

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



**Town Council
Code and Ordinance Committee Meeting
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Tuesday, April 3, 2018
NOON**

AGENDA

- I. Call to Order
- II. Review of Proposed Ordinances
- III. Presentations/Proclamations
- IV. Council, Attorney and Staff Reports
- V. New Business
- IV. Old Business
- VI. 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 OF HAVERHILL
Code and Ordinance Committee Meeting Workshop
April 3, 2018
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, April 3, 2018 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor, Jay Foy; Vice Mayor, Lawrence Gordon; Council Member, Remar M. Harvin; Council Member, Mark Uptegraph; Town Attorney, John Foster; Town Administrator Janice Rutan; Deputy Town Clerk, Jean Wible, Director of Public Services, Joseph Roche and Town Planner, Josh Nichols.

I. CALL TO ORDER

Mayor Foy called the Workshop to order at 12:00 p.m.

II. PRESENTATIONS/PROCLAMATIONS

- a. Mayor Foy took a minute to remind all Council members the importance when responding to a Town of Haverhill email, please do not reply to all persons included on the email. Only reply to the person who sent it. Mayor Foy stated he will bring the topic up at the next Regular Town Council meeting being held on April 26, 2018.
- b. Town Administrator Janice Rutan introduced Brenda Starr, a realtor who represents the owner of the vacant lot located on the corner of Concord Avenue and Charlotte Street. Miss Starr has been in contact with Town Hall quite a bit regarding the current moratorium of new subdivision construction. Town Administrator Rutan invited Miss Starr to today's Council Workshop to hear the discussion regarding the moratorium and possible extension of it.
- c. Josefina Genao, Intergovernmental Affairs Specialist (Liaison) with FEMA stopped by to introduce herself to Town Council and Staff.

III. REVIEW OF PROPOSED ORDINANCES

Ordinance No. 462 New Subdivisions:

Declaring a zoning in progress and imposing a moratorium on the acceptance and processing of new applications for rezoning, zoning text amendment, site plan approval, change in land use under the comprehensive plan, and the subdivision, platting and required improvements (Chapter 54 of the Town of Haverhill Code of Ordinances) until July 27, 2018; Providing for severability, conflicts and an effective date; and for other purposes:

Mayor Foy would like to see Town Council come to a decision soon regarding the moratorium currently in place on processing new applications for subdivisions. Town Attorney John Foster reminded all that we were waiting for the noise contours to see where the Town's property fit relative to that. He stated the county just released the airport maps last week. Town Planner Josh Nichols emailed the new maps to Town Administrator Rutan who provided copies to all attendees today. Mayor Foy asked if these are existing noise contours or projected and Town Planner Josh Nichols stated these are new and updated. Council member Mark Uptegraph stated it appears it has shrunk a bit from looking at older maps and Town Attorney stated yes, it did shrink. Mayor Foy stated it appears the new map does not affect the Trailer Park property now and Town Attorney John Foster stated this is why we needed the maps and basically we need to focus on building requirements such as lot coverage, setbacks, the distance between homes and things of this nature. Town Attorney Foster then stated he believes we will be ready to go to adopt the ordinance. Discussion ensued.

Ordinance No. 461 Medical Marijuana Treatment Facilities:

Declaring a zoning in progress and imposing a moratorium on the acceptance and processing of new applications for the establishment of Medical Marijuana treatment facilities, including dispensing facilities, until September 28, 2018; providing for severability, conflicts and an effective date; and for other purposes:

Town Attorney Foster stated this is another moratorium we have in effect but this one is actually continuing out until September 28, 2018. Town Attorney had three things he wanted to state about this Ordinance. First, the Department of Health is still in the rule making process of this. They have hearings set for this week and next week on proposed rules concerning this particular Statute. Secondly, under the Statute, it does state that a County or Municipality may, by Ordinance, ban medical marijuana treatment centers/dispensaries facilities. Town Attorney Foster stated that one of the things Council and Staff will need to talk about in the next 6 months is whether we want to ban these facilities or not. Town Attorney Foster stated that he added to proposed Ordinance 461, Section 2 the following "moreover, this moratorium is not intended to limit or restrict the Medical Use (as defined by Sec. 381.986 (1)U), Fla. Stat.) of marijuana by any resident of the Town of Haverhill. He stated the term "medical use" has a very broad definition in the Statute. Discussion ensued.

Ordinance No. 455 Storage Sheds:

Town Attorney Foster stated we had very little changes to this proposed Ordinance with the exception of adding the phrase "for purposes of this section" to Section B because of previous Town Council and Staff discussions. It drastically reduces the size of the accessory buildings, lowers the height of buildings to 15ft and states it cannot be more than 40% of the footprint of the principal building or a 1,000 square feet, whichever is less. This will prevent us from getting into these situations where someone is essentially building a shop for a business.

Ordinance No. 456 Storage Containers & Open Storage Containers:

Town Attorney Foster stated he found no practical way to define storage containers so he added paragraph C which reads, it shall be unlawful for the owner of any vacant lot within the Town to have storage containers of any size, style on the lot or store on said vacant lot, any tangible personal property of any kind on vacant lots.

Ordinance No. 457 Generators:

Town Attorney Foster stated the change made on this proposed Ordinance are that the new hours of testing will now be from 10:00 a.m. until 5:00 p.m. Monday through Saturday as previously discussed. Town Planner Josh Nichols read Exhibit "A", Section 1, Paragraph C which states "the highest point on the generator shall not exceed a maximum of five (5) feet above the neighboring property owner's finished grade". Town Planner Nichols would like to discuss possibly having the paragraph read "the highest point on the generator shall not exceed a maximum of five (5) feet above the neighboring property line closest to generator". Discussion ensued.

Ordinance No. 458 Air Conditioning and Swimming Pool Equipment:

Town Attorney Foster stated there are really no changes to this proposed Ordinance. Council member Mark Uptegraph asked if we should include irrigation equipment in this ordinance. Town Planner Josh Nichols asked if the Town has rules in the ordinances regarding pumps. Town Administrator Rutan stated that we have rules when installing new pumps as a permit is required. Discussion ensued.

Ordinance No. 459 Definition of Public Facilities:

Town Attorney Foster stated that he and Town Administrator Rutan are just clarifying the definition of public facilities to read "it does not include private or public school sites, because those are addressed specifically. He stated this issue came about because we have a zoning district that does not allow public or private schools but it does allow public facilities. Town Administrator Rutan brought to Mr. Foster's attention that as defined, public facilities could be a school site. Town Attorney stated this is the reason for clarification. Discussion ensued.

Ordinance No. 460 Off-Street Parking Requirements:

Town Attorney Foster stated under Sec. 58-362 the proposed Ordinance will now read "Parking spaces shall be ten (10) feet by twenty (20) feet. Except for Residential zoning districts, but including guest parking spaces as required for multi-family, townhouse or zero lot line units, each space shall have concrete parking bumpers and be appropriately striped. Adequate handicap spaces shall be provided as required by federal and state law. Curb cuts or ramps shall be provided from the parking lot to the building. He stated we changed the required parking spaces from two (2) to four (4) in the residential districts primarily because every place is required to have a two (2) car garage and we are allowing the capacity of parking spaces within a garage to count towards the total number of off-street parking spots. Regarding Townhouse or Zero Lot line units approved, we are allowing three (3) spaces per unit plus guest parking equal to 20% of the total number of lots in the development. All nonresidential uses not specifically listed in this section have been changed to one (1) space for every 200 square feet, per gross floor area. Discussion ensued.

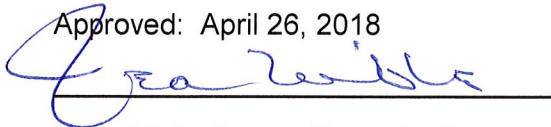
IV. COUNCIL, ATTORNEY AND STAFF REPORTS

Town Administrator Janice Rutan informed all that the increase in the Palm Beach County Sheriff's Office hourly costs effective May 1, 2018 will be minimal. Discussion ensued.

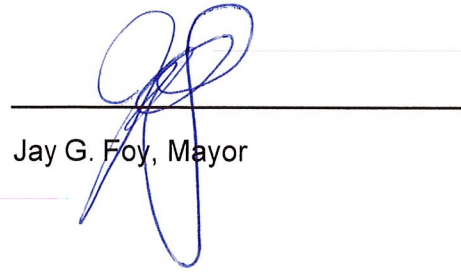
V. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:20 p.m.

Approved: April 26, 2018



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

**TOWN OF HAVERHILL
COUNCIL WORKSHOP
April 3, 2018
Noon**

April 3, 2018
Noon

[illegible]