

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
THURSDAY, FEBRUARY 23, 2023
6:30 PM
AGENDA**

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE PUBLIC

APPROVAL OF THE AGENDA

APPROVAL OF THE CONSENT AGENDA

1. Approval of the Minutes of the January 12, 2023, Regular Meeting
2. Approval of the Minutes of the February 9, 2023, Workshop Meeting

PROCLAMATIONS AND PRESENTATIONS

3. Introduction of General Counsel Rhonda Giger, Palm Beach County Commission on Ethics

COMMENTS FROM PALM BEACH COUNTY SHERIFF'S OFFICE

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

PUBLIC HEARINGS & SECOND READINGS

REGULAR AGENDA & FIRST READINGS

4. First Reading of Ordinance No. 515: An Ordinance of the Town Council of the Town of Haverhill, Palm Beach County, Florida, Amending Section 18-32, Waivers, of Article II, Noise, of Chapter 18, Environment, of the Code of Ordinances of the Town of Haverhill, by Requiring that Applications for a Noise Waiver be in the Form of a Letter to the Town Administrator and be Mailed Within 24 Hours of Filing the Application to Residents Within 300 Feet; Deleting the Requirement that the Approval be Mailed to Residents, and that the Application Remain Open for No More Than 180 Days; and Adding that if a Waiver has Been Previously Granted Does Not Entitle a Property Owner to a Subsequent Waiver; Providing for Severability; Providing for Repeal of Laws in Conflict; Providing for Correction of Scriveners' Errors; Providing for Codification, an Effective Date and Other Purposes.
5. First Reading of Ordinance No. 516: An Ordinance of the Town Council of the Town of Haverhill, Palm Beach County, Florida, Amending Article V, Code Enforcement, of Chapter 2, Administration, of the Code of Ordinances of the Town of Haverhill, by Adding a New Division III Creating an Alternative Enforcement Procedure Which Provides Definitions and Authorizes the Issuance of a Citation, and Establishes the Procedures Before the Special Magistrate, and Making Other Necessary Amendments to Article V; Providing for Severability; Providing for Repeal of Laws in Conflict; Providing for Correction of Scriveners' Errors; Providing for Codification, an Effective Date and Other Purposes.

6. Adoption of the International Property Maintenance Code (IPMC)
7. Discussion Regarding Rental Unit Licensing
8. Replacement of “Welcome to Haverhill” Signs
9. Discussion Regarding Palm Beach Gardens Resolution Relating to Alternative Mobility Funding Systems

REPORTS

10. Town Attorney
11. Mayor
12. Town Administrator
13. Treasurer
14. Committee Delegates

UNFINISHED BUSINESS

NEW BUSINESS

ADJOURNMENT

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
Tracey L. Stevens, Town Administrator



**TOWN COUNCIL REGULAR MEETING
AGENDA
February 23, 2023**

Public comment will be received via e-mail (tstevens@townofhaverhill-fl.gov) up until noon on February 23, 2023. Any public comments received via e-mail will be made part of the record of the meeting. 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 inform the Town Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Once the meeting begins, all participants will be muted; however, after Council discusses a specific agenda 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.

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 Tracey L. Stevens, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida at (561) 689-0370.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
THURSDAY, FEBRUARY 23, 2023
6:30 P.M.
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, February 23, 2023, 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

Town Administrator Stevens called the roll and Council Members present were Mayor Jay G. Foy, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Vice Mayor Lawrence Gordon was tardy with notice and arrived at 7:12 p.m. Town Attorney Foster, Town Administrator Stevens, and Public Services Coordinator/Code Enforcement Officer Petrick 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. He noted that Town Administrator Stevens requested that Item #6 (Adoption of the IPMC) be removed from the agenda, as the code had not been received for review prior to the meeting as expected.

Council Member Johnson moved to approve the agenda as amended; seconded by Council Member Withington. Motion carried 4-0.

APPROVAL OF THE CONSENT AGENDA

1. Approval of the minutes of the January 12, 2023, Regular Meeting
2. Approval of the minutes of the February 9, 2023, Workshop Meeting

Council Member Johnson moved to approve the consent agenda as submitted; seconded by Council Member Caranci. Motion carried 4-0.

PROCLAMATIONS AND PRESENTATIONS

3. Introduction of General Counsel Rhonda Giger, Palm Beach County Commission on Ethics

Rhonda Giger, General Counsel of the Palm Beach County Commission on Ethics introduced herself to the Council and distributed booklets. She noted that the Commission visits municipalities on an annual basis to ensure the public is aware of the Commission's existence. She reminded the Council to "ask before you act", as it is much easier to be proactive as opposed to reacting to situations. She also reminded the Council of the law on acceptance of gifts. Council Member Johnson noted that if a Council member accepts tickets, they need to be over a certain dollar amount to be reportable, and Ms. Giger confirmed the amount would be over \$100 to be reportable; however, there are certain instances where the acceptance is prohibited depending on who is issuing the ticket such as a vendor, lobbyist, etc.

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

A Representative of the Palm Beach County Sheriff's Office was not present for the meeting; however, it was noted that a report would be submitted sometime next week.

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

A Representative of Palm Beach County Fire Rescue was not present for the meeting.

PUBLIC HEARINGS & SECOND READINGS

There were no public hearings and second readings scheduled.

REGULAR AGENDA AND FIRST READINGS

4. **First Reading and Adoption of Ordinance No. 515: An Ordinance of the Town Council of the Town of Haverhill, Palm Beach County, Florida, Amending Section 18-32, Waivers, of Article II, Noise, of Chapter 18, Environment, of the Code of Ordinances of the Town of Haverhill, by Requiring that Applications for a Noise Waiver be in the Form of a Letter to the Town Administrator and be Mailed Within 24 Hours of Filing the Application to Residents Within 300 Feet; Deleting the Requirement that the Approval be Mailed to Residents, and that the Application Remain Open for No More Than 180 Days; and Adding that if a Waiver has Been Previously Granted Does Not Entitle a Property Owner to a Subsequent Waiver; Providing for Severability; Providing for Repeal of Laws in Conflict; Providing for Correction of Scriveners' Errors; Providing for Codification, an Effective Date and Other Purposes.**

Town Attorney Foster read Ordinance No. 515 into the record by title only.

Council Member Johnson asked if the letter requesting a noise waiver is a new process, and Town Attorney Foster responded that this is not a new process. He stated that a recent code hearing revealed that there was confusion regarding the application form and this ordinance amendment is an attempt to clarify the language that the application for a noise waiver will be by a letter to the Town Administrator requesting the waiver.

Council Member Withington moved to adopt Ordinance No. 515 on first reading; seconded by Council Member Johnson. Motion carried 4-0.

5. **First Reading and Adoption of Ordinance No. 516: An Ordinance of the Town Council of the Town of Haverhill, Palm Beach County, Florida, Amending Article V, Code Enforcement, of Chapter 2, Administration, of the Code of Ordinances of the Town of Haverhill, by Adding a New Division III Creating an Alternative Enforcement Procedure Which Provides Definitions and Authorizes the Issuance of a Citation, and Establishes the Procedures Before the Special Magistrate, and Making Other Necessary Amendments to Article V; Providing for Severability; Providing for Repeal of Laws in Conflict; Providing for Correction of Scriveners' Errors; Providing for Codification, an Effective Date and Other Purposes.**

Town Attorney Foster read Ordinance No. 516 into the record by title only.

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Town Attorney Foster noted that the only change compared to what was presented originally in the workshop is a new statement regarding legislative intent to incorporate an alternative enforcement procedure with a citation process in Section 2-131 (a).

Mayor Foy asked if the Council will be adopting a schedule of fines for the citations, and Town Attorney Foster confirmed that the fines may be adopted by Resolution under Section 2-162 (a). Code Enforcement Officer Petrick noted that he would be working with the Town Administrator on the fine schedule.

Council Member Johnson asked if the citation process would be heard in the County Court and by the Special Magistrate, and Town Attorney Foster responded that an appeal to County Court would be an extraordinary burden on the Town and residents, so it would be heard in front of the Special Magistrate. He noted that we have normal code enforcement proceedings in front of the Special Magistrate when a notice of violation is sent out, and we will now have an alternative citation process where a respondent will have the opportunity to have a hearing in front of the Special Magistrate in the Council Chambers if they choose to do so.

Council Member Caranci asked if the appeal of the Special Magistrate's order would be heard by the Town Council, and Town Attorney Foster clarified that any appeal of the Special Magistrate's order would be heard in Circuit Court, and a respondent has 30 days from the date of the order to appeal. He noted that the only time the Town Council is involved in the code enforcement process is when there is a fine/lien reduction request.

Council Member Caranci moved to adopt Ordinance No. 516 on first reading; seconded by Council Member Withington. Motion carried 4-0.

~~6. Adoption of the International Property Maintenance Code (IPMC)~~

This item was removed from the agenda, as the code was not received for review prior to the meeting as expected.

7. Discussion Regarding Rental Unit Licensing

Code Enforcement Officer Petrick stated that the Town Council had discussed this matter at the last workshop in conjunction with the discussion regarding the IPMC, and if the Council decides to adopt the IPMC and would like to move forward with rental unit licensing and inspection, Chapter 3 & 4 covers interior inspections for rentals. Currently, landlords are required to obtain a business tax receipt from the Town before renting a unit; however, the business tax receipt does not include an inspection process.

Mayor Foy noted that he is leaning toward not requiring inspections as he does not believe we have a big problem with rentals in the town, and this would place another burden on a small staff.

Council Member Caranci stated that this is focused on safety. He noted that the Town doesn't really have many multiple unit buildings; however, there are some illegal units without a building permit or record which triggers the safety concerns. He believes it is a good public service for the Town to monitor safety of rentals, especially if there are multiple illegal units being rented out.

Council Member Withington asked if rental unit licensing and inspection would address illegal units, and stated this would address legal units. Town Attorney Foster agreed that law abiding citizens would obtain a license and inspection and those that don't abide by the law would not. Council Member Caranci stated that if there is some reason to believe a unit is being rented out illegally it becomes a code enforcement issue. Mayor Foy noted that with the current code the

REGULAR TOWN COUNCIL MEETING MINUTES OF FEBRUARY 23, 2023

Town already has that ability, without the inspection process. Council Member Johnson asked if the Town had received any complaints in reference to rental unit issues and Code Enforcement Officer Petrick stated that no complaints had been filed.

Code Enforcement Officer Petrick described the inspection process and stated that at no point would the issue go straight to notice of violation, as staff would work with the landlord to achieve compliance first if violations are observed, as long as there are no health/safety violations. He noted that the application for rental unit licensing prompts the inspection process, and we currently don't have that in place. Mayor Foy asked how the Town would enforce a situation where a landlord does not apply for a license, and Code Enforcement Officer Petrick responded that it would be through the complaint process, and he explained how that works. He also noted that in other jurisdictions, a rental unit list would be generated from one year to the next and notices sent out for renewal and enforcement. He stated that another tool would be to monitor rental websites to see if units are being advertised for rent.

Mayor Foy asked if this would apply to rentals of single-family homes, and Code Enforcement Officer Petrick confirmed that it would be for all rentals within the Town, even if only one room is being rented out. Mayor Foy stated that he can see this being a problem in a bigger city, and not necessarily in a small town. Council Member Caranci countered that there are multiple illegal rental units within his neighborhood, and this would be another tool available to ensure legal units are safe, and to ensure illegal units are not eligible to be rented out. He mentioned one home that was split into four rental units and stated that work without a permit has been occurring on the weekends. Discussion ensued regarding how exposure of illegal units would work, and Town Attorney Foster mentioned that the R-1 zoning district is limited to single-family. Code enforcement currently has the ability to enforce that code. Council Member Johnson asked if code enforcement staff is monitoring the town on the weekends, and Code Enforcement Officer Petrick confirmed that there is no code enforcement on the weekends at this current time.

There was no action taken on rental unit licensing at this time.

8. Replacement of "Welcome to Haverhill" Signs

Mayor Foy asked if the expense for the signs is eligible under ARPA, and Town Administrator Stevens confirmed that it is.

Public Services Coordinator Petrick stated that staff was directed to research options and costs for replacing the Town's welcome signs, and an updated version was included in the meeting package. He stated that the signs are aluminum and are the same size except they are flipped from size 24 W x 36 H to 36 W x 24 H and described how they would be installed. He stated that he gathered information from several companies and the best option would be to go with our current traffic sign vendor, as the price was the lowest.

Council Member Caranci inquired about permitting with the County, and Public Services Coordinator Petrick stated that staff looked into permitting and permits would not be required as the signs are replacements for existing signs in the same locations.

Council Member Withington moved to approve the expense as submitted for the "Welcome to Haverhill" sign replacements utilizing ARPA funds; seconded by Council Member Johnson. Motion carried 4-0.

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9. Discussion Regarding Palm Beach Gardens Resolution Relating to Alternative Mobility Funding Systems

Mayor Foy disclosed that he would abstain from discussion regarding this item, as he has a client who has not yet taken a position on this subject and there may be a conflict.

Council Member Caranci stated that he is employed by the City of West Palm Beach and the City has been involved in this. He heard this had been challenged in court and Palm Beach Gardens had lost on the ability to do this, and they are now requesting that the Legislature allow it. Town Administrator Stevens confirmed and stated that Palm Beach Gardens is requesting a letter of support from the Town in reference to the bills.

Council Member Johnson asked what alternative mobility funding systems means, and Council Member Caranci stated that the county charges fees for transportation impacts from developments that used to have concurrency but no longer does. The County traffic division calculates what the traffic impacts would be from development and the impact fees that are charged to the developers. The impact fees offset the costs of maintaining the roads and providing road infrastructure improvements to alleviate traffic impacts from the development. The cities would also like to charge a fee to offset municipal costs for traffic impacts and charge a mobility fee. The mobility fee could provide funding for other means of transportation other than cars such as buses and trolleys that would help alleviate traffic. Town Attorney Foster added that cities are asking for a return of power to the municipalities to decide what is best for them.

Discussion ensued regarding development in Haverhill and the traffic impacts. Town Attorney Foster stated that there are strong pros and cons regarding the issue, and the State would need to adopt the bill prior to Haverhill discussing any impact or mobility fee ordinances. For this discussion, Palm Beach Gardens is asking for a letter of support for the bill.

Council Member Johnson summarized that the Town does not have any developments large enough to participate in this type of legislation. There was no action taken regarding this item.

REPORTS

10. Town Attorney

Town Attorney Foster reported on the 4th DCA opinion regarding re-publication of a notice for adoption of an ordinance when the ordinance reading is postponed. A committee substitute was filed that states consideration of a proposed ordinance that was properly noticed may be continued to a subsequent meeting without further published notice if the specific date and time for the subsequent meeting is stated on the record at the properly noticed meeting. This should alleviate the concerns.

Vice Mayor Gordon arrived at this time, 7:12 p.m.

11. Mayor

Mayor Foy reported that there will be a mandatory NPDES annual training next month, so any staff involved with NPDES should attend the training which is provided online or at the Palm Beach Gardens emergency operations center on Military Trail just South of PGA Blvd. He also mentioned that the annual NPDES reports are due by the end of March and asked Town Administrator Stevens to remind the Town's NPDES Coordinator.

12. Town Administrator

Town Administrator Stevens provided a report to the Council on the following:

REGULAR TOWN COUNCIL MEETING MINUTES OF FEBRUARY 23, 2023

A list of tasks involved in planning for the annual Town picnic was submitted to the Council to open up a discussion as to whether or not the Council would like to move forward with planning this year or wait until next year to discuss it. There was no interest in discussion at this time.

FPL notified the Town that a pole will be removed on Haverhill Rd 332' +/- North of Ivywood Rd. When asked for the timeframe, FPL staff could not provide one; however, they indicated that the Town would be notified once the timeframe moves closer.

Palm Beach County has indicated that they are in the process of re-lamping many of its lighted sports facilities and the countywide project should be completed this summer. Once they know how much residual funding they have left in place, they will look to move forward with lighting the basketball courts at Haverhill Park, preferably with LED lighting.

Representatives of WGI and Meritage Homes are requesting another workshop with the Town Council in reference to their request for voluntary annexation of the property near Wallis Rd. The purpose of the workshop will be to gauge whether the Council may or may not be supportive of the annexation prior to them spending money on the petition/application process with Palm Beach County.

Town Administrator Stevens provided a document regarding the Sunshine Law Public Meetings Alert Regarding Auditors that was sent to the Town by its general liability insurance company and asked the Council to review it.

A cell tower lease offer from Symphony Wireless was attached for review of the Council. Town Attorney Foster explained the offer and noted that staff is recommending that the Town not entertain this offer.

Indian Trail Improvement District is requesting that the Town provide a letter of support for a House Bill that would incorporate the Village of Loxahatchee. Mayor Foy noted that he would need to abstain from discussion of this request, as he is the District Engineer for Indian Trail Improvement District. Vice Mayor Gordon stated that if the residents in the Loxahatchee area would like to incorporate, he would be supportive. Council Member Johnson asked if any outreach to the residents has been performed to see if they would be supportive, and Town Administrator Stevens stated that this request came in shortly before the meeting and she is not sure if any outreach has been done. Mayor Foy asked if he could simply provide information, and Town Attorney Foster stated that information would be allowed. Mayor Foy explained that this would be a referendum to see if the citizens in Loxahatchee want to incorporate, and outreach has not been done, as they are expecting to get that answer through the referendum. There was a consensus for the Town to provide a letter of support for the referendum which would be signed by Vice Mayor Gordon since Mayor Foy is abstaining from voting. Mayor Foy asked Town Administrator Stevens to provide the conflict form for his signature.

A City of West Palm Beach proposed Comprehensive Plan Amendment for a small-scale Future Land Use Map amendment was attached for the Council's review. The proposal would designate two parcels located on the South side of LA Kirksey Street between Spruce Ave and North Dixie Hwy from multi-family to Commercial East. It was noted that this would have little to no impact on Haverhill, so no comments will be submitted.

13. Treasurer

There was no Treasurer's Report submitted.

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14. Committee Delegates

Council Member Johnson reported that the Citizens' Committee on Airport Noise met this month and notifications of meetings was discussed. She inquired as to whether the Town and HOA's were receiving notification of the meetings. She noted that the flight patterns and timing of the flights was also discussed due to repaving and maintenance at the airport, and she wants to ensure residents receive the contact information in the newsletter so they can inquire about updated information.

Vice Mayor Gordon reported that he just returned from Washington DC and his wife and mother-in-law have both been admitted to practice before the US Supreme Court, and they are one of the few mother-daughter teams in the whole country who are qualified to do that. The Council congratulated them. He stated that he met with the President of the National League of Cities while he was in DC, and was told that if he ever needed anything for Haverhill or the Palm Beach County League of Cities, to reach out for assistance. He also reported that he will be travelling to Orlando on March 1st for the FBC-LEO conference.

UNFINISHED BUSINESS

There was no unfinished business to come before the Council.

NEW BUSINESS

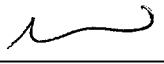
There was no new business to come before the Council.

Public comment was made by Leodan Ruiz and Elizabeth Guillermo of 1026 Cheryl Rd regarding fence height. Code Enforcement Officer Petrick asked the couple to come to Town Hall tomorrow to discuss with staff.

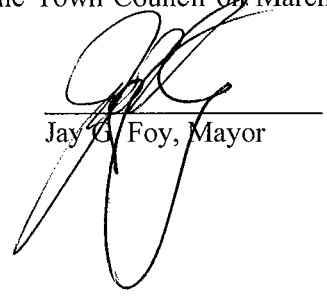
ADJOURNMENT

There being no further business to come before the Town Council, the meeting adjourned at 7:32 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Town Council on March 23, 2023.

Approved: 

Tracey L. Stevens, Town Administrator



Jay C. Foy, Mayor

