

Jay G. Foy, Mayor
James E. Woods, Vice Mayor
Jerry E. Beavers, Council Member
Lawrence Gordon, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, November 13, 2014
Town Hall – 4585 Charlotte Street
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 October 23, 2014 Regular Meeting and the November 6, 2014 workshop
- VII. PRESENTATIONS AND PROCLAMATIONS**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. **ORDINANCE NO. 423: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**
 - b. **ORDINANCE NO. 424: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, CLARIFYING SECTION 30-61 TO REQUIRE PROPERTY OWNERS WITHIN THE TOWN TO PROVIDE ROLLOFF SERVICE FOR ALL CONSTRUCTION DEBRIS AND TO NOT ALLOW A NUISANCE TO BE CREATED; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**
 - c. **ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
 - d. **ORDINANCE NO. 426: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADDING A NEW SECTION 58-10 RELATING TO THE INSTALLATION OF SIGNAGE ON ALL PROPERTY WHICH IS SUBJECT TO AN APPLICATION FOR CHANGE IN LAND USE, REZONING,**

VARIANCE OR SPECIAL EXCEPTION APPROVAL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

- e. **ORDINANCE NO. 427 AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-8. DEFINITIONS "CONGREGATE LIVING FACILITY" AND AMENDING ARTICLE IX. SUPPLEMENTAL DISTRICT REGULATIONS. DIVISION 10 "CONGREGATE LIVING FACILITIES" TO CLARIFY THAT COMMUNITY RESIDENTIAL HOME IS AS DEFINED BY CHAPTER 419, FLA. STAT., AND BY AMENDING SEC. 58-490 TO CLARIFY THAT ONLY TYPE I CONGREGATE LIVING FACILITIES ARE PERMITTED IN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

X. FIRST READINGS AND REGULAR AGENDA

a. Approve Resolution 2014-10, A Resolution of the Town Council of the Town of Haverhill strongly objecting to recent action taken by the Board of County Commissioners to withdraw Palm Beach County from the Treasure Coast Regional Planning Council and to request membership in the South Florida Regional Planning Council instead; and strongly supporting the County's continued membership in the Treasure Coast Regional Planning Council; providing for distribution; providing for an effective date and for other purposes

b. Approve Resolution 2014-11, A Resolution of the Town of Haverhill authorizing the Town of Haverhill to approve and adopt the 2015 revised Palm Beach County Local Mitigation Strategy Plan; and provide an effective date

c. Ratify and confirm termination of contract between the Town of Haverhill and MT Causley, Inc. (by way of Piggyback Contract with the City of Pahokee) effective November 13, 2014.

d. Approve Resolution 2014-12, A Resolution of the Town Council of the Town of Haverhill, approving a proposal from William Denison, individually to provide services generally performed by a Building Official by way of a "Piggyback Agreement" to the contract with the Town of Mangonia Park, Florida, authorizing execution; authorizing termination; and providing for an effective date.

e. Approve proposal from Langan Engineering and Environmental Services, Inc. to provide transportation planning/engineering consultant services for the Town of Haverhill

f. Approve proposal from AECOM for continuing engineering services related to the Town's NPDES program for the 2014/2015 fiscal year.

g. Review and consider terms letter as offered by Crown Castle to extend the current lease by and between New Cingular Wireless and the Town of Haverhill

XI. REPORTS

Town Attorney

Mayor

Administrator's Report

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, CMC, 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
Regular Town Council Meeting
Thursday, November 13, 2014
Town Hall – 4585 Charlotte Street
Official Minutes**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, November 13, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney John Foster; Town Administrator Janice Rutan and Director of Public Services, Joseph Roche.

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 the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members present.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

With no additions, deletions or substitutions the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the October 23, 2014 Regular Meeting and November 6, 2014 workshop

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve the consent agenda as presented.

PRESENTATIONS AND PROCLAMATIONS

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant Michael Fozin was present representing the Palm Beach County Sheriff's office. He had been with PBSO since 1999 and works in District 1. He reported on the statistics from October 8, 2014 through November 11, 2014. There had been six alarm calls, 2 burglaries and 2 vehicle break-ins. PBSO had received calls for domestic issues, a hit and run, motor vehicle stops, a misdemeanor, neighbor complaints, an issue involving a juvenile and a theft of auto parts at the trailer park.

Officer Fozin did comment that the Haverhill Park was very dark at night and the Town might suggest to the County that additional lighting be added.

Council expressed their appreciation to the PBSO.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 423: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

The title was read by Attorney Foster.

There was no one present to offer public comment.

A motion was made by Vice Mayor Woods and seconded by Council Member Beavers to adopt Ordinance No. 423 on second reading.

Attorney Foster explained that although the County referendum did not pass, the State legislature would be adding amendments to the existing statutes and by adopting the moratorium, the Council was adding a layer of protection.

The vote was then called and passed unanimously (5-0).

ORDINANCE NO. 424: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, CLARIFYING SECTION 30-61 TO REQUIRE PROPERTY OWNERS WITHIN THE TOWN TO PROVIDE ROLL OFF SERVICE FOR ALL CONSTRUCTION DEBRIS AND TO NOT ALLOW A NUISANCE TO BE CREATED; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

The title was read by Attorney Foster.

There was no one present to offer public comment.

A motion was made Vice Mayor Woods and seconded by Council Member Uptegraph to adopt Ordinance No. 424 on second reading.

A brief discussion ensued.

The vote was then called and passed unanimously (5-0).

ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; 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.

The Town had received correspondence from the Pet Industry Council raising objection to the retail sales of dogs and cats in Haverhill. Attorney Foster requested Council consideration in tabling adoption of Ordinance No. 425 as he was concerned about enacting an outright ban on the retail sales of domestic animals. He added that the ordinance really didn't attack the problem of "puppy mills" as sales of animals raised specifically for breeding could still be made over the internet. He suggested the Council address this at their next workshop.

Council Member Gordon agreed with Attorney Foster suggesting the Town tread lightly.

A motion was made by Vice Mayor Woods to table the adoption of Ordinance No. 423 until Staff had ample time to review the implications of the proposed Ordinance. The motion was seconded by Council Member Gordon.

Mayor Foy opened the floor to public comment.

Nicholas Attwood: Mr. Atwood explained he was a resident of Palm Beach County and also worked at Palm Beach County Animal Control. He was present in support of the proposed Ordinance being considered by the Town Council. He stated that the ordinance would restrict the sale of dogs that come from puppy mills adding that ordinances that require pet stores to acquire dogs from shelters and rescues was a legally defensible way to decrease the demand for commercially bred puppies.

Attorney Foster commented that although it may be defensible, he would appreciate additional time to consider all the facts and do further research.

The vote was then called and passed unanimously (5-0).

ORDINANCE NO. 426: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADDING A NEW SECTION 58-10 RELATING TO THE INSTALLATION OF SIGNAGE ON ALL PROPERTY WHICH IS SUBJECT TO AN APPLICATION FOR CHANGE IN LAND USE, REZONING, VARIANCE OR SPECIAL EXCEPTION APPROVAL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

The title was read by Attorney Foster.

There was no public comment or discussion on Ordinance 426.

A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to adopt Ordinance No. 426 on second reading.

ORDINANCE NO. 427 AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-8. DEFINITIONS "CONGREGATE LIVING FACILITY" AND AMENDING ARTICLE IX. SUPPLEMENTAL DISTRICT REGULATIONS. DIVISION 10 "CONGREGATE LIVING FACILITIES" TO CLARIFY THAT COMMUNITY RESIDENTIAL HOME IS AS DEFINED BY CHAPTER 419, FLA. STAT., AND BY AMENDING SEC. 58-490 TO CLARIFY THAT ONLY TYPE I CONGREGATE LIVING FACILITIES ARE PERMITTED IN THE TOWN; 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.

Attorney Foster noted that the changes to 58-8, Definitions and 58-490 would clarify the type of congregate living facilities permitted in the Town and would not exclude certain other facilities as long as they met specific criteria.

With no further discussion or public comment, a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to adopt Ordinance No. 427 on second reading.

FIRST READINGS AND REGULAR AGENDA

Approve Resolution 2014-10, A Resolution of the Town Council of the Town of Haverhill strongly objecting to recent action taken by the Board of County Commissioners to withdraw Palm Beach County from the Treasure Coast Regional Planning Council and to request membership in the South Florida Regional Planning Council instead; and strongly supporting the County's continued membership in the Treasure Coast Regional Planning Council; providing for distribution; providing for an effective date and for other purposes.

The title was read by Attorney Foster.

Mayor Foy reported that the Palm Beach County League of Cities had requested all municipalities adopt a Resolution supporting a continued relationship with the Treasure Coast Regional Planning Council and object to the action of the Board of County Commissioners to participate in the South Florida Regional Planning Council.

A motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to pass Resolution R2014-10.

Approve Resolution 2014-11, A Resolution of the Town of Haverhill authorizing the Town of Haverhill to approve and adopt the 2015 revised Palm Beach County Local Mitigation Strategy Plan; and provide an effective date.

The title was read by Attorney Foster.

A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to pass Resolution 2014-11.

Ratify and confirm termination of contract between the Town of Haverhill and MT Causley, Inc. (by way of Piggyback Contract with the City of Pahokee) effective November 13, 2014.

The Town Administrator announced that she had terminated services with MTCausley and was asking for Town Council ratification of same.

A motion was made by Vice mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to confirm and ratify the termination of the contract between the Town of Haverhill and MT Causley, Inc. (by way of Piggyback Contract with the City of Pahokee) effective November 13, 2014.

Approve Resolution 2014-12, A Resolution of the Town Council of the Town of Haverhill, approving a proposal from William Denison, individually to provide services generally performed by a Building Official by way of a "Piggyback Agreement" to the contract with the Town of Mangonia Park, Florida, authorizing execution; authorizing termination; and providing for an effective date.

The title was read by Attorney Foster.

A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously voted (5-0) to approve Resolution 2014-12.

Approve proposal from Langan Engineering and Environmental Services, Inc. to provide transportation planning/engineering consultant services for the Town of Haverhill

John Kim, the Town's Traffic Engineer had recently left the employ of McMahon and Associates and joined the firm of Langan Engineering and Environmental Services.

A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph to approve the proposal from Langan Engineering and Environmental Services for work to be completed on a time and material basis at an hourly rate of \$185 per hour for time spent plus expenses incurred, such as mileage, reproduction and overnight mailings, if necessary.

Approve proposal from AECOM for continuing engineering services related to the Town's NPDES program for the 2014/2015 fiscal year.

A motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to approve the proposal from AECOM for continuing engineering services related to the Town's NPDES program for the 2014/2015 fiscal year in an amount not to exceed \$8,000.00

Review and consider terms letter as offered by Crown Castle to extend the current lease by and between New Cingular Wireless and the Town of Haverhill

Attorney Foster offered Staff's report. He had negotiated with Linda Doherty of Crown Castle non-binding agreement for the AT&T cell tower site that is now owned by Crown Castle. He noted that they had increased the one time amount of \$10,000 to \$15,000 for the full execution of the lease, and also added language that Verizon would be considered a future subtenant irrespective of when the lease amendment was executed.

Town Council, by general consensus authorized the Town Administrator to execute the non-binding agreement by and between the Town of Haverhill and Crown Castle.

REPORTS

Town Attorney

None

Mayor

Mayor Foy spoke briefly on the Palm Beach County League of Cities District 2 and 3 luncheon held the prior day in Atlantis.

Administrator's Report

The Town Administrator reported that she would be meeting with Bill Denison, the Building Official on Friday to show him around the Town Hall and introduce him to staff. His first day would be on Monday, November 17, 2014.

Emerald Cove had submitted their plans for permitting.

Committee/Delegate Report

Vice Mayor Woods reported on the Halloween Event held on October 31, 2014. Although attendance was lower than expected, it was a very successful event and the weather was beautiful.

He announced that the Neighborhood Yard Sale scheduled for November 15, 2014 had to be cancelled due to lack of participation.

Council Member Beavers reported on the Palm Beach County League meeting and the following topics that were addressed:

- Effective January 1, all elected officials must have four hours of ethics training per year
- Dave Stewart, Mayor of Lantana had shaved his head and beard as a fundraiser for the veterans.
- Palm Beach County's continued participation in the Treasure Coast Regional Planning Council

- Union contracts/401k's
- Robert Gotlieb addressed baseball in Palm Beach County
- All Aboard Florida railway was discussed
- Ethics and Special Magistrate
- He would be attending the EOC meeting
- Ike Robinson had passed away
- Atlantis would be hosting its first annual art show
- A CCAN meeting was scheduled for November 20, 2014
- Red Light Cameras
- Tri City Barbecue in Belle Glade on December 5, 2014

Treasurer's Report

Included in packet

UNFINISHED BUSINESS

There was a brief discussion regarding the property at 4753 Belvedere Road. A Certificate of Occupancy was pending. There were rescue dogs on the property. The Town had not received any complaints regarding the dogs from any of the abutting property owners.

NEW BUSINESS

Attorney Foster suggested the Town Council review the permitted uses in the R-3 residential district, but at a minimum, should exercise the powers granted under Ordinance No. 415 and initiate a land use amendment to amend the future land use atlas for the property at 5001/5002 Haverhill Road (Trailer Park) from commercial future land use to high density residential because the special exception granted under ordinance No. 358 for a self-storage facility with limited office and professional use has expired.

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to authorize a staff initiated future land use map amendment changing the property located at 5001 and 5002 Haverhill Road from its present future land use designation of commercial to a future land use designation of high density residential.


Director of Public Services, Joseph Roche noted he was aware of the travel trailers at the site and had issued notices of violation.

He also reported that Captain John Prietzel was no longer affiliated with District 1, however, the change would not affect the good working relationship between the Town and District 1.

ADJOURNMENT

With no further business to come before the Town, the meeting adjourned at 8:15 p.m.

Approved: December 18, 2014


Janice C. Rutan, Town Administrator


Jay G. Foy, Mayor