

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 & Ordinance
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Tuesday, March 5, 2019
NOON**

AGENDA

- I. Call to Order
- II. Presentations/Proclamations
- III. Council, Attorney and Staff Reports
- IV. New Business
- IV. Old Business
- V. Code & Ordinance
- 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
Town Council Workshop and Code & Ordinance Meeting
March 5, 2019
Town Hall – 4585 Charlotte Street

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, March 5, 2019 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Mark Uptegraph; Council Member Daniel Sohn; Town Attorney John Foster; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible; Public Service Director Joseph Roche and Town Planner Josh Nichols

I. CALL TO ORDER

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

II. PRESENTATIONS / PROCLAMATIONS

III. COUNCIL, ATTORNEY AND STAFF REPORTS

- a. Mayor Foy stated this was a combined monthly Workshop and Code & Ordinance meeting. He wanted to start off with non-code items. He stated he had asked Town Administrator Janice Rutan what the “worst” case would be where Town Council would have to do something about the absence of a Council Member or the options they had. Mayor Foy stated the answer was good. A Council member would have to miss four (4) Regular Town Council meetings then Town Council would have the option to extend it by vote with a time certain on it. Mayor Foy stated we have three (3) more meetings before we have to do anything regarding Council Member Remar Harvin, who recently had a stroke. Town Attorney John Foster added that he doesn't want people to take offense when they read an agenda that has this matter on it because under the Town's Charter, Town Administrator Janice Rutan is required to place the matter on the agenda after four (4) absences. Discussion ensued.
- b. Mayor Foy stated that Town Administrator Rutan has a meeting on Wednesday, March 6, 2019 with Chris Schulle of Waste Pro. The Town's contract with them for Solid Waste pickup will expire this year. Mayor Foy stated in talking with Town Administrator Rutan this morning, if Mr. Schulle asked for one day a week service, (although the Town prefers to stay with the current two day a week pickup service) he and T/A Rutan believed it would require going out for an RFQ (Request for Quote), because it was specifically stated in the current agreement for two times a week pickup service. Mayor Foy doesn't believe Council can adjust the conditions of the bid. Town Attorney Foster agreed the Town cannot change the terms of the current agreement. It must go out again for bid. Town Administrator Rutan stated that in speaking with Patti Hamilton last week, she unfortunately alluded to the fact that it will become the industries standard for

one day a week pickup service as it is difficult for the solid waste workers to get a 5 day work week. They are all having to work 6 days a week. Discussion ensued.

- c. Mayor Foy stated the Town had a request from the late James "Woody" Woods' son Jimmy Woods to use the Pavilion for his upcoming wedding rehearsal dinner in December 2019. Mayor Foy stated that Town Council would have to have a vote to make an exception to the policy at a regular Town Council meeting but wanted to use today's workshop to discuss. Discussion ensued.
- d. Council Member Daniel Sohn asked if anyone had taken the Criminal Justice Commission program. He stated it is like a citizen's class academy that you go through (10 weeks) to learn what legal issues are and crime stuff that is happening and how to combat it in your local city. They have speakers from the State's Attorney office, judges etc. He stated he had signed up for it and asked if anyone would like him to send them the information. Mayor Foy asked him to send the information to Town Administrator Rutan so she may distribute to Council.
- e. Council Member Sohn reminded all today is the first day of legislative session.

IV. NEW BUSINESS

N/A

V. OLD BUSINESS

N/A

VI. CODE & ORDINANCE

- a. Town Attorney Foster provided a copy of the entire Charter so each Council member may review.
- b. Town Attorney Foster stated there are two areas that had been changed in the draft not because of recommendation but because of previous discussions: First was regarding term of office from **two (2) years to four (4) years**. Mayor Foy stated since we currently alternate, you have a potential for election every year. If changed to four (4) year terms, it would be a potential for every 2 years of an election. Town Attorney Foster stated and secondly, candidates for the office of Town Council shall have continuously resided in the Town during the one (1) year period immediately preceding the date of the election. The Town Council by ordinance provide for evidence and criteria acceptable to establish legal residency within the Town as discussed at last workshop. Mayor Foy asked when would be the first time this could be added to a Town Council meeting, November. Town Attorney Foster stated March 2020. It would have to be put on the ballot for voting by residents. Discussion ensued.

- c. Town Attorney Foster provided a copy of Ordinance 452 – Changing the Dates of Qualification for the Municipal Election and stated that Town Council did amend the Charter by Ordinance, but this was under the Election Law where we have the ability to do so. Discussion ensued.
- d. Town Attorney Foster stated that amazingly the Town doesn't have a definition of duplex, dwelling, dwelling single family, dwelling two family and dwelling multiple family however, we do have a definition for dwelling unit and multi-family and single family. He stated that based on some recent inquiries and conversations the Town Administrator has had, we need to look at these. Town Administrator Rutan stated that one of the issues we are having is a property in Town located at 920 & 944 N. Haverhill Road directly behind the Church of God. She stated that presently on 944 N. Haverhill, there are two separate buildings on one lot and we have had so many inquiries about people coming in and redressing those buildings (fix up) making them two single family homes but in the R2 Residential District, the only thing that is allowed is a single family home or a duplex. When you read our code, it states the minimum lot size for a single family home has to be 12,500sq ft., for two family homes it has to be 5,500sq ft., and for a unit that shares a wall on a lot line it has to be 6,580sq ft. So with no definitions, as it stands now, if someone were to buy this property, both of the properties have to be razed and a duplex with two family home be built. Discussion ensued.

e. Town Attorney Foster presented the following definitions:

Sec. 58-8 - Definitions.

Duplex see Dwelling, two family.

Dwelling means any building or portion thereof designed for or used for residential purposes.

Dwelling single-family, means a detached dwelling designed for only one family.

Dwelling two-family, means a building designed for only two families with separate housekeeping, sanitary, and cooking facilities for each family.

Dwelling, multiple-family, means a building designed for three or more families, with separate housekeeping, sanitary, and cooking facilities for each family.

Dwelling unit means any combination of two or more of the following: living rooms, bedrooms, dens, studios, playrooms, or kitchen, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household. All rooms in the dwelling unit must be accessible from the interior of the unit. Subject to the use regulations of the zoning code, a dwelling unit may be used for owner occupancy, rental, lease, or other occupancy for a minimum of 28 consecutive days or longer.

~~Dwelling unit means one or more rooms designed, occupied or intended for human occupancy as separate living quarters, with only one kitchen plus sleeping and sanitary~~

~~facilities provided within the unit, for the exclusive use of a single family maintaining a household.~~

Multifamily means the use of a structure designed for three ~~two~~ or more dwelling units which are attached, ~~or the use of a lot for two or more dwelling units excluding mobile homes.~~ Typical uses include apartments and residential condominiums.

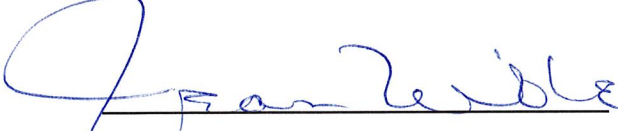
Single-family means the use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

Attorney Foster stated this will be on the March 14, 2019 agenda for first reading and changes can be made then. Discussion ensued.

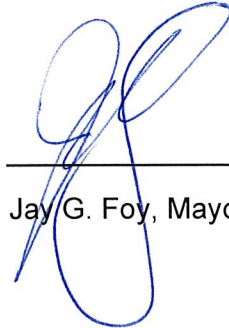
VII. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 2:00 p.m.

Approved: March 28, 2019



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
COUNCIL WORKSHOP AND CODE & ORDINANCE
Tuesday, March 5, 2019
Noon**

Name	E- Mail Address	Signature
Jay Foy		
Lawrence Gordon		
Mark Leptegraph		
Daniel Sohn		
Serrice Ruten		
Jean Wible		
Sohn Foster		
Sosh Nichols		
Joseph Roche		