerous to open because of the legislation. Extending the moratorium does not limit or restrict the use of medical marijuana by any person.

The Mayor reminded all to state their name and address when they step up the podium. He also reminded all that this was a workshop and there would be no vote taken. He also reminded all that the restriction on the number of commercial vehicles, recreational vehicles, watercraft etc. referred to only what was out of doors. If you were able to store those in your garage or accessory building, those vehicles/vessels would not be counted in the number allowed per lot.

He felt that maintenance of landscaping is more important than height as long as there is a clear area that public safety can see into, he was fine with the 10' height being proposed.

Attorney Foster commented that he had forgotten to mention an important inclusion in the vehicle Ordinance that staff was recommending which would allow for up to 7 days for the loading and unloading.

Brian Smith, 1133 Palmetto Road. He referred to the definition of water craft. He recommended that any vessel not registered should be stricken from the definition of water craft. This would then exclude canoes and kayaks and paddle boards.

Bill DeBay, 5170 Belvedere Road. Exception Section 1 concerned that the word trailer is not included in all options. Attorney Foster would make the correction.

Carol Newhart, Luwal Drive. Would an extension to the 7 days for loading, unloading and service be granted? It was explained that the extension provision in the Ordinance had not been changed. She then asked why the agenda had been changed from addressing temporary structures (tiki huts) etc. Attorney Foster explained that at the last meeting he announced he would be bringing the revisions to the vehicle and fences/hedges back to the Council for consideration. Ms. Newhart expressed her frustration as she has had to reschedule her commitments to be here instead of taking care of her 85 year old mother only to find out the matter she wished to discuss, temporary buildings, would now be heard next month when she would be out of Town.

Robert Roessler, 1010 Pineway. He suggested there be more information be available on the website.

Mayor Foy suggested these persons wanting to be kept informed of matters before the Town Council provide their e-mail address to the Town Administrator. He explained that the website is limited to what is allowed by ADA requirements.

Bob Smith, 1131 Palmetto Road. He asked about the 6' requirement for screening. It was explained that it had to be a minimum of 6' but could be higher. He then asked about wind mitigation. He commented that until the Town decides what is required, he should not be held in non compliance.

Mayor Foy explained that the Council has requested the Town Administrator to enforce only the most egregious code cases. Council cannot direct the Code Enforcement officer.

Jennifer Kindred, 1121 Cheryl Road. She thinks "at least" should remain. Attorney Foster explained the intent be that the screening be a minimum of 6'.

Brian Smith, 1133 Palmetto Road. He commented that looking at a screen would look worse than looking at the boat and/or camper. The Ordinance leaves the type screening open ended which could look quite offensive.

Michael Jordan, Code Enforcement Officer commented that the screening must be clearly defined. From experience, the term “screened from view” needs to be clear so it can be enforced clearly and fairly.

Jennifer Kindred, 1121 Cheryl Road. She does not own a boat or RV, but does walk the neighborhood and she has no objection to seeing her neighbor’s boat or RV.

Vice Mayor Gordon explained the Town was looking for the vessel/ RV to be behind a gate or fence, clearly screened from view with maybe 4’ of the height of the vessel/RV being visible. No one would be penalized in 4’ of the RV is seen from view.

Jennifer Kindred, 1121 Cheryl Road. She requested clarification if the fence needed to be 4’ or 6’.

Pam McCarty, 1157 Palmetto. Is a fence even needed? Why does it need to be screened as long as it is parked where needed, etc.?

Dave McCarty, 1157 Palmetto Road. Can it be defined as a fence, hedge or screen?

Attorney Foster will look at dropping the requirement from the Ordinances.

Kurt Putzig 1061 Palmetto Road. He complained about the limitation of putting the vegetation out only during a certain window of time. He understood that during a storm event vegetation cannot be placed curbside, however, because of his hectic work schedule he is limited to the times he can maintain his property and they often do not coincide with the Town’s window. Mayor Foy explained that it was an aesthetic matter in addition to getting in the way of Town Staff mowing the Town’s Rights of Way.

William DeBay, 5071 Belvedere Road. Is the Town still proposing that a person hired to perform landscape maintenance including trimming of trees on private property within the Town, is responsible to remove the vegetation. He commented that as a taxpayer, the vegetation is coming from the property being assessed for the taxes, whether he performs the maintenance himself or hires someone to perform the maintenance.

Mayor Foy agreed with Mr. DeBay when it came to regular landscaping maintenance, however, he would not be in favor of a large landscaping leaving behind 4 trees as that should not be considered routine maintenance and as such, the contractor should be expected to remove the trees.

The Town Administrator explained that often times, the landscape contractor will leave behind vegetation from jobs they had completed earlier in the day in other municipalities.

Beverly McGahee, 5468 Ontario. Complained about her neighbor’s home on Stratford Road that is a disaster and is infested with rats and other rodents. She asked what could be done. Other neighbors concurred with her.

The Town Administrator responded it was a Code Enforcement issue and she would follow up.

She further asked for clarification as to what the Town considered a hedge. The Town Attorney responded the Town was working on that definition.

Council Member Sohn addressed Mr. DeBay commented about landscape contractors being registered with the Town.

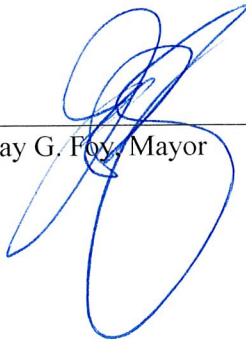
Mayor Foy expressed his appreciated to all those in attendance.

With no further business to come before the Town Council, the work session adjourned at 6:55 p.m.

Approved: 5.14.2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

**TOWN OF HAVERHILL
REGULAR MEETING
Thursday, January 23, 2020
OFFICAL MINUTES**

The regular meeting of the Haverhill Town Council was called to order immediately following the close of the Workshop. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member and Daniel H. Sohn, Council Member.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:15 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 Council Member Harvin.

COMMENTS FROM THE PUBLIC

Edward Stalf, 5263 Belvedere Road. Mr. Stalf inquired as to the status of the Trailer Park property.

Mayor Foy explained that because there was not a second at the last meeting there was no Council action taken. Council would be setting the Public Hearing schedule for both the LPA and the Town Council later in the agenda.

Ray Caranci, 819 Mimosa. Mr. Caranci inquired as to when the Traffic Performance Standard letter was due. The Town Administrator replied that it had been received.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

**Approval of the minutes of the November 5, 2019 and December 2, 2019 Workshop
A motion was made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve the Consent Agenda as presented.**

PROCLAMATIONS AND PRESENTATION

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

None.

REGULAR AGENDA AND FIRST READINGS

Schedule LPA and Public Hearing for the consideration of Ordinance No. 477 Rezoning

The Town Administrator offered Staff's report. She explained that at the January 9, 2020 meeting of the LPA, a motion to recommend approval died for a lack of a second. A second motion as then made to defer action on the matter. Because a date certain was not given, the Town Council would now need to readvertise the petition, notify abutting property owners and schedule 2 public hearings for the LPA and first reading of Ordinance 477 and a second public hearing for the adoption of Ordinance 477 and the site plan approval. It was staff's

recommendation that the meeting of the LPA and first reading be held on February 27, 2020. The second reading and final hearing and site plan approval be scheduled for March 12, 2020.

Vice Mayor Gordon confirmed that the Town homes would be replacing the Trailer Park and Mayor Foy confirmed that this would be the rezoning of the 1.88 acre parcel of land presently owned by the Haverhill Baptist Church. Mayor Foy explained that the trailer Park property already had a zoning classification of R-3 therefore this change would result in a net increase of 3 units.

A motion was then made by Council Member Uptegraph and seconded by Vice Mayor Gordon to schedule the public hearings as presented by Staff.

Council Member Uptegraph expressed his dismay that the Town Council had to reschedule something that should have moved forward as it had been discussed at great length on several occasions by the Town Council.

The vote was called and passed 4-0.

Schedule Public Hearings for the adoption of Ordinances No. 478 – 487

Attorney Foster explained that at the time the notices for these Ordinances had been sent out, the meetings had been scheduled for January 9 and January 23, 2020. The first and second reading of those Ordinances were next going to be considered in February. Attorney Foster asked that Ordinances 486 and 487 be heard in February as planned, but the remaining Ordinances 478 – 486 be put out until April 9 and April 23, 2020.

A motion was made by Daniel Sohn, seconded by Vice Mayor Gordon and unanimously passed (4-0) to continue the Public Hearings for Ordinances 478-486, inclusive, to April 9 and April 23, 2020.

A resident in the audience commented that he had only received some of the Ordinances.

Attorney Foster explained that Ordinance 477 was repealing the Ordinance addressing the red light cameras. Ordinance No. 488 dealt with extending the moratorium on dispensing Medical Marijuana. There is pending legislation that may be in favor of the Town but it was his recommendation the moratorium be extended. He added that the proposed legislation does not limit the use of medical marijuana. He noted the new language is Medical Marijuana retail facility.

He briefly touched on vacation rentals. Senate Bill 1128 and House Bill 1011 is pending that would extremely limit the Town's ability to regulate any vacation rentals. The Florida League of Cities vehemently opposes the proposed legislation and as such any action taken by the Town should be put on hold until the status of the pending legislation plays out.

Mayor Foy commented that he would not want to implement any interference to medical marijuana.

Jeff Waite, 630 Tall Pines Road. Do Airbnb have to follow fire codes, ADA requirements, etc.? Attorney Foster replied he was sure they had to comply with Fire Safety Codes but was unsure of ADA requirements. He added that the Town had intended to impose several requirements but because the legislation is not allowing any regulation of vacation rental facilities, the Town's hands are tied.

Ray Caranci, 819 Mimosa Court. Would the proposed legislation affect rentals in the Town? Attorney Foster responded that it was a short term rental it would be. He complained about properties in Town chopping up their homes and rent rooms. If the Town had a rental license

program they could regulate the properties as to how many people living in properties. Attorney Foster added that the proposed legislation would not allow regulation to number of occupancy and inspection for ALL rentals, not just short term.

By general consensus the Town Council agreed to have first reading of Ordinance 487 and 488 at the February 13, 2020 and February 27, 2020 meetings of the Town Council.

SECOND READINGS AND PUBLIC HEARINGS

None.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy reminded all that during the workshop he had mentioned asking the Town Administrator to step back enforcing code other than for the more egregious cases until the Town Council adopts new Ordinances.

He reported that Michael Jordan, present Code Enforcement Officer has given his notice with the Town effective February 7, 2020.

By general consensus all members agreed to request the Town Administrator refrain from actively pursuing code violations relating to Ordinances under revision.

The Town Administrator requested those persons who may have suggestions on Ordinances or would want to receive copies, etc. please send her an e-mail or reach out to her.

Town Administrator

She had received a request from Nicole Whitcoon from the Palm Beach County League of Women Voters asking for the Town to support a candidate's forum with only Haverhill candidates. Vice Mayor Gordon was in favor of providing the residents of Haverhill an opportunity to meet their candidates provided it was limited to Haverhill residents and not outside forces that could give a certain impression. Mayor Foy had no issue with Vice Mayor's restriction and added he was in favor provided it remained non partisan.

By general consensus the Town Council authorized the Town Administrator to move forward with the Candidate's forum.

The Town Administrator reported she has had many inquiries and asked if the Town Council would want to reconsider renting the pavilion. It was agreed that the process puts an undue burden on staff. Suggestions included collecting a large deposit to be sure the property would be left in good condition. Discussion followed and the Town Administrator would report back.

With regard to holding an annual picnic to get the residents out to push their participation in completing the 2020 census. Mayor Foy commented that although he supported the picnic he could never be a champion of it. The Town Administrator wanted direction as to whether she could suggest to the Complete Count committee move forward with a picnic. They would be meeting the following Monday.

Council member Sohn stated that he preferred the word barbecue as the term picnic had a racist connotation to it. He supported the picnic for the education proponent of the census.

A resident had asked how one could use the ballfield and pavilion and confirmed that it was tax payers dollars that paid for the maintenance of the ballfield.

She hoped if the picnic was to move forward, it be done between Mach 12, when the first census mailing went out and April 1, Census Day.

Haylee Sosa, Ontario Drive. Expressed her desire that the residents be allowed to rent the pavilion. She herself had rented it on several occasions and there was never a problem.

Committee/Delegate Report

Vice Mayor Gordon reported on the League of Cities meeting and the presentation of Flood Maps that had been amended. He said there would be a workshop on the coastal flooding risk February 4 – 6, 2020. There would be a workshop for newly elected officials in April sponsored by the League of Cities.

Vice Mayor Gordon reported on a recent case, Igway vs. the City of Miami. Mr. Igway had sued the City of Miami and won. However, the City appealed, and on appeal, the appeal court ruled that Mr. Igway had not followed the administrative procedure to sue the City and therefore he lost the case.

Vice Mayor Gordon attended Palm Beach County Days in Tallahassee. While there he met with the town's lawmakers and Senators and Representatives. He is looking into grant funding for the septic to sewer transition and will follow up with the Senator on Saturday.

He had participated in the Mayor's parade at the South Florida Fair representing the Town of Haverhill this past Sunday. It was an enjoyable event and the weather was beautiful.

Bob Smith, Palmetto Road. His house was built in 1944. 4 years ago his house had been placed in the flood zone. Mayor Foy gave a brief explanation and the Town's efforts is removing properties from the modeling of the maps and the procedure of how the maps are formatted.

Ray Caranci, 819 Mimosa Court. He noted how there is a way to appeal the inclusion of his property in the flood map. He may research getting a letter of map amendment.

Treasurer's Report

Not available

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

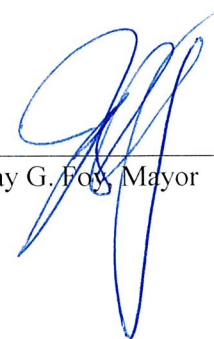
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:07 p.m.

Approved: 5.14.2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

SIGN IN SHEET

TOWN OF HAVERHILL – TOWN COUNCIL PROPOSED ORDINANCE WORKSHOP – TEMPORARY STRUCTURES

Thursday, January 23, 2020

6:00pm – 7:00pm

AND

REGULAR TOWN COUNCIL MEETING

Thursday, January 23, 2020 7:00 p.m.

Name	E- Mail Address	Signature
Beverly McGrath		BMcGrath
Loreola Anderson		Loreola Anderson
Carol Newhart		Carol Newhart
Mark Newhart		Mark Newhart
Jennifer + Jeff Kindred		JKindred
Ed + Linda Rugeck		E.Rugeck
Bruce DeBay		BDeBay
Don B. Smith		Don B. Smith
Brian Smith		Brian Smith
Ron Brunner		Ron Brunner
Kurt Hella		Kurt Hella
Champagne		Champagne
Kurt + Patricia		Kurt + Patricia
Harley Sosa		Harley Sosa
Phillip Bancroft		Phillip Bancroft
LINDA + JEFF WHITE		Linda White

