

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



TOWN COUNCIL REGULAR MEETING

Town Hall Council Chambers

Thursday ~ October 12, 2017

7:00 p.m.

- 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 for the August 24, 2017, September 21, 2017 and September 28, 2017 regular meetings**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. VARIANCE REQUEST: CONSIDER REQUEST FOR VARIANCE AS FILED BY EDWARD DAVILA, OWNER OF THE PROPERTY LOCATED AT 1172 PINEWAY DRIVE: A VARIANCE FROM SEC. 58-170 (6) OF THE ORDINANCES OF THE TOWN OF HAVERHILL TO ALLOW FOR THE CURRENT 15 FOOT REAR SETBACK BE LOWERED TO A MINIMUM OF 5 FEET FOR THE INSTALLATION OF A PATIO AND PORCH ROOF INTO THE REAR SETBACK.**
 - b. ORDINANCE NO. 452: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, "ELECTIONS", ARTICLE IV, SECTION 4.03 "SUBJECT TO LOCAL ACT RELATING TO MUNICIPAL ELECTIONS" TO REFLECT EXEMPTIONS FROM SECTIONS 2 AND 5 OF CHAPTER 83-498 LAWS OF FLORIDA (UNIFORM MUNICIPAL ELECTION ACT) AND REGARDING CANDIDATE QUALIFYING PERIODS PROVIDING FOR CONFLICTS, SEVERABILITY, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. RESOLUTION 2017-011: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS PUBLIC IMPROVEMENT REVENUE NOTE, SERIES 2017, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$650,000, TO PAY THE COST OF DRAINAGE IMPROVEMENTS AND COSTS RELATED THERETO; PLEDGING THE TOWN'S SHARE OF THE PROCEEDS RECEIVED BY THE TOWN FROM THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX LEVIED**

AND IMPOSED BY PALM BEACH COUNTY TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE; AWARDING THE NOTE TO SEACOAST NATIONAL BANK BY NEGOTIATED SALE; APPROVING THE FORM OF A LOAN AGREEMENT BETWEEN THE TOWN AND SEACOAST NATIONAL BANK; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- b. Approve terms of loan between Town of Haverhill and Seacoast National Bank**
- c. Approve Loan Agreement between Town of Haverhill and Seacoast National Bank and authorize signatories for Loan Agreement**
- d. Approve Form of Note between Town of Haverhill and Seacoast National Bank and authorize signatories for Note**
- e. Approve Form of Draw Agreement between Town of Haverhill and Seacoast National Bank**
- f. Authorize Town Administrator to complete Tax Questionnaire between as part of loan agreement between Town of Haverhill and Seacoast National Bank.**

XI. 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 ~ October 12, 2017
OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, October 12, 2017 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark Uptegraph, Council Member, Jo Plyler, Council Member and Remar M. Harvin, Council Member. Also present were John Foster 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

Staff recommended the agenda be amended to remove the approval of the September 28, 2017 regular meeting minutes from the Consent Agenda and to include: **FIRST READING OF ORDINANCE NO. 453: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING ORDINANCE NO. 443 DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES UNTIL APRIL 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (5-0) to approve the Agenda as amended.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the August 24, 2017, September 21, 2017 and ~~September 28, 2017 regular meetings~~

A motion was made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed to (5-0) to approve the Consent Agenda as amended.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Palm Beach County Sheriff's office reported that the only reported statistic for the Town for the previous 2 week period was a stolen tag from a vehicle. Council expressed their appreciation.

PUBLIC HEARINGS AND SECOND READINGS:

ORDINANCE NO. 452: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES,

“ELECTIONS”, ARTICLE IV, SECTION 4.03 “SUBJECT TO LOCAL ACT RELATING TO MUNICIPAL ELECTIONS” TO REFLECT EXEMPTIONS FROM SECTIONS 2 AND 5 OF CHAPTER 83-498 LAWS OF FLORIDA (UNIFORM MUNICIPAL ELECTION ACT) AND REGARDING CANDIDATE QUALIFYING PERIODS PROVIDING FOR CONFLICTS, SEVERABILITY, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The title was read by Attorney Foster. The Town Administrator offered Staff's report.

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve Ordinance No. 452 on second reading.

REGULAR AGENDA AND FIRST READINGS:

VARIANCE REQUEST: CONSIDER REQUEST FOR VARIANCE AS FILED BY EDWARD DAVILA, OWNER OF THE PROPERTY LOCATED AT 1172 PINEWAY DRIVE: A VARIANCE FROM SEC. 58-170 (6) OF THE ORDINANCES OF THE TOWN OF HAVERHILL TO ALLOW FOR THE CURRENT 15 FOOT REAR SETBACK BE LOWERED TO A MINIMUM OF 5 FEET FOR THE INSTALLATION OF A PATIO AND PORCH ROOF INTO THE REAR SETBACK.

The Town Administrator offered Staff's report. It was explained that Mr. Davila, a 14 year resident of the Town, had erected a structure in his back yard without a permit. When he made application for the permit, it came to Staff's attention that the structure was in the rear yard setbacks and he would need to apply for a variance to allow a structure to be constructed within the rear yard setbacks (15'). Mr. Davila was adamant that he was replacing what was there, however, what was there, and removed, did not meet the Town's definition of structure and what has since been constructed is considered by the Town to be a structure. Photos of the property were distributed.

Staff provided photos of the old screen room as well as an aerial that clearly shows the patio that was there, but no structure as defined by the Town's code of ordinances. The 1986 Zoning Code allowed for pools and accessory structures to be 10' from the rear lot line which is what presently exists on his property now.

When asked why the variance request was to allow for an addition five feet, Staff explained so that in the event Mr. Davila wanted to install a screen around his pool, he would not need to request for an additional variation. Discussion ensued and it was agreed that the variance could not consider a future use.

Staff further requested that the variance be granted for a specific period to force the applicant to obtain the necessary permits and complete the work. Attorney Foster noted that Section 58-56 allows the Council to impose time frames for completion. Discussion followed with Mr. Davila explaining that his family suffered devastating loss in Hurricane Irma and he would need to be travelling to Puerto Rico over the next several weeks and could not be sure his work could be completed within the specified time frame. Council agreed to consider a 30 day extension if the request was filed timely with Council for formal Council action.

A motion was then made by Council Member Plyler and seconded by Council Member Harvin to grant the applicant a five (5') foot variance into the fifteen (15') foot required rear yard setback to accommodate the already constructed roof and patio with the stipulation that the variance will expire and terminate if a certificate of completion is not issued by the Town Building Official within 90 days of this approval (January 10, 2018). The applicant could request a 30 day extension but said extension must be approved by the Town Council at a regular Town Council meeting, thereby requiring the request to be placed on an agenda. The motion passed unanimously 5 – 0.

ORDINANCE NO. 453: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING ORDINANCE NO. 443 DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES UNTIL APRIL 27, 2018; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. Attorney Foster explained this was a continuation of the moratorium in place that would expire on October 26, 2017. As a point of interest he noted that Palm Beach County had extended their moratorium for one year, and Palm Beach Gardens was proposing for an outright ban.

A motion was then made by Council Member Plyler, seconded by Council Member Harvin and unanimously passed (5-0) to approve Ordinance No. 453 on first reading

RESOLUTION 2017-011: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS PUBLIC IMPROVEMENT REVENUE NOTE, SERIES 2017, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$650,000, TO PAY THE COST OF DRAINAGE IMPROVEMENTS AND COSTS RELATED THERETO; PLEDGING THE TOWN'S SHARE OF THE PROCEEDS RECEIVED BY THE TOWN FROM THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX LEVIED AND IMPOSED BY PALM BEACH COUNTY TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE; AWARDING THE NOTE TO SEACOAST NATIONAL BANK BY NEGOTIATED SALE; APPROVING THE FORM OF A LOAN AGREEMENT BETWEEN THE TOWN AND SEACOAST NATIONAL BANK; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- a. **Approve terms of loan between Town of Haverhill and Seacoast National Bank**
- b. **Approve Loan Agreement between Town of Haverhill and Seacoast National Bank and authorize signatories for Loan Agreement**
- c. **Approve Form of Note between Town of Haverhill and Seacoast National Bank and authorize signatories for Note**
- d. **Approve Form of Draw Agreement between Town of Haverhill and Seacoast National Bank**
- e. **Authorize Town Administrator to complete Tax Questionnaire between as part of loan agreement between Town of Haverhill and Seacoast National Bank.**

The title was read by Attorney Foster. Attorney Foster offered staff's report. Attorney Foster pointed out that Section 4 of Resolution 2017-011 approves the form and content of the loan agreement as attached hereto, with further changes, modifications, deletions and insertions that the Mayor and Town Administrator *hereafter* deem necessary, explaining that the word hereafter was inserted as the Town has not yet received a completed loan package and this would allow any changes to be made without having to come back to the Town Council. The Town retains the ability to modify the Resolution prior to entering the loan agreement and other details of the banking relationship. He also added that he noted that he and attorney Skip Miller who was representing Seacoast Bank, had also agreed on language changes to the Resolution Section 12 by adding the word "rescinded and rescission".

Ex parte communications were next disclosed:

- Attorney Foster has a banking relationship with Seacoast Bank and added that he had not been involved in the negotiations of the loan
- Mayor Foy has a banking relationship and stock with Seacoast Bank
- Vice Mayor Gordon has a banking relationship and stock with Seacoast Bank

Attorney Foster noted it would be in order to approve the Resolution subject to legal review and approval of the loan agreement and related documents and final approval of said documents by the Mayor and Town Administrator. Added to the recommendation would be the successful negotiation between the town parties of the banking account fees, terms, etc.

Terms of the prepayment were next discussed.

It was noted that items a through e did not need to be voted on separately as they would be included in the motion to approve the Resolution and loan agreement.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Resolution 2017-011 subject to legal review and approval of the loan agreement and related documents and final approval of said documents by the Mayor and Town Administrator and successful negotiation between the parties relating to the banking account fees, terms, etc.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy reported on the Palm Beach County League of Cities District 2 & 3 luncheon. He would not be able to attend the NPDES meeting as the time was in conflict with the mandatory ethics training. Council Members Plyler, Harvin and Uptegraph asked to be signed up for the Ethics on September 18, 2017 from 9 – 1 p.m. training as well. Vice Mayor Gordon had a conflict on that day.

Town Administrator

The Town Administrator reported on the previous day's meeting with Commissioner Mack Bernard. He had arranged to have representatives from FEMA at the meeting with information on the process of reimbursement to the municipalities for debris removal relating to Hurricane Irma. She reported that many Palm Beach County municipalities still had not begun their debris pick up due to their providers being out of the area servicing other counties and states affected by the storm that were paying higher prices for the debris removal than Palm Beach County municipalities.

She used this opportunity to thank Joseph Roche, Director of Public Services for his efforts in the clean-up and noted that the Town of Haverhill was one of the first municipalities to clean up from the storm. She reported to the Council that Mr. Roche's experience from prior years played a large part in the efficient processes. He in turn thanked Robert Storer and Waste Pro for their assistance.

Mayor Foy asked that a letter of appreciation be sent on behalf of the Town as well as recognize Robert and Waste Pro at the Mayor's luncheon.

Committee/Delegate Report

Mayor Foy reported on the District 2 & 3 luncheon. There was talk among the Administrators present at that luncheon regarding the debris pick up. It was stressed that the municipalities must follow all of FEMA's rules and regulations to the exact letter of the law.

Mayor Foy spoke on getting a coordinated effort together among the Town so that there could be a local marketplace to get information on supplies, etc. among the residents after a hurricane event. Although the town cannot spearhead the effort, it was suggested that the Town include the idea in their next newsletter and request feedback from the residents.

The Town Administrator noted this idea was discussed at the meeting with Commissioner Bernard and it as suggested it be coordinated through PBC EOC.

Mayor Foy then introduced Troop 199 in the audience. The Scout was present to get a badge.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Joseph Roche reported on the status of the Park and Cyprus Lane project. The surveys came out with little encroachment in the ROW. There will be several trees removed from Cyprus Lane.

He reported that the Town was back to regular garbage pick-up.

Mayor Foy asked that once the airport maps are published, they be distributed to the Council.

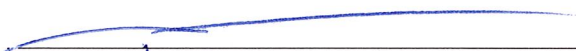
NEW BUSINESS

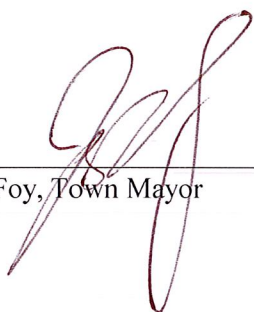
The Town Administrator inquired as to the Town's interest in joining the National League of Cities. She would look into the cost. Mayor Foy raised no objection if the Town would take advantage of the membership.

ADJOURNMENT

With no further business to come before the Town Council the meeting adjourned at 8:00 p.m.

Approved: November 16, 2017



Janice C. Rutan, Town Administrator

Jay Foy, Town Mayor