

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Dennis Withington, Council Member
Ray Caranci, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**Town Council
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Tuesday, July 7, 2020**

NOON

AGENDA

- I. Call to Order**
- II. Presentations/Proclamations**
- III. New Business**
 - a. Review of proposed Civil Rights Ordinance as recommended by the Palm Beach County Human Rights Council**
 - b. Discussion of Ordinances (noise, above ground pools, ADUs)**
 - c. Discussion of highest and best use of Town owned property**
- V. Old Business**
 - a. Update on Berkeley Mews Drainage/Briarwood Drainage**
- VI. Council, Attorney and Staff Reports**
- VII. 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

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TOWN COUNCIL WORKSHOP

JULY 7, 2020

IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until 10:00 a.m. on July 7, 2020. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council, access to the Town Hall by the public will be limited to no more than 10 persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing or sneezing will not be permitted in the Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the workshop begins, all participants will be muted, however, after Council discusses a specific workshop item, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding during these uncertain times.

**TOWN OF HAVERHILL
Town Council Workshop
July 7, 2020
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, July 7, 2020 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Mark Uptegraph; Council Member Dennis Withington; Council Member Ray Caranci; Town Attorney's Lance Fuchs and Dominic DeCesare; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Code Inspector Devon Kirms.

I. CALL TO ORDER

Mayor Foy called the meeting to order at 12:05 p.m. and reminded all attendees this is only a workshop and no voting can take place

Introduction of all attendees.

II. PRESENTATIONS / PROCLAMATIONS

Captain Johnson and Lieutenant Terrence Carn of the Palm Beach County Sheriff's Office were in attendance.

Captain Johnson thanked the Town for allowing them to attend on short notice. He explained their primary reason for today's visit was to introduce Lieutenant Carn to Town Council and Staff as Lieutenant Swank had retired. Lieutenant Carn will now be the contact for issues that may arise in the Town. Captain Johnson asked if the Town had any pressing issues to discuss. Discussion ensued.

Mayor Foy stated we continue to support the Sheriff's Office and feel their service is one of the most important services we can receive through our tax dollars and appreciate their service very much. Discussion ensued.

Town Administrator Rutan asked Captain Johnson if he had noticed a decline in recruitment. He stated even with the current environment, the recruitment and hiring process is still ongoing. He is seeing more officers coming over to PBSO from other departments. Discussion ensued.

Lieutenant Carn stated he had been with the Palm Beach County Sheriff's Office for twenty-two (22) years coming from the City of Boynton Beach where he worked for two

years. He stated he wanted to work closely with the Town making the Town's priorities, his priorities. Discussion ensued.

Council Member Caranci stated the safety and security was his number one issue as far as he was concerned as that is the one thing that keeps us stable and a community pulled together. Residents have a good sense when they see the patrol cars and knowing the police are in Town.

Town Administrator Rutan stated she likes seeing on the daily end of shift report where the Deputy had made face to face contact with residents. It is comforting to the Town's residents just knowing the patrol car is in Town patrolling the streets. Discussion ensued.

III. NEW BUSINESS

a. Review of proposed Civil Rights Ordinance as recommended by the Palm Beach County Human Rights Council:

Mayor Foy stated PBC Human Rights Council was invited to join us today but did not come.

Town Administrator Rutan included in today's packet, a memorandum and cover letter from Rand Hoch, President and Founder of Palm Beach County Human Rights Council. In the letter Judge Hoch explained there was no need for anyone to take up the Town Council's time today. Town Administrator Rutan reported that she and Town Attorney Fuchs had a brief conversation this morning as to how it might affect the Town of Haverhill.

Town Attorney Fuchs stated the Town had considered this Ordinance approximately 4 or 5 years ago and legally what Rand Hoch is proposing was an adoption of a variety of federal, state and county ordinances. Attorney Fuchs stated he believed the last time Mr. Hoch appeared the county ordinance had not been in place yet. Attorney Fuchs and Attorney DeCesare had taken a look at what was proposed and the only concern they would have as the Town Attorney was the ability of Town staff to enforce and create what would be required if the Town were to adopt the county statutes. The opinion of Town Attorney from a liability standpoint, was if the Town were to adopt this ordinance and not enforce it. Attorney Fuchs stated that Judge Hoch reported a lot of folks had adopted this ordinance but the problem with that is their budgets are huge making them able to create these enforcements. It is of the Town Attorney's opinion that a Town of Haverhill resident right now, could go to the County and avail themselves on what systematically has been put in place, which had cost the county quite a bit amount of money but without expenditure of Town dollars. If the Town were to

adopt the ordinance, then we would have to create a lot of things and that would just be a budgetary question for Town Council and an order to enforce it. Attorney Fuchs stated perhaps the better solution would be the adoption of a resolution and encouraging residents to go to the county to the extent they feel they have been discriminated against as a result of all these various terms. Discussion ensued.

Mayor Foy stated we did adopt a resolution in the past right. Vice Mayor Gordon replied yes, we did. Attorney Fuchs also replied yes and believe the only thing that would distinguish it was whether the county's system was in place at the time. This would have to be researched. Discussion ensued.

Vice Mayor Gordon asked Attorney Fuchs to please be more specific when he stated the Town must create some things. Attorney Fuchs explained the county ordinance creates an entire administrative body that looks at these types of issues and will essentially have an enforcement officer to investigate the complaint and possibly bring action for violating the ordinance. Town Attorney Fuchs' thought was instead of placing a budgetary burden on the Town, we would be better served trying to use (candidly) the county's resources through the Town as opposed to having to implement all these procedures. Attorney Fuchs stated we would have to have the county's consent but if the Town of Haverhill could enter in to an interlocal agreement with the county, then he feels that may be a remedy. Discussion ensued.

- b. Discussion of Ordinance - Noise, Above Ground Pools and ADU's (Accessory Dwelling Units):** Town Attorney Fuchs stated it was his understanding there was a resident in Town that enjoys playing his music quite loud and it all depends on where you are located as to whether you can hear it. He reported our noise ordinance is such that it is difficult to enforce. A decibel reader would be required, and Attorney Fuchs stated that unfortunately, the remedy for the residents complaining would be through a private nuisance action. At this point with the ordinance the way it currently reads, the Town cannot do anything. Discussion ensued.

Town Administrator Rutan said without a decibel reader and staff always available to act, this is another ordinance that is impossible to enforce. Mayor Foy asked what staff was looking to do. Town Administrator replied, take the ordinance off the books. Discussion ensued.

Town Administrator Rutan stated several years ago, they brought up the ADU ordinance which was designed for immediate family members only to help them in their years of aging or visa/versa. Instead of the Town getting rid of the ordinance because it was being so taken advantage of, the Town made many restrictions to it and now we are finding it impossible to enforce. As an example, Code Inspector Kirms inspects one to find the kitchen is gone, sink is gone,

bathroom is gone, etc. then Town Administrator Rutan gets a telephone call from the Department of Health saying they are enlarging the septic. CI Kirms stated, or we find an advertisement on Craigslist advertising the rental of the ADU for money. Discussion ensued.

Council Member Mark Uptegraph stated this is one of the problems he personally had with these ADU's and was so against them. He stated he had seen so many of these buildings not being used for the original purpose of immediate family members. Discussion ensued.

Town Administrator Rutan stated CI Kirms had been doing investigative type work and finding a great deal of them were never permitted. They were built as cabana's, laundry rooms, bathrooms and so on. Town Administrator Rutan stated that if these ADU's are on the books, they can turn them into illegal ADU's.

Vice Mayor Gordon asked what staff recommended. Town Administrator Rutan stated to remove them from the books. He asked if the existing ones would be "grandfathered" in. CI Kirms stated and only if the owner who had it built still owns the property.

Council Member Caranci asked, when making that decision, would it be a quasi-judicial decision when we grant these. Mayor Foy replied yes. Also, Council Member Caranci asked what we had to show that all the requirements have been met. Town Administrator replied, their application and the opinion of staff. Discussion ensued.

Council Member Caranci stated that another subject related to this was he could provide a list of the Single-Family homes that have been subdivided internally and into as many as four (4) units inside. Discussion ensued.

- c. **Discussion of highest and best use of the Town owned property (Ballfield):** Mayor Foy was looking for some feedback regarding the type of use the Town wants for this piece of property. A storage area was brought up as rental income. Vice Mayor Gordon would be in favor of affordable housing. A soccer field was another idea, but the parcel was too small. Council Member Dennis Withington also suggested single family homes as it would blend in with the surrounding neighborhood. Mayor Foy suggested Town Administrator Rutan contact Town Planner Josh Nichols for his input on the parcel. Town Administrator Rutan also stated the Town Planner mentioned we should have an appraisal done. Vice Mayor Gordon stated yes let us have it appraised to see what we have to work with then a decision can be made. Discussion ensued.

IV. OLD BUSINESS:

- a. **Update on Berkeley Mews/Briarwood Drainage:** Town Administrator Rutan stated she had told Town Engineer Todd McLeod she would call him between 12:45p and 1:00pm today and is now unable to reach him for the workshop. T/A Rutan reported they should be done today. Code Inspector Kirms reported they were putting sod down today when she drove by earlier. Council Member Withington reported that Deborah Ayers, property owner of 4840 Berkeley Mews had sprinkler heads broken/damaged during the project and replaced herself. Vice Mayor Gordon stated she had a lot of money invested in her landscaping and asked if we could get a bill from her and have the company reimburse her. Town Administrator Rutan reported they are going around and power washing driveways and are still in the process of cleaning up. Discussion ensued.

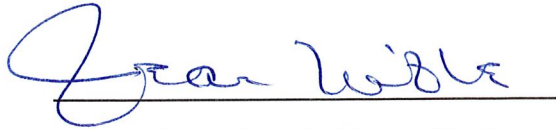
V. COUNCIL, ATTORNEY AND STAFF REPORTS:

- a. Vice Mayor Gordon explained he was wearing all black today because it was black out day in the African American community. We are supposed to dress in all black today and all purchases should be supporting black owned businesses.
- b. Vice Mayor Gordon stated he thinks we should really take a closer look at doing our meetings virtually by Zoom or any of the other programs available as it takes away all the risks. Mayor Foy stated he had a concern of the meeting getting bombed but is in favor if it is setup properly with no risk of bombing. Council Member Withington suggested doing a test run. Discussion ensued.
- c. Town Administrator Rutan reported she and Mayor Foy also discussed last week the public hearing scheduled next week on July 9, 2020 for the first reading of all the ordinances. Mayor Foy recommended we postpone until some later date if the Governor keeps extending the executive order, he thinks it is inappropriate for Town Council to consider adopting ordinances when the public may want to attend. Discussion ensued.
- d. The July 9, 2020 Town Council meeting was cancelled due to COVID-19 and the first reading of the ordinances will be held on Thursday, August 13, 2020 at Town Council meeting.
- e. Town Administrator Rutan stated the next Town Council meeting will be held on Thursday, July 23, 2020 to include setting the trim.

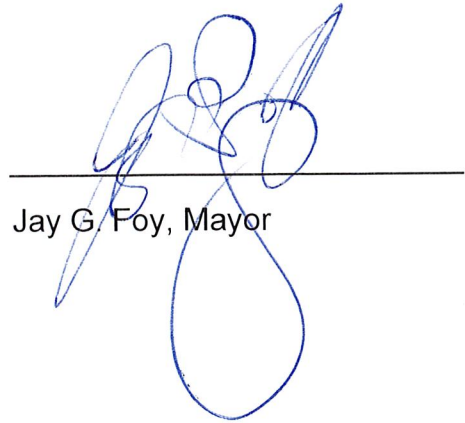
VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:30 p.m.

Approved: August 13, 2020

A handwritten signature in blue ink, appearing to read "Jean Wible", written over a horizontal line.




Jean Wible, Deputy Town Clerk

A handwritten signature in blue ink, appearing to read "Jay G. Foy", written over a horizontal line. The signature is highly stylized with large loops.

Jay G. Foy, Mayor

SIGN IN SHEET

TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
Tuesday, July 7, 2020
Noon

Name	Address	Signature
Terrence Carr	3228 Wm Church Rd	
Cpt R. Johnson	"	
Dominic Delesore	4425 Military Trail Suite 109	
Jay Fox		
Lawrence Gordon		
Mark Uptegraph		
Ray Coranci		
Dennis Withington		
Lance Fuchs		
Sanice Rutar		
Sean Wible		
Devon Kirms		