

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, December 8, 2022
6:30 p.m.
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, December 8, 2022, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation and led in the Pledge of Allegiance.

ROLL CALL

Interim Town Administrator Stevens called the roll and Council Members present were Mayor Jay G. Foy, Vice Mayor Lawrence Gordon, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Town Attorney Foster and Interim Town Administrator Stevens were also present. With a quorum present in the Council Chambers, the meeting proceeded.

COMMENTS FROM THE PUBLIC

There were no comments offered from the public.

APPROVAL OF THE AGENDA

Mayor Foy asked if there were any additions, deletions, or modifications to the agenda, and there were none.

Council Member Withington moved to approve the agenda as submitted; seconded by Vice Mayor Gordon. Motion carried 5-0.

APPROVAL OF THE CONSENT AGENDA

1. Approval of the minutes for the November 15, 2022, Regular Meeting
Vice Mayor Gordon moved to approve the consent agenda as submitted; seconded by Council Member Johnson. Motion carried 5-0.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations scheduled.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO)

Deputy Schnell of PBSO reported that in the last 14 days there were 70 traffic stops town-wide and four traffic crashes on Belvedere Road, along with a theft at 7-Eleven. The theft was a cash app transfer from a phone that was borrowed from a customer. An embezzlement crime was also reported where credit cards had been fraudulently activated. Deputy Schnell reminded the Council to be on high alert for package theft during the holidays and noted that Amazon now has an option to have packages delivered to a lock box at alternate locations. She also reported that people are going around looking through trash to see if they can find personal identifying information. Check washing is another crime trend recently.

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Mayor Foy noted that the Town may annex a piece of property west of Haverhill along Wallis Road and asked Deputy Schnell what the crime rate was like in that area. Interim Town Administrator Stevens stated that she would follow-up with Deputy Schnell after the meeting with a map of the specific location.

Town Administrator's Note: Deputy Schnell followed up after the meeting and reported that the surrounding residential area of Royal Palm Estates is known to be one of the busier areas in the north end of District 1. Since last month, there were a total of six (6) vehicle burglaries, seven (7) stolen vehicles, and one (1) residential burglary. This search included the residential streets west of Pine Ave and then east to Haverhill Rd.

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

Palm Beach County Fire Rescue District Chief Tracey Adams was not in attendance at this time.

PUBLIC HEARINGS & SECOND READINGS

There were no public hearings and second readings scheduled.

REGULAR AGENDA AND FIRST READINGS

2. Act on Request for Expansion of Accessory Use by Redline Auto Accessories, LLC

Public Services Coordinator Petrick joined via phone conference and reported that he sent the business owner of Redline Auto Accessories and the property owner a courtesy notice recently and met with them to discuss the current conditions at the property including the disrepair of the car port canopy and the storage of tires and other items outside the property. He noted that he researched the Town Council minutes and found that the Town Council denied a request for outside storage of tires in 2010.

Dan Chamoun, the owner of Redline Auto Accessories located at 1079 N. Military Trail, spoke to the Council and asked for an extension of the currently approved accessory use to keep the car port structure and add a fenced area for storage of tires. He provided photos for the Council. He noted that the car port structure is needed for shade when installations are being performed and indicated that people are using his space to dump tires which is why a fenced area is needed. He stated that the company that collects the tires does not come to pickup the tires every day as it is not cost effective. The company picks up when there are enough tires which is usually 15-20 or more. He stated that business is slow, and he needs to stay competitive by performing the installations and displaying the flags and tires in the front of the building while the business is open.

Mayor Foy asked if the current car port structure is a temporary structure or a permanent structure. He noted that if it is a permanent structure, it could be a violation of the site plan that was approved for the plaza due to the number of parking spaces that are needed. The spikes in the ground may make it a permanent structure. Town Attorney Foster stated that the request is to approve the car port structure and fenced area for outdoor storage of tires. He reiterated that outdoor storage of tires was denied by the Council in 2010. Mayor Foy asked where the force main comes in and wanted to make sure the proposed fenced area would not interfere with it. Town Attorney Foster indicated that the Building Official would review the survey once a permit is submitted and note where any utility easements exist on the property prior to approval. Council Member Caranci noted that setbacks will also be looked at.

Town Attorney Foster suggested turning the matter back over to staff to handle administratively, and there was consensus of the Council to do so. There were no objections to the outdoor storage of tires as long as it is screened from view. There were no objections

to the car port structure as long as it meets Town Code and the current site plan approval. There were no objections to the outdoor sign and tire/rim displays at the front of the property.

3. **Resolution No. 2022-12: A Resolution Designating the Three Candidates Who Have Officially Qualified for the Office of Haverhill Town Council; Finding and Declaring that the Three Qualified Candidates are Unopposed for the Three Available Town Council Seats; Finding and Declaring that Pursuant to the Haverhill Charter, the Haverhill Code of Ordinances and General Law that Such Three Qualified and Unopposed Candidates Have Become Council Members Elect and Shall Take Office as Town Council Members on March 14, 2023; Declaring that the Town of Haverhill Municipal Election Scheduled for March 14, 2023 is Hereby Canceled Since There are No Other Election Contests or Ballot Measures to be Presented to the Electorate at Such Election; and Providing an Effective Date.**

Town Attorney Foster read Resolution No. 2022-12 into the record by title only. He congratulated the Council Members that qualified unopposed.

Mayor Foy called for public comment and there was none.

Council Member Withington moved to adopt Resolution No. 2022-12; seconded by Council Member Caranci. Motion carried 5-0.

4. Approval of Verizon Wireless Land Lease Agreement

Town Attorney Foster reported that a clause in paragraph two was changed to extend the commencement date to December 1, 2023, as Verizon is still negotiating with Crown Castle/AT&T on the tower lease. The second item Verizon requested is to remove the language in paragraph 4.d. regarding the guarantee of rental payments for the initial term if the agreement is terminated. Town Attorney Foster stated he does not recommend removing this language as it is standard language in all the Town's ground lease agreements. Discussion ensued regarding the termination language and there was consensus to keep the language as presented by the Town. The last item that has a substantive change is in paragraph 27 regarding Lessor's responsibility to maintain the tower. Town Attorney Foster stated that he will inform Verizon that this language must be removed, as the Town does not own or maintain the tower. The agreement we are entering into is a ground lease, and not a lease of the tower itself. There are other minor changes that will remain, as they are not substantive changes and staff agrees to the changes. Additions such as e-verify language will also be added due to state law.

Town Attorney Foster recommends that the Council approve the land lease subject to the guaranteed payments for the entire initial term and subject to final approval by the Town Administrator in consultation with the Town Attorney.

Council Member Caranci moved to approve the Verizon Wireless Land Lease Agreement subject to the changes as outlined by the Town Attorney and subject to final approval by the Town Administrator in consultation with the Town Attorney; seconded by Council Member Johnson. Motion carried 5-0.

Town Attorney Foster reported that the site inspection agreement was also submitted to the Town and reviewed by legal staff. The agreement will allow Verizon to enter the site to conduct environmental and electromagnetic testing to ensure the site is acceptable.

Council Member Caranci moved to approve the site inspection and access agreement; seconded by Council Member Withington. Motion carried 5-0.

5. Approval of Town Administrator's Employment Agreement

Mayor Foy noted that he has reviewed the agreement and does not have any changes to suggest. Vice Mayor Gordon stated that there is a lot of litigation currently regarding non-disclosure agreements and he would like to strike the language in Section "H" of Exhibit A. Town Attorney Foster stated that he agrees with the suggestion to strike the language. Council Member Caranci noted that non-compete clauses are also being challenged in employment contracts lately, although not an issue for government employees.

Mayor Foy called for public comment and there was none.

Vice Mayor Gordon moved to approve Town Administrator Stevens' employment agreement subject to the striking of Section "H" of Exhibit A; seconded by Council Member Johnson. Motion carried 5-0.

Town Attorney Foster mentioned that the Town should announce on the website and in the newsletter that the Council hired Town Administrator Stevens as the permanent Town Administrator effective December 12, 2022.

6. Adopt Employee Handbook Revisions

Mayor Foy asked if vacation and sick time accruals should be on a calendar year or a fiscal year basis and Town Attorney Foster noted that the Town runs on a fiscal year so it makes sense to run the accruals on a fiscal year basis. Council Member Caranci noted that West Palm Beach works on a calendar year for vacation accruals. Interim Town Administrator Stevens mentioned that for accounting purposes, the Town runs accruals on a fiscal year basis.

Mayor Foy asked about the employee reimbursement for certification and Town Administrator Stevens stated that she worded it in such a way so that it would be up to the discretion of the Council. Town Attorney Foster gave a scenario where an employee needs to move out of town due to a spouse's change in employment which is an unforeseen circumstance, and the Council could decide to not collect a reimbursement in that case as it's not a situation where an employee was taking advantage of the town for certification purposes.

Vice Mayor Gordon asked to add language in the handbook for shared leave time by employees.

Council Member Johnson moved to adopt the employee handbook revisions subject to the addition of shared leave by employees; seconded by Council Member Withington. Motion carried 5-0.

7. Adopt Code Enforcement Hearing Cost Recovery Worksheet Including Fees

Interim Town Administrator Stevens stated that she would like the Council to adopt the code enforcement hearing cost recovery worksheet in an effort to recoup the Town's costs for holding code enforcement hearings. She suggested setting the hearing fee at \$100 which should cover the Town's costs for the hearing itself.

Town Attorney Foster mentioned that he applauds the Town Administrator for bringing this forward, as this will be a good tool when there is a lien reduction request before the Council so we can determine the actual costs involved.

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Council Member Withington asked if the \$100 hearing fee will cover all costs of the hearing such as Attorney's fees, and Interim Town Administrator Stevens stated that there is a state statute that prohibits municipalities from charging for Special Magistrate fees; however, a code enforcement hearing fee may be established. She stated that \$100 will be close to covering the costs associated with the hearing, and if she finds that it does not cover the actual costs, she could come back to the Council with an increase at a later date. Discussion ensued.

Council Member Withington moved to adopt the Code Enforcement Hearing Cost Recovery Worksheet and \$100 hearing fee; seconded by Vice Mayor Gordon. Motion carried 5-0.

8. a. Adopt Town Council Meeting Calendar and Holiday Closings for 2023

Interim Town Administrator Stevens submitted the proposed holiday calendar for 2023 in accordance with the Employee Handbook. Council Member Johnson suggested that Juneteenth be added to the holiday closing schedule. Mayor Foy mentioned that he does not disagree with celebrating the holiday itself but wanted to be fiscally responsible with the Town's tax dollars and cautioned about closing Town Hall for too many holidays. Discussion ensued and **there was consensus of the Council to add Juneteenth as an observed holiday of the Town and add it to the holiday closing schedule.**

b. Ordinance No. 513: An Ordinance of the Town Council of the Town of Haverhill, Palm Beach County, Florida, Amending the Code of Ordinances of the Town of Haverhill by Amending Section 2-36 of Division I, Article II, Town Council, of Chapter 2, Administration, to Provide for One Regular Town Council Meeting Per Month, and Authorize the Mayor, or any two Councilmembers to Call for a Special Meeting; Providing for Severability; Providing for Repeal of Laws in Conflict; Providing for Correction of Scriveners' Errors; Providing for an Effective Date and Other Purposes.

Town Attorney Foster read Ordinance No. 513 into the record by title only. He stated that one regular meeting will be held per month and a workshop or special meeting can be called at any time by the Mayor or any two Council members. Mayor Foy stated that his intention was to advertise for two meetings per month that are pre-scheduled. Town Attorney Foster explained that from a codification standpoint, the best way to handle it would be to set the regular meeting for once per month and then call the special or workshop meeting if needed. The date could still be pre-scheduled as the second Thursday of the month and be marked "as needed" on the calendar of meetings. He stated the alternative would be to codify two regular meetings per month; however, an advertisement would still need to go out if the second regular meeting was cancelled when not needed. He mentioned that Town Administrator Stevens submitted the data that shows only the two largest cities in Palm Beach County are codified to hold two meetings per month.

Discussion ensued regarding how two Council members could call a special meeting when the Sunshine law prohibits Council members from conversing. Town Attorney Foster stated that a Council member could ask the Town Administrator for a special meeting, and the Town Administrator could inquire with other Council members to see if they would like to hold a meeting regarding a specific topic. There would be no discussion other than scheduling of a meeting and thus there would be no Sunshine law violation.

Town Attorney Foster suggested that the Council adopt this ordinance that provides for one regular meeting per month from a code standpoint, putting the public on notice that there would be one regular meeting per month, and then from a policy standpoint, the workshop/special

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meeting date could be scheduled as the second Thursday of the month and marked “as needed”. Town Attorney Foster mentioned that Tuesday workshops at Noon are better suited for the consultants such as the Town Planner, Town Engineer and other professionals to attend. Discussion ensued and the Council determined that they would like the workshops to be held on the second Thursday at 6:30 p.m. and the regular meetings on the fourth Thursday at 6:30 p.m.

Council Member Withington moved to adopt Ordinance No. 513 on first reading; seconded by Council Member Johnson. Motion carried 5-0.

REPORTS

9. Town Attorney

Town Attorney Foster had nothing to report.

10. Mayor

Mayor Foy had nothing to report.

11. Town Administrator

Interim Town Administrator Stevens congratulated the Council members who qualified unopposed for the upcoming election and noted it has been a pleasure working with them thus far and she was looking forward to continuing that in the future. She also noted that staff would continue collecting toys for the “Toys for Tots” campaign until Monday. She also included two Palm Beach County proposed zoning applications in the meeting package and mentioned that the standard letters regarding traffic would be submitted for those hearings unless the Council had additional comments.

12. Committee/Delegate Report

Vice Mayor Gordon reminded everyone that the annual Palm Beach County League of Cities Tri-Cities BBQ will be held tomorrow in the Glades. Attendees are asked to bring a new unwrapped toy to the event.

13. Treasurer’s Report

The Treasurer’s Reports for September 2022 and October 2022 were submitted and there were no questions by the Council.

UNFINISHED BUSINESS

Council Member Caranci mentioned that one of his neighbors called him regarding loss of power during the recent hurricane event. He would like to see coordination between the Town and FPL’s vegetation management division to do a survey of the lines to see where there are issues to be addressed. The Town could be the liaison to request resident cooperation for FPL to access private property to address vegetation management which would help reduce power loss during storm events in the future, as utility easements are limited. He asked for consensus to work with the Town Administrator and FPL on a vegetation management program, keeping in mind that there are Town codes that would need to be adhered to or addressed. Discussion ensued and **there was consensus of the Council for Council Member Caranci to work with the Town Administrator on a vegetation management program with FPL.**

Council Member Caranci mentioned that several street signs in town are in need of replacement. Interim Town Administrator Stevens stated that the Public Services Coordinator could begin working on this.

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Council Member Johnson asked if the lights have been installed at the basketball court and Town Administrator Stevens confirmed. (Town Administrator's note: it was determined after the meeting that the lights at the tennis courts had been replaced, not the basketball courts).

District Fire Chief Adams arrived at this time to give a Fire Department report. She wished everyone a happy holiday and thanked the Council for the invitation to the annual Mayor's luncheon next week. She reported that there have been 152,546 calls for service in the current fiscal year so far, and they have participated in numerous community events as well. The calls for service were as follows: 130,000 EMS; 1,200 structure fires; and 21,000 other calls for service, with an average response time of 6.53 seconds. Haverhill's average response time is 4 minutes and the current report shows 21 calls for service in which 19 were medical, 1 vehicle accident, and 1 hazardous situation. The County Commission recently approved another fire/rescue unit for Station 33 in the Kirk/Summit area which is one of the busiest stations in Palm Beach County. They will now have 1 engine and 2 fire/rescue units at that station which serves Haverhill. District Chief Adams reported that 25 new candidates are being run through the paramedic program in order to enhance services. In addition, they currently employ 1,783 full time paid firefighters and they are looking to hire around 150 additional firefighters.

Council Member Caranci asked for the monthly fire department report, and Interim Town Administrator Stevens stated that she would distribute it by email to the Council.

NEW BUSINESS

There was no new business to come before the Council.

ADJOURNMENT

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

Minutes prepared by Interim Town Administrator Stevens and adopted by the Town Council on January 12, 2023.

Approved: _____

Tracey L. Stevens, Town Administrator


Jay G. Foy, Mayor