

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



**TOWN COUNCIL WORKSHOP  
AND CODE AND ORDINANCE COMMITTEE  
JOINT MEETING  
Town Hall Council Chambers  
4585 Charlotte Street  
Haverhill  
Tuesday, May 9, 2017  
**NOON****

**AGENDA**

- I. Call to Order
- II. Presentations/Proclamations
- III. Council, Attorney and Staff Reports
  - a. Pavilion Rental Policy
  - b. Palm Beach Habilitation
- V. Old Business

**CODE AND ORDINANCE COMMITTEE MEETING**

- I. Columbarium

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

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**TOWN COUNCIL WORKSHOP  
AND CODE AND ORDINANCE COMMITTEE  
JOINT MEETING**

**TUESDAY, MAY 9, 2017  
NOON**

**TOWN HALL  
4585 CHARLOTTE STREET  
HAVERHILL, FL**

**Notice is hereby given that the regular monthly Town Council Workshop scheduled for Tuesday, May 2, 2017 has been canceled and rescheduled to meet in joint session with the Code and Ordinance Committee on TUESDAY, MAY 9, 2017 @ Noon at the Town Hall, 4585 Charlotte Street, Haverhill, FL.**

**AGENDA:**

**Discuss Pavilion Rental Policy**

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**TOWN OF HAVERHILL**  
**Joint Meeting / Town Council Workshop & Code and Ordinance Committee**  
**Tuesday, May 9, 2017**  
**Town Hall – 4585 Charlotte Street**

**OFFICIAL MINUTES**

Pursuant to the foregoing notice, a Haverhill Joint meeting of Town Council Workshop & Code and Ordinance was held on Tuesday, May 9, 2017 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor, Jay Foy; Vice Mayor Lawrence Gordon; Council Member, Remar M. Harvin; Town Attorney, John Foster; Town Administrator Janice Rutan; Administrative Assistant, Jean Wible; Town Engineer, Todd McLeod; Town Planner, Josh Nichols and Director of Public Services, Joseph Roche

**I. CALL TO ORDER**

Mayor Foy called the Workshop meeting to order at 12:15pm

**II. PRESENTATIONS/PROCLAMATIONS**

Town Administrator Janice Rutan introduced Gina Levesque, Town of Haverhill's Palm Beach County Ethics Committee Liaison who is joining us today at our Town Workshop meeting and has brought along some new guide books and other informational handouts.

Bart Rasper, owner of 4581 Charlotte Street is here to discuss the possibility of re-zoning his property. The property is currently zoned as R-2. Mr. Rasper explaining he has a severe issue with vagrants sleeping on his property, some approximately 50ft from his front door and his wife is very upset about it. He would like to change zoning to commercial as he feels he would be able to rent the property out easier than keeping as R-2. Discussion ensued.

The Reverend Willie Davila with St. Christopher's Church, George Lewis, Esquire (St. Christopher's Church counsel) and John Evans are here to discuss the Columbarium request they are seeking. Mayor Foy reminding all that this is just a workshop and no decisions can be made at this time.

**III. COUNCIL, ATTORNEY & STAFF REPORTS**

- a. Town Administrator Janice Rutan revisiting the Pavilion Rental Policy allowing residents and non-residents of Haverhill to rent the pavilion at a very reasonable rate. Town Council has previously discussed the discontinuation of rental as it has become a nuisance to residents that live near the pavilion. T/A Rutan explained the Town has received several complaints on the Monday mornings following the rental of the previous weekend from some residents regarding the noise, trash and damage to Town property by the renters. T/A Rutan stated the staff time to prepare the pavilion for rental and the cleanup the following Monday morning doesn't come close to the Town rental fee. T/A

Rutan looking from Council, options of perhaps raising the fee or discontinue rental. Discussion ensued.

- b. Town Attorney John Foster explained the request to authorize Unity of Title between Palm Beach Habilitation and Blue Eyes 3, LLC will be coming before Council on Thursday, May 11, 2017 at Regular Council meeting. Town Attorney John Foster stated that he has received a copy of the contract and it is condition upon the Unity of Title being “swapped” between the two properties. Town Attorney Foster would like clarification that this agreement will be made with Blue Eyes 3, LLC and not Robert Vaughan. Town Attorney Foster does not want two separate entities involving Blue Eyes 3, LLC and Mr. Robert Vaughan. It must be specific to Blue Eyes 3 LLC. Discussion ensued.
- c. Town Attorney Foster explained there are a few Legislative Bills he would like to alert Town Council and staff to. The Committee Substitute for Senate Bill 80, which would require the courts to award reasonable compensation in cases of Public Records lawsuits. If a City or Town unlawfully refused to allow a record to be inspected or copied and the complainant provided written notice to the City or Custodian of Records a lawsuit can be filed. The new Bill states the person requesting copies must give five (5) day written notice for records before they can file a lawsuit. This only applies if the City or Town has posted the contact information of their records custodian, both at their City/Town Hall (generally where the records are generated) or on their website. Next Bill is the Charter School Bill, which basically states that local government is one hundred percent fully preempted with respect to zoning, site plan approval, etc. when facilities are converted for use as Charter schools. Next Bill is the Wireless Communication Corporate Subsidy Bill, it preempts local government control of taxpayers own rights of way for the placement of small or micro wireless antenna’s and equipment. It sets an arbitrary cap on the cost to locate to \$150.00 per attachment but only applies to government owned poles. Discussion ensued

#### **IV. OLD BUSINESS**

- a. N/A

#### **V. CODE AND ORDINANCE**

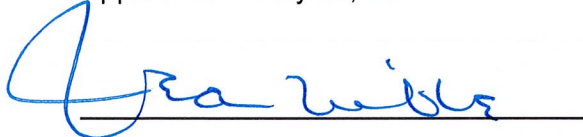
- a. Town Attorney John Foster presented some Statutory and Sample Code Provisions regarding Columbarium Requests (by St. Christopher’s Church) as per Florida Statutes 497.005 to all attendees. He stressed the importance of definition 11 as “Care and maintenance” means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. As specified in the rules of the licensing authority, “care and maintenance” may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines,

roads, buildings, and other improvements. "Care and maintenance" may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. "Care and maintenance" may also include repair or restoration of improvements necessary or desirable as a result of wear, deterioration, accident, damage, or destruction. "Care and maintenance" does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public. Town Attorney Foster stated sub F of the Statute is also applicable to the request of the Town allowing a columbarium and reads "A columbarium consisting of less than one-half acre which is owned by and immediately contiguous to an existing religious institution facility and is subject to local government zoning. The religious institution establishing such a columbarium shall ensure that the columbarium is perpetually kept and maintained in a manner consistent with the intent of this chapter. If the religious institution relocates, the religious institution shall relocate all of the urns and remains placed in the columbarium which were placed therein during its use by the religious institution". George Lewis, Esquire attorney for St. Christopher's Church explained that the Church does have an account set up specifically for perpetual care which is funded in several ways. He stressed that care and maintenance will be minimal. Town Administrator Janice Rutan asked if some type of a yearly inspection could be added to the Ordinance, if passed, this would allow the Town to monitor the Columbarium to be sure the care and maintenance is kept up. T/A Rutan reminded all that St. Christopher's Church will be the first Church with a Columbarium so she wants to be sure the Town of Haverhill's Ordinance is clear for future Columbarium's if this is the case. Discussion ensued.

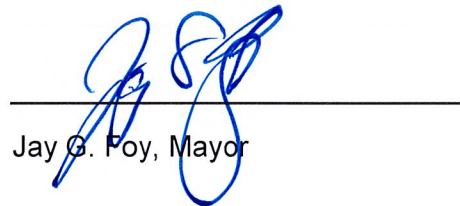
- b. Town Attorney John Foster stated the First Reading of Columbarium will be at the Regular Town Council meeting to be held on Thursday, May 25, 2017.

There being no further business to be discussed, the joint workshop and code ordinance meeting ended at 1:45 p.m.

Approved: May 25, 2017



Jean Wible, Administrative Assistant



Jay G. Foy, Mayor