

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Remar M. Harvin, Council Member  
Daniel H. Sohn, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



## **TOWN COUNCIL REGULAR MEETING**

**Town Hall Council Chambers**

**Thursday ~July 26, 2018**

**7:00 p.m.**

### **AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the July 12, 2018 Regular Meeting**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - b. ORDINANCE NO. 455: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION I, SECTION 58-331, STORAGE SHEDS, TO REDUCE THE MAXIMUM SIZE FOR ACCESSORY BUILDINGS TO 40 PERCENT OF THE PRINCIPAL BUILDING BUT NOT MORE THAN 1000 SQUARE FEET, AND PROVIDING SETBACK, HEIGHT AND SIZE REQUIREMENTS FOR SHEDS LOCATED ON LOTS NOT EXCEEDING 10,000 SQUARE FEET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - c. ORDINANCE NO. 456: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-321, OPEN STORAGE, TO PROVIDE THAT NO STORAGE CONTAINERS AND NO OPEN STORAGE SHALL BE PERMITTED ON VACANT LOTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - d. ORDINANCE NO. 457: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, TO CREATE A NEW SECTION 58-336, GENERATORS, TO**

**PROVIDE REGULATIONS REGARDING THE NUMBER, PLACEMENT, SIZE AND TESTING OF PORTABLE AND PERMANENT GENERATORS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

- e. **ORDINANCE NO. 458: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, TO CREATE A NEW SECTION 58-337, AIR CONDITIONING AND SWIMMING POOL EQUIPMENT, TO PROVIDE REGULATIONS REGARDING THE NUMBER, PLACEMENT, SIZE AND TESTING OF AIR CONDITIONING AND SWIMMING POOL EQUIPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- f. **ORDINANCE NO. 459: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE I, GENERAL, TO AMEND SECTION 58-8, DEFINITIONS, BY AMENDING THE DEFINITION OF PUBLIC FACILITIES TO CLARIFY THAT IT DOES NOT INCLUDE PUBLIC OR PRIVATE SCHOOL SITES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- g. **ORDINANCE NO. 460: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3, OFF-STREET PARKING REQUIREMENTS, BY AMENDING SECTION 58-362, PARKING SPACE SIZE REQUIREMENTS, AND SECTION 58-363, NUMBER OF PARKING SPACES REQUIRED, TO CLARIFY THAT GUEST PARKING SPACES IN MULTI-FAMILY, TOWNHOUSE AND ZERO LOT LINE UNITS SHALL UTILIZE CONCRETE PARKING BUMPERS, AND INCREASING THE NUMBER OF OFF-STREET SPACES FOR RESIDENTIAL PROPERTY FROM TWO TO FOUR EXCEPT THAT TOWNHOUSE OR ZERO LOT LINE UNITS APPROVED PURSUANT TO CHAPTER 54, SUBDIVISIONS, SHALL HAVE THREE SPACES PLUS GUEST PARKING EQUAL TO 20% OF THE TOTAL NUMBER OF LOTS IN THE DEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- h. **ORDINANCE NO. 463: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CREATING A NEW ARTICLE VII OF CHAPTER 58, ZONING, BY ESTABLISHING AN OVERLAY AREA TO BE KNOWN AS THE PBI AIRPORT OVERLAY, DEFINING THE SPECIFIC AREA TO WHICH THE OVERLAY WILL BE APPLICABLE, REQUIRING THAT IT ONLY BE FOR PROPERTY ZONED R-3, AND PROVIDING FOR SITE DEVELOPMENT STANDARDS, BUILDING REQUIREMENTS AND ARCHITECTURAL AND PERFORMANCE STANDARDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

- i. **Approve Corporate Resolution between the Town of Haverhill and Seacoast Bank for dedicated bank account for the Infrastructure Surtax monies per recommendation of Auditors and to authorize the Mayor, Vice Mayor and Town Administrator to execute said documents and signature cards.**
- j. **Update and action, if necessary, resulting from Code and Ordinance Meeting held earlier in the day**
- X. **REPORTS**
  - Town Attorney**
  - Mayor**
  - Town Administrator**
  - Committee/Delegate Report**
  - Treasurer's Report (included in packet)**
- XII. **UNFINISHED BUSINESS**
- XIII. **NEW BUSINESS**
- XIV. **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

## **TOWN COUNCIL REGULAR MEETING**

**Town Hall Council Chambers**

**Thursday ~July 26, 2018**

**7:00 p.m.**

### **OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, July 26, 2018 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member; Remar Harvin, Council Member and Daniel Sohn, Council Member. Also present were Lance Fuchs, Town Attorney and Janice C. Rutan, Town Administrator.

### **CALL TO ORDER**

Mayor Foy called the meeting to order at 7:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

### **ROLL CALL**

The Town Administrator called the roll. All members were present.

### **COMMENTS FROM THE PUBLIC**

None.

### **APPROVAL OF AGENDA**

The minutes for approval were pulled from the Agenda. A motion was made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve the agenda as amended.

### **APPROVAL OF THE CONSENT AGENDA**

~~Approval of the minutes of the July 12, 2018 Regular Meeting~~

### **PROCLAMATIONS AND PRESENTATIONS:**

None.

### **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**

Palm Beach County Deputy Sergeant Johnson was present at the meeting. He updated the Council with the crime statistics for the previous two week period. There had been several car break ins in the month of July (July 1, 2018 (1); July 4, 2018 (3)) the most recent being on July 24, 2018 when 5 cars had been broken into between the hours of 1:00 a.m. and 7:00 a.m. The suspects had broken the windows to gain access to the vehicles. He also reported that a propane tank had blown up on Ivory Lane.

Council expressed their appreciation to the Palm Beach County Sheriff's office.

### **SECOND READINGS AND PUBLIC HEARINGS**

Mayor Foy opened the public hearing.

**ORDINANCE NO. 455:AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION I, SECTION 58-331, STORAGE SHEDS, TO REDUCE THE MAXIMUM SIZE FOR ACCESSORY BUILDINGS TO 40 PERCENT OF THE PRINCIPAL BUILDING BUT NOT MORE THAN 1000 SQUARE FEET, AND**

**PROVIDING SETBACK, HEIGHT AND SIZE REQUIREMENTS FOR SHEDS LOCATED ON LOTS NOT EXCEEDING 10,000 SQUARE FEET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A motion was then made by Council Member Harvin, seconded by Council Member Sohn and unanimously passed (5-0) to approve Ordinance 455 on second reading.

**ORDINANCE NO. 456: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-321, OPEN STORAGE, TO PROVIDE THAT NO STORAGE CONTAINERS AND NO OPEN STORAGE SHALL BE PERMITTED ON VACANT LOTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A motion was then made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (5-0) to approve Ordinance 456 on second reading.

**ORDINANCE NO. 457: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, TO CREATE A NEW SECTION 58-336, GENERATORS, TO PROVIDE REGULATIONS REGARDING THE NUMBER, PLACEMENT, SIZE AND TESTING OF PORTABLE AND PERMANENT GENERATORS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A motion was then made by Council Member Sohn, seconded by Council Member Harvin and unanimously passed (5-0) to approve Ordinance 457 on second reading.

**ORDINANCE NO. 458: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, TO CREATE A NEW SECTION 58-337, AIR CONDITIONING AND SWIMMING POOL EQUIPMENT, TO PROVIDE REGULATIONS REGARDING THE NUMBER, PLACEMENT, SIZE AND TESTING OF AIR CONDITIONING AND SWIMMING POOL EQUIPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve Ordinance 458 on second reading.

**ORDINANCE NO. 459: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE I, GENERAL, TO AMEND SECTION 58-8, DEFINITIONS, BY AMENDING THE DEFINITION OF PUBLIC FACILITIES TO CLARIFY THAT IT DOES NOT INCLUDE PUBLIC OR PRIVATE SCHOOL SITES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A motion was then made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (5-0) to approve Ordinance 459 on second reading.

**ORDINANCE NO. 460: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3, OFF-STREET PARKING REQUIREMENTS, BY AMENDING SECTION 58-362, PARKING SPACE SIZE REQUIREMENTS, AND SECTION 58-363, NUMBER OF PARKING SPACES REQUIRED, TO CLARIFY THAT GUEST PARKING SPACES IN MULTI-FAMILY, TOWNHOUSE AND ZERO LOT LINE UNITS SHALL UTILIZE CONCRETE PARKING BUMPERS, AND INCREASING THE NUMBER OF OFF-STREET SPACES FOR RESIDENTIAL PROPERTY FROM TWO TO FOUR EXCEPT THAT TOWNHOUSE OR ZERO LOT LINE UNITS APPROVED PURSUANT TO CHAPTER 54, SUBDIVISIONS, SHALL HAVE THREE SPACES PLUS GUEST PARKING EQUAL TO 20% OF THE TOTAL NUMBER OF LOTS IN THE DEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. He included language that would require that at least two guest parking spaces would not be greater than 150 feet from each residential unit. A motion was then made by Council Member Harvin, seconded by Council Member Sohn and unanimously passed (5-0) to approve Ordinance 460 on second reading.

**ORDINANCE NO. 463: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CREATING A NEW ARTICLE VII OF CHAPTER 58, ZONING, BY ESTABLISHING AN OVERLAY AREA TO BE KNOWN AS THE PBI AIRPORT OVERLAY, DEFINING THE SPECIFIC AREA TO WHICH THE OVERLAY WILL BE APPLICABLE, REQUIRING THAT IT ONLY BE FOR PROPERTY ZONED R-3, AND PROVIDING FOR SITE DEVELOPMENT STANDARDS, BUILDING REQUIREMENTS AND ARCHITECTURAL AND PERFORMANCE STANDARDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

The title was read by Attorney Foster. He noted Ordinance No. 463 included the same parking language as Ordinance No. 460. A motion was then made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (5-0) to approve Ordinance 463 on second reading.

**Approve Corporate Resolution between the Town of Haverhill and Seacoast Bank for dedicated bank account for the Infrastructure Surtax monies per recommendation of Auditors and to authorize the Mayor, Vice Mayor and Town Administrator to execute said documents and signature cards.**

The Town Administrator presented Staff's Report. It was the recommendation of the Auditors that the Town open a special fund account for the Surtax funds and expenditures. A motion was then made by Council Member Uptegraph, seconded by Council Member Sohn and unanimously passed (5-0) to approve opening a dedicated bank account for the Infrastructure Surtax monies per recommendation of Auditors and to authorize the Mayor, Vice Mayor and Town Administrator to execute said documents and signature cards.

**Update and action, if necessary, resulting from Code and Ordinance Meeting held earlier in the day  
(No action required)**



## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

Mayor Foy reported that he would respond to the Florida Department of Environmental Protection on behalf of the Town regarding the NPDES Stormwater Program.

### **Town Administrator**

The Town Administrator reminded all that she would be presenting the 2018/2019 budget for Council consideration.

### **Committee/Delegate Report**

Vice Mayor Gordon reported on the Palm Beach County League of Cities Board of Directors meeting that he had attended the previous day. The key note speaker spoke on dealing with the media. The legal report contained interesting case law on land under water and suing a municipality for shoddy workmanship.

Mayor Foy reported e had given a presentation on the Loxahatchee River Plan to the Water Resource Task Force (of which he is no longer a member). He is serving as the League's appointment on the Environmental Committee. He noted at the last meeting there was presentation by a new physician to Palm Beach County who spoke on Sea Level Rise.

### **Treasurer's Report**

Included in packet.

## **UNFINISHED BUSINESS**

Council Member Sohn gave an update on the Farm Share event he will be co-hosting with Commissioner Lambert of the City of West Palm Beach and Palm Beach County EOC.

## **NEW BUSINESS**


Joseph Roche, Director of Public Services gave a report on the meeting held earlier in the day and the discussion that included a Countywide Fire Rescue effort. A brief discussion followed.

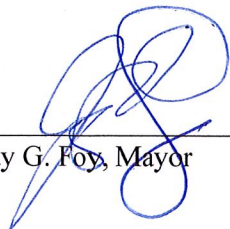
Council Member Daniel Sohn had attended the candidate's forum and named a few of the candidates that would be facing challenges in the August Primary.

## **ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved: August 23, 2018

  
\_\_\_\_\_  
Janice E. Rutan, Town Administrator

  
\_\_\_\_\_  
Jay G. Foy, Mayor

**TOWN OF HAVERHILL  
REGULAR TOWN COUNCIL MEETING  
Thursday, July 26, 2018**

[illegible]