

**TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
WEDNESDAY, AUGUST 21, 2024
11:30 A.M.
OFFICIAL MINUTES**

The workshop meeting of the Haverhill Town Council was held on Wednesday, August 21, 2024, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

CALL TO ORDER

Mayor Foy called the meeting to order at 11:35 a.m.

ROLL CALL

Town Administrator Stevens called the roll and Council Members present were Mayor Jay Foy, Vice Mayor Lawrence Gordon, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Town Staff present included Town Attorney John Fenn Foster, Town Administrator Tracey Stevens, Deputy Town Clerk Jean Wible, Code Enforcement Officer Joe Petrick, and Public Works Rodrick Jones. With a quorum present in the Council Chambers, the meeting proceeded.

COMMENTS FROM THE PUBLIC

Ushinda Pitts of 831 Palm Tree Lane commented that she would like the Council to allow on-street parking within the Town, as there is not enough room for all of her family members and visitors to park in the driveway, and the Emerald Cove HOA does not have designated

WORKSHOP AGENDA

1. Code Enforcement Matters

a. Staff Observation vs. Complaints Issued by Citizens

Town Administrator Stevens reported that since there has been some confusion on the matter, staff is seeking direction as to whether the Town Council would like the Code Enforcement Officer to initiate code enforcement cases through staff observation and complaints issued by citizens, or only upon a complaint by a citizen. In years past, the code enforcement officer would ride around the town several times per day and initiate code enforcement cases based on observation. Most of those cases fell under property maintenance and appearance standards or construction work without a permit. The property maintenance standards code is meant to preserve property values by eliminating blighting influences. She indicated there are many properties that are currently contributing to blight within the town, and staff was seeking direction on how to proceed. Code Enforcement Officer Petrick described what he has observed within the town and the code enforcement process he goes through for each case, which is quite extensive. He mentioned that the town utilizes courtesy notices prior to issuing a notice of violation, as the goal is to achieve compliance as opposed to issuing fines.

Mayor Foy stated that code enforcement needs to be initiated by staff observation as well as citizen complaints. He noted that although staff must enforce the town code and it's sometimes difficult to enforce all of the laws in the code book, staff has some discretion while enforcing the law and can work with residents toward compliance. He gave the example of using general persuasion and encouragement if the code violation is aesthetic. He reiterated that staff does not have an option not to enforce the code, and in some safety cases, are negligent if the code is not enforced. He was adamant that staff enforce cases regarding work without a building permit, as that could be a safety issue, as well as damaged structures and fences, etc.

Council Member Withington opined that although the code enforcement officer has some discretion with certain areas of the code, he should be taking the lead and acting on code enforcement cases especially now that the law prohibits anonymous complaints. He stated that

TOWN COUNCIL WORKSHOP MINUTES OF AUGUST 21, 2024

complaints that would have been issued anonymously in the past are no longer coming in because neighbors fear retribution if they leave their name and address. He stated he would like staff to go out and observe more and handle the cases as they are observed.

Council Member Johnson stated she appreciates the deep thought that the code enforcement officer goes through while working on a code violation. She stated that if there is a code violation, there is clear instruction to proceed. She stated she likes the courtesy notice process as well and is confident that staff will observe code violations and handle them. She stated the courtesy notice process is good because some residents don't know they are violating the law, and it gives them a chance to rectify the situation prior to being issued a notice of violation.

Vice Mayor Gordon asked how a situation is handled if there is a known address that is in violation of the code and a citizen makes a complaint. Town Administrator Stevens responded that if staff has observed the code violation, the case is already being worked and we would not need to take the name and number of the citizen who is making a complaint. However, if staff had not already observed the violation, staff needs to make a note of the name and address of the complainant in accordance with state law. If the complaint comes in anonymously, staff may not move forward with the code case because the code enforcement officer is in the position of testifying under oath at the hearing as to how the case was initiated. Town Attorney Foster stated that the law clearly states that staff may not initiate a code enforcement case by way of an anonymous complaint. A person who reports a code violation must give a name and address before a code enforcement proceeding may occur. He stated there are different ways to interpret that; however, from a legal standpoint, when the code enforcement officer is under oath testifying, he must state whether or not he observed the violation when asked, or state whether he received the complaint from a citizen, and then give the name and address. Although by law the code enforcement officer cannot go out and observe the violation himself after receiving an anonymous complaint, it does not prohibit someone else from coming in and giving their name and address and issuing a complaint.

Mayor Foy asked if the code enforcement officer has a daily log of which streets he drives each day and which violations were observed. Town Attorney Foster stated that the town shouldn't use that approach to circumvent taking the name and address of a complainant. Mr. Petrick stated that if he receives a complaint regarding a certain property, or if he observes a code violation while performing an inspection, he will then monitor the surrounding properties. He stated that those observations could reveal code violations at the majority of properties within the town, and asked where to draw the line.

Council Member Withington asked how effective courtesy notices are, and Mr. Petrick stated that around half are taken care of prior to a notice of violation being issued. When a notice of violation is issued, he still works with the property owner on a mutual timeframe to bring the property into compliance, so not all notices of violation end up at the hearing stage. He stated that around 70% of all cases are in compliance prior to hearing, and the hearing is cancelled for those cases.

Council Member Caranci stated that the reason we have a code enforcement officer is for that person to observe code violations, and if a violation is easily observable and identified, then that code violation is problematic in his opinion and should be pursued. He asked if the courtesy notice falls under the same statute regarding anonymous complaints, and Town Attorney Foster stated that the courtesy notice is a valuable tool for the town to work with property owners on compliance, and although it's not an official notice of violation, the code enforcement officer is still working the case so it falls under the same statute. Town Administrator Stevens stated that

TOWN COUNCIL WORKSHOP MINUTES OF AUGUST 21, 2024

we wouldn't want to go down that road because then our courtesy notices will carry no weight. Council Member Caranci stated that the town hired a professional code enforcement officer and we should bring as many properties into compliance as possible as a policy decision. As for the process of getting those properties into compliance, that is left to the staff. He asked how long it takes to drive the town, and Town Administrator Stevens stated that it takes approximately two hours to drive the entire town including private streets if you are driving the town to observe. She also stated that the process to bring a property into compliance is very time consuming, and that's another reason we need another employee. The new employee will be able to help Mr. Petrick with the paperwork involved in bringing a case to compliance, as well as fulfilling the public records requests that are made.

Vice Mayor Gordon stated that the Town Administrator's time is too valuable to ride the town looking for code violations, and Town Administrator Stevens stated that she typically notices violations when she is observing other things such as drainage and other infrastructure issues. Town Attorney Foster stated that any member of staff can alert the code enforcement officer to code violations. He also stated that if a Council Member notices things such as trash not being picked up, they need to report directly to the Town Administrator as opposed to the code enforcement officer.

Council Member Withington brought up an interesting dynamic regarding a property owner making an anonymous complaint about their own property so that the code enforcement officer would not be able to initiate a code case against them. Town Attorney Foster stated that he has witnessed another instance where a person gave the name and address of someone other than themselves. Mr. Petrick stated that all complaint affidavits are notarized such as for noise complaints, but complaint affidavits are not utilized in all cases as they are not needed.

After discussion, the Council direction to staff was for the Code Enforcement Officer to monitor the town on a regular basis and initiate code enforcement cases based on staff observations, especially the cases that are contributing to safety issues and blight in the neighborhoods, in addition to complaints that are made in accordance with state law by citizens.

b. Vehicle Parking Along Streets & Sidewalks – Parking Citations

Town Administrator Stevens reported that a resident of Emerald Cove has made several complaints to staff and the Town Council regarding vehicles blocking the sidewalks and roadways in his neighborhood. She stated that she has also received several complaints regarding street parking in the Briarwood neighborhood, especially overnight parking. The complainants are citing safety concerns with emergency vehicles not being able to traverse the streets properly in an emergency situation. She stated staff is looking for a mechanism to address illegal parking such as filing citations with the Tax Collector so someone wouldn't be able to register a vehicle until the citations are paid; or placing more "no parking" signs around town and tow vehicles that are in violation; or utilize the booting mechanism.

Vice Mayor Gordon stated he doesn't have a problem with a resident parking in the street for a couple of hours in certain situations such as when the home is being serviced or visitors are present, and Town Administrator Stevens stated that she could explore amending the code to allow for that under a permit from staff. Vice Mayor Gordon suggested that we need some type of flexibility. After discussion, the Council was not in favor of that method as it would become too time consuming and burdensome for staff.

TOWN COUNCIL WORKSHOP MINUTES OF AUGUST 21, 2024

Town Administrator Stevens stated that these issues stem from developments not providing enough parking for residents and visitors within that development.

Council Member Caranci stated that he would like to explore safe methods of on-street parking such as parking on only one side of the street to allow emergency vehicles to pass, and to not block intersections.

Council Member Withington stated the larger issue is vehicles obstructing the sidewalks and swales of the town.

Council Member Johnson stated the issue is complex and cannot be completely resolved. Signs can be erected; however, compliance will not be able to be completely achieved.

Town Administrator Stevens stated that many residents are storing equipment in their garages as opposed to parking in them, and with limited driveway space for multiple vehicles, they end up parking on the street. Vice Mayor Gordon stated that although the town cannot control those choices, the resident parking in the street as opposed to in the garage should not expect other residents to be inconvenienced because of their choice.

Mayor Foy agreed with Town Administrator Stevens assessment that we won't solve the problem if we don't address parking issues when approving development orders. He also agreed with Council Member Johnson that it will be difficult to address current parking situations as well, and strict enforcement of the code will be problematic for larger families with multiple vehicles. He mentioned he would support code amendments that would help the residents.

Council Member Caranci agreed that we need to look at parking requirements for future developments since a large majority of people do not utilize their garages for parking. Council Member Withington stated that there should be designated visitor parking for each development.

After discussion, there was consensus of the Council to provide opportunities for on-street parking as long as no sidewalks or swales are blocked, and there is no parking on the grass, and to direct staff to explore code amendments which would allow parking on one side of the street. Determinations will need to be made as to which side of the street vehicles will be able to park on, and there are different methods for that such as alternating the days of the week, or first come first served, and signs erected. Staff will need to work with associations on parking rules as well. Staff should also explore code amendments requiring visitor parking areas for each development.

c. Flag Banner Signs

Town Administrator Stevens reported that in 2022, the Town Council approved an expansion of accessory use for Redline Auto Accessories, granting permission to store tires outdoors as long as they were screened from view, to construct a carport structure, to display tires/rims in front of the business, and display a flag banner sign in front of the business. Since that time, staff has observed other flag banners being displayed around town at the Haverhill Courts development and St. Christopher's Episcopal Church, and staff has asked the property owners to remove them, as they are against the Town's sign code. Boost Mobile which is located next to Redline Auto is now asking for permission to display flag banner signs, and Custom Shirt City which is in the strip mall located on Belvedere Rd is also asking for permission. When Gator State Storage observed Haverhill Courts and the church displaying the flag banner signs, they also approached the town for permission to display a similar sign. Staff is seeking direction on how to proceed.

TOWN COUNCIL WORKSHOP MINUTES OF AUGUST 21, 2024

Discussion ensued regarding accessory uses and the temporary sign code. Town Attorney Foster stated that the Council didn't actually approve the flag banner, it just didn't object to it, and there is case law that states the Town cannot be estopped from enforcing the regulations that were misinterpreted. There is legal support, but a practical application to resolve this issue. He described the regulations pertaining to temporary signage but noted that the flag banner signs don't fall under the code for temporary signs.

Mr. Petrick described the requests he has received to display flag banners.

Council Member Caranci described the regulations in West Palm Beach for temporary signs and noted that the Council would either need to establish a process for allowing the flag banners temporarily or not allow them at all which is currently the case.

There was no direction to staff to amend the current code at this time.

d. Update on Rental Inspections

Code Enforcement Officer Petrick described the rental inspection process and some of the things he has observed, noting that not all inspections include the interior of the home if he is not invited inside. Town Administrator Stevens gave the stats on how many rental properties have been inspected to date. Council Member Caranci stated that he is noticing improvements in his neighborhood since the Council adopted the rental dwelling units ordinance last year. He gave kudos to staff and supported the request for an additional employee to help administer the extra workload. He noted that a bilingual staff member would be helpful.

On another matter, Town Administrator Stevens reported that there have been complaints issued by residents on Luwal Drive that the construction vehicles on their private street are creating potholes and dangerous driving conditions. After a brief discussion, **the Council did not want to move forward with pursuing code enforcement to fix the road, as they view it as a civil matter between the property owners on that street since it is a private road.**

Council Member Withington mentioned that there is a shipping container in a back yard in Briarwood, and he asked about the code related to that. Town Administrator Stevens responded that it would fall under the accessory structure code. Council Member Caranci noted that the building code is strict regarding wind loads, etc. for accessory structures.

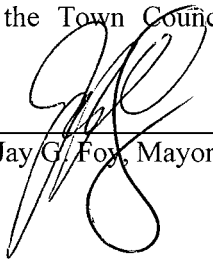
ADJOURNMENT

There being no further business to come before the Town Council, the meeting was adjourned at 1:09 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Town Council on September 12, 2024.

Approved: 

Tracey L. Stevens, Town Administrator



Jay G. Foy, Mayor

