

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



**Town Council
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Tuesday, June 1, 2021
NOON**

AGENDA

- I. Call to Order**
- II. Presentations/Proclamations**
- III. New Business:**
 - a. Discuss proposed code amendments including proposed Charter Amendments**
 - b. Discuss Proposed improvements to drainage and sidewalks**
- V. Old Business**
- 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

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**TOWN COUNCIL WORKSHOP
JUNE 1, 2021**

Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until 10:00 a.m. on June 1, 2021. 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 and exhibit signs of illness, such as coughing or sneezing, please do not enter 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. Town Council has considered the health, safety and welfare of its residents and the public, and voted to continue to require face masks be worn during public meetings and public hearings in Town Hall and Town Council Chambers to address the Town Council. Those persons gathering outside the Town Hall are encouraged to maintain a separation of at least six feet from one another. 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 meeting 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.

TOWN OF HAVERHILL
Combined Town Council Workshop and Code & Ordinance Meeting
June 1, 2021
Town Hall – 4585 Charlotte Street

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, June 1, 2021, at Town Hall, 4585 Charlotte Street, Haverhill. Those present Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Dennis Withington; Council Member Teresa Johnson; Town Attorney John Foster; Town Attorney Dominic DeCesare; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Town Engineer Todd McLeod.

I. CALL TO ORDER

Mayor Foy called the workshop to order at 12:15 p.m.

II. PRESENTATIONS / PROCLAMATIONS

NA

III. NEW BUSINESS

- a. **Discuss proposed code amendments including proposed Charter Amendments:** Town Attorney Foster wanted to start with Ordinance 485 which dealt with airport regulations and adopting new regulations. The Town and Palm Beach County entered into a required interlocal agreement pursuant to Chapters 163 and 333, Florida Statutes, for coordinated administration and enforcement of airport zoning regulations to prevent encroachment into airport operational areas or airspace surfaces. Town Attorney Foster stated this Ordinance essentially adopted the standards that Palm Beach County/Department of Airports had.

Ordinance 485 – Airport Regulation: These provisions are intended to regulate permitted construction to promote maximum safety of aircraft arriving and departing from the publicly owned airports within proximity to the Town; to promote the maximum safety of residents and property in areas surrounding Palm Beach County's airports; to promote the full utility of Palm Beach County's airports; to provide structure height standards for airport hazards and uses within airport primary, horizontal, conical. approach and transitional surfaces so as to encourage and promote compatible development of land beneath said areas;

and to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones. Exhibit A attached.

Ordinance 483 – One Principal Building per Lot: - One principal building per lot. Within single-family residential districts only one principal building, which shall be the dwelling unit, and its accessory buildings, as authorized and permitted in this Code, shall occupy, or be constructed upon any lot or portions of lots that may be combined to meet the size required for each zoning district. A breezeway or other extension of the principal structure roof may connect another building or structure to the principal structure, but it shall not be considered part of the principal structure, unless there is only one breezeway, the additional structure is part of the same roof, and roofline, as the principal building, is intended to be part of the principal building, is part of the same foundation and slab as the principal building, such other building or structure is not more than ten feet from the principal building, and is considered an integral part of the dwelling unit. Otherwise, such other building shall be considered an accessory building or structure. **Discussion ensued.**

Ordinance 491 – Repealing Accessory Dwelling Units: Accessory dwelling units in residential zoning districts are permitted contemplated as special exceptions pursuant to Article V, Special Exceptions, of Chapter 58 because they can contribute needed housing to the community's housing stock. Accordingly, it is found that ADU's are a residential use which is consistent with the Town of Haverhill Comprehensive Plan goals and objectives, and which enhances housing opportunities that are compatible with single-family development." Town Attorney Foster reminded all that October 1, 2021, was the date essentially used to eliminate special exceptions for ADU's.

Section 58-564: Time limit for applications and development of ADU's

Notwithstanding anything contained herein to the contrary, applications for a special exception for an ADU shall no longer be received and processed by the Town, commencing October 1, 2021. Any application that is fully complete, and received and processed by the town prior to October 1, 2021, shall be presented to the town council for consideration. If approved, the owner of the property shall have six (6) months from the date of formal town council approval of the ADU in which to obtain a Certificate of Occupancy as an ADU, or the special exception approval for an ADU shall automatically be deemed void and of no further force and effect. Any ADU that has been lawfully approved and permitted by the Town prior to October 1, 2021, shall continue to be authorized as long as the provisions and requirements of Division 11, which were in effect as of October 1, 2021, are complied with, and the annual inspection is conducted, and permit is issued. Once an ADU, which has been lawfully permitted, is no longer authorized by the Town under the requirements of Division 11, the use shall cease, and the structure used as an ADU shall have the kitchen removed pursuant to the

provisions of Sec. 58-562. For any ADU that is approved by the town council on or before October 1, 2021, but not constructed or remodeled into an ADU as of said date, the owner of the property shall have six (6) months from the date of formal town council approval of the ADU in which to obtain a Certificate of Occupancy as an ADU, or the special exception approval for an ADU shall automatically be deemed void and of no further force and effect. **Discussion ensued.**

Town Attorney Foster stated we have a new section (565 Revocation) declaring it is unlawful for any owner of property which has been granted a special exception for an ADU to ever use the ADU as a rental unit, or in a manner inconsistent with the strict requirements of this Division. Advertising an ADU as a rental unit shall constitute prima facie evidence of a violation of the prohibition of this restriction and shall constitute grounds for issuing a notice of code violation. If an order is issued finding a violation on such grounds, the special exception shall be immediately revoked. **Discussion ensued.**

Ordinance 499 - Town Council Meetings: Town Attorney Foster stated this ordinance basically was to clarify that Town Council shall establish the time of any Council meeting. The regular meeting day of the monthly meeting of the council is hereby established as the second and fourth Thursday of each month. The time of any Council meeting shall be as established by the Town Council from time to time. Upon approval by the Town Council, a regular meeting may be cancelled or changed, or a special meeting called for a date and time certain. In addition, the Mayor or Vice Mayor in his or her absence, may cancel a maximum of one (1) Council meeting per month if it is determined that there is no business pending before the Town.

Town Attorney Foster reported that Town Council did in fact change their regular bi-monthly meeting time from 7:00pm to 6:30pm effective with the first July 2021 meeting to be held July 8, 2021.

Ordinance 500 - Medical Marijuana Dispensing Facilities Prohibited: (Sec. 58-157)

Town Attorney Foster stated this Ordinance basically stated that medical marijuana dispensary facilities were prohibited within the boundaries of the Town of Haverhill. However, Town Attorney Foster wanted to make it clear in this Ordinance that this would not affect those who do have a prescription for medical marijuana and could continue to have it delivered to their home. Town Attorney Foster continued, the Ordinance reads: nothing contained in this Ordinance shall prevent the Town from reviewing its prohibition on medical marijuana dispensaries located within the Town at a later date or upon revision in the statute providing municipalities greater authority over the location of medical marijuana dispensaries. with the inclusion of "this ban shall not operate so as to deny

qualified patients who are residents of the Town from having medical marijuana delivered to their home or from visiting medical marijuana dispensaries outside of the Town”.

Town Attorney Foster stated there was an Ordinance under Peddlers and Solicitors that he and Town Administrator Rutan had spoken about. Peddlers and Solicitors are typically door to door salesman, etc. but the Town had an issue recently come up regarding canvassers. Town Attorney Foster explained that a canvasser may be someone who distributes bibles, tracks, literature etc. not necessarily for sales. He continued that Town Attorney DeCesares picked up on the fact that the Town needed to amend our Ordinance to add that “it shall be unlawful for any Peddler, Solicitor or Canvasser to engage in business without a permit from the Town. Town Attorney Foster explained that we do prohibit Peddlers and Solicitors in the right of way at the intersections of Military Trail and Belvedere Road and also at Belvedere Road and Haverhill Road.

Town Attorney Foster stated that when a bullhorn is used, they are now in violation of the Town’s noise Ordinance. Town Attorney reported the Town had a gentleman that wanted to mount his vehicle with horns to drive around the Town but would be considered a nuisance to the Town and its residents.

Vice Mayor stated that if this person wanted to do this with his natural voice and no profanity being used, he could do that correct. Town Attorney responded yes, he could.

Vice Mayor Gordon also asked about elections and the fact that candidates are going door to door handing out literature asking for their vote, was that ok. Town Attorney Foster stated that was considered canvassing and believed there was an exemption to that. Attorney Foster will look at that a little bit closer.

Discussion ensued.

Ordinance 498 – Charter:

Sec. 2.03. - Vacancies.

A vacancy shall occur on the Town Council upon death, resignation, removal or recall of a Councilmember, or in the event a member shall fail to maintain the qualifications of office including residency and status as a qualified elector of the Town or if any seat on the Town Council, which is open by reason of the expiration of the term of office for that particular Councilmember, is not filled after an election. If a vacancy occurs in the Town Council. and there are eighteen (18) months or more remaining in the term of the Councilmember whose seat is vacant, the Town shall hold a special election to fill the vacancy for the unexpired term of the seat. If no one qualifies for the special election during the qualifying

period as established by the Town, the Town Council shall fill the seat by appointment within thirty (30) days after the close of the qualifying period. If a vacancy occurs in the Town Council, that is less than eighteen (18) months remaining in the term of the Councilmember whose seat is vacant, but more than one hundred seventy-nine (179) days, the remaining members of the Town Council shall, within ninety (90) thirty (30) days of the creation of a vacancy and by a majority of a quorum, appoint a successor to fill the office vacated. If there is less than one hundred eighty (180) days remaining in the term of the Councilmember whose seat is vacant, the remaining members of the Town Council may, but are not obligated to, appoint a successor to fill the seat vacated. The appointment shall be effective until the expiration of the term of such office in which the vacancy occurred. Any successor appointed by the Town Council to fill a vacancy in the office of Councilmember shall meet the qualifications for election to such office.

Notwithstanding any quorum requirements established herein or by law, if at any time the membership of the Town Council is reduced to less than a quorum, the remaining members may by majority vote, appoint additional members in the manner provided herein.

Discussion ensued.

Sec. 2.05. - Term and compensation.

The term of office for members of the Town Council, beginning with the March general election following approval by the voters of the change in the term of Council members under this section, shall be three (3) two (2) years, and shall officially commence upon receipt by the Town of the certified election results from the Palm Beach County Supervisor of Elections for all contested elections, or the date the Town election would have occurred in the event there is not a contested election, and shall serve until his or her successor is elected and qualified, and their term commences. The annual salaries of the members of the Town Council, and all other public officers and employees shall be fixed by resolution of the Town Council and shall be reviewed during the Town's annual budget process. **Discussion ensued.**

Also included in today's handout was a list of Terms of Office and Residency Requirements Chart. Town Attorney Foster stated the term change requirement will begin with the March election following approval by the voters to change the term from two (2) years to three (3) years.

Sec. 2.06. - Induction and meetings.

At a Town Council meeting after receipt of the certified election results from the Palm Beach County Supervisor of Elections for each Town election, or the date the Town election would have occurred in the event there is no contested

election, the Town Council shall meet, at a regular or special meeting, and the newly elected members shall assume office as provided hereby for the purpose of conducting a ceremonial induction of the newly elected Council Members. At such meeting, the Town Council shall first elect one (1) of their own to serve as Mayor of the Town and then elect one (1) to serve as Vice Mayor. The Mayor and Vice Mayor shall continue to serve as Council members.

The mayor shall preside at all meetings of the Town Council, and in the absence or disability of the Mayor, the Vice-Mayor shall preside at Town Council meetings. In the absence or disability of both the Mayor and Vice-Mayor, the Town Council shall designate one of their members to chair the meeting.

Sec. 4.03. - Qualifying.

Candidates for the office of the town council shall qualify by filing a written notice of candidacy with the **town clerk** no sooner than noon on the first Tuesday in December and no later than noon on the third Tuesday in December in the year preceding the calendar year in which the general election is to be held. Candidates for the office of the town council, who are seeking to fill a vacancy in the town council by special election, shall qualify by filing a written notice of candidacy with the town clerk in the manner and time period prescribed by resolution of the town council. All notices of candidacy for the office of town council shall specifically indicate the council seat number for which a candidate is seeking to qualify to run, and all candidates shall take and subscribe to an oath or affirmation in writing, under penalty of law, including Section 104.011, Fla. Statute, which shall confirm that he or she is a qualified elector and qualified to hold office in the town, that he or she meets the residency requirements, and such other affirmations as may be required by law. No town council candidate may qualify for more than one council seat. Candidates for the office of Town Council shall have continuously resided, and made their place of domicile, within the municipal limits of the Town of Haverhill, in a place which is a fixed and permanent dwelling structure, during the one (1) year period prior to the first day of qualifying. The Town Council, by ordinance, may provide for evidence and criteria reasonably acceptable to establish a candidate's legal residency within the Town. Such evidence shall include, without limitation, the address on a candidate's driver's license and voter's registration, and the deed or written lease agreement of the candidate's town residence.

After discussion brought up by Town Administrator Rutan regarding the use of the title Town Clerk in Sec 4.03 Qualifying, it was decided by Town Attorney Foster that he would change verbiage from ~~Town Clerk~~ to the **Town**.

Discussion ensued.

- b. Discuss private road and Ivywood Road:** Town Administrator Rutan provided all the names of private roads that are in the Town which were Ivywood Road, Haverhill Court (where the trailer park once was), Bethany Lane, Club Circle, Trailway Lane, New Parkview Place, Park Hill Drive, Melinda Lane, Luwal Drive and Club Road East. Mayor Foy explained that in order for the Town to take over these private roads, they would have to bring the roads up to standards which includes the pavement surface.

Town Engineer Todd McLeod reported he had done cost analysis on a couple of the roads in the past.

Vice Mayor Gordon suggested a lottery of some type to choose a road to fix assuming we can use the stimulus money the Town will be receiving. The Town would need full cooperation from all residents on the specific road(s) chosen.

Town Administrator Rutan reported that she had reached out to Joe Lima (property owner of 5065 Ivywood Road) who had asked for a meeting before Town Council concerning Ivywood Road. Town Administrator Rutan reported that Mr. Lima was the one resident (in the past) that did not want to give up his right of way. She contacted Mr. Lima to inform him Town Council wanted to have a meeting with the Ivywood residents he said fine but you are going to need to send a letter to all of the residents in English and Spanish, the Town would have to have an interpreter at the meeting and provide them with three (3) or four (4) days because everybody works during the day. Town Administrator Rutan asked for Town Council direction and what Town Council desired before she hired an interpreter to attend and an interpreter to send the letters. Vice Mayor Gordon stated if we are going to use the stimulus funds for this, we will need to wait until we have clarification before moving forward. Council Member Johnson stated she would like to offer that we have expertise advice with regards to prioritizing the streets. She felt that after being on Ivywood Road it would be at the top as far as what the needs were for that specific road. **Discussion ensued.**

- c. Discuss proposed improvement to drainage and sidewalks:**

Town Engineer Todd McLeod reported that we have a failing section of the culvert that runs west of Woodland Avenue south of Belvedere Road. It was noticed when Rodrick Jones was mowing. He stated he brought in a company to have that hole stretched. He stated that after researching the Town's files, the culvert had been worked on twice already in the past with spot repairs. A TV company was brought in to inspect the whole line. It was found that the northern 22ft was already replaced with concrete at some point and the southern 120ft had already been lined in 2015 prior to his company being the Town's engineering firm. Mr. McLeod presented Town Council with estimates for both partial and full work. He noted that pricing for the contractor the Town uses (Wynn & Sons, Inc.) typically goes up about every two (2) years and they just reset their pricing in February 2021 so keep that in mind. It was the recommendation of Todd McLeod to

have the complete (full) work done at the estimated cost of 44,920.00. Council Member Johnson asked what type of disruption, if any, would this cause the homeowners. Mr. McLeod stated really none as their fence line stops short of the culvert. He continued; the culvert is in the Town easement. The noise may be an issue but that is about it and would take approximately a month to complete. **Discussion ensued.**

Mayor Foy asked Town Administrator Rutan if there was enough money in the budget to cover the \$44,920.00. T/A Rutan replied no because we are using the money to do culverts (she believed) around the Ontario/Toronto/Dexter Road areas. Mayor Foy wants this built into the budget to get it done. **Discussion ensued.**

Town Engineer Todd McLeod also reported on more infrastructure work in the Briarwood community that was discussed at a previous Town Council workshop. There were complaints earlier in the year made to the Town about broken sidewalks that were unsafe. A walkthrough was done together by him, Code Inspector Kirms and Wynn & Sons, inc. earlier this year based on replacing any broken sidewalk that was deemed a tripping hazard, safety concern or cosmetic crack. The estimate from Wynn & Sons, Inc. was about \$48,000.00. Town Council decided for now, to only correct the safety hazards. This estimate was \$18,000.00. Council Member Withington asked if this were something that could fall under the stimulus funds. Mayor Foy thought probably if we get the funds. **Discussion ensued.**

Town Administrator Rutan reported that the Town had budgeted \$65,000.00 in storm drainage this year and so far, we had only expended \$22,050.00. She also reported there was monies in the streetscape repairs and maintenance (for medians) budget that could be used as well. Mayor Foy stated if we have the money in the budget then maybe Council could authorize it at the next Town Council meeting on June 10, 2021. **Discussion ensued.**

Town Administrator stated it was her understanding in speaking with Betty Murph (Club Road Estates) that they had been very diligent in retaining a certain part of the assessment for the road to be dedicated for that use. This is how why they were able to resurface the road a few years back. **Discussion ensued.**

IV. OLD BUSINESS

N/A

V. COUNCIL, ATTORNEY AND STAFF REPORTS


Town Administrator Rutan reported that at the Manager's meeting she attended last week, a quick sampling of the Municipalities in attendance was taken and found that most were using the stimulus funds for infrastructure, storm water, sewer water, utilities, marina infrastructure and drainage projects, IT upgrades, etc. **Discussion ensued.**

Town Administrator Janice Rutan commented that Town Council should have all received her memo about our taxes going up to 4.2%. As of last Friday, the average median house in Palm Beach County was \$455,000.00 according to the Palm Beach County Property Appraiser. She reported that the average home in the Town of Haverhill was \$324,000.00.

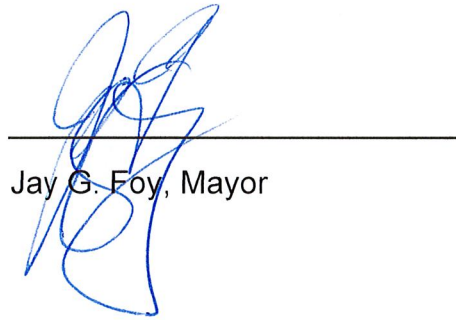
VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:47 p.m.

Approved: July 22, 2021



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
Tuesday, June 1, 2021
Noon**

Name	E- Mail Address	Signature
Jay Foy		
Lawrence Gordon		
Dennis Withington		
Teresa Johnson		
Janice Eutan		
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