

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



TOWN COUNCIL REGULAR MEETING

Town Hall Council Chambers

Thursday ~July 25, 2019

7:00 p.m.

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 June 13, 2019 Regular Meeting and the July 2, 2019 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. **ORDINANCE NO. 472: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE I, GENERAL, TO AMEND SECTION 58-8, DEFINITIONS, BY ADDING NEW DEFINITIONS FOR YARD, AND FRONT, REAR AND SIDE YARDS, AND EXPANDING THE DEFINITION OF CERTIFICATES OF OCCUPANCY TO INCLUDE CONDITIONAL OR TEMPORARY CERTIFICATES OF OCCUPANCY; AMENDING ARTICLE V, SPECIAL EXCEPTIONS, BY AMENDING SECTION 58-127, VIOLATIONS; TIME LIMITATIONS, TO INCLUDE THAT WORK SHALL ALSO BE COMPLETED IN SIX MONTHS AND PROVIDING FOR INSPECTION; AMENDING DIVISION I, GENERALLY, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, BY AMENDING SECTION 58-327, CERTIFICATE OF OCCUPANCY, BY CLARIFYING THAT NO PERSON MAY OCCUPY ANY STRUCTURE UNLESS A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED, IMPOSING A TIME LIMIT OF SIXTY DAYS TO INSTALL LANDSCAPING RELATING TO A CERTIFICATE OF OCCUPANCY, AND SPECIFICALLY AUTHORIZING THE BUILDING OFFICIAL TO ISSUE A CONDITIONAL OR TEMPORARY CERTIFICATE OF OCCUPANCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

- b. **ORDINANCE NO. 473: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING DIVISION 10, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 58-481, KITCHEN REMOVAL, TO CLARIFY THAT REMOVAL OF ALL KITCHEN EQUIPMENT SHALL INCLUDE CABINETS AND APPLIANCES, SUCH AS A DISHWASHER AND OVEN/STOVE, AND AMENDING SECTION 58-482, INITIAL APPLICATION AND ANNUAL PERMIT, TO REQUIRE THAT THE AGREEMENT EXECUTED BETWEEN THE HOMEOWNER AND TOWN BE RECORDED AND SHALL RUN WITH THE LAND, ESTABLISHING AUTOMATIC TERMINATION OF THE SPECIAL EXCEPTION ALLOWING THE ACCESSORY DWELLING UNIT UPON TRANSFER OF TITLE OF THE PROPERTY, BY SALE OR LEASE, AND PROVIDING FOR ANNUAL INSPECTIONS OF THE PROPERTY AND STRUCTURES AFTER A SPECIAL EXCEPTION HAS BEEN APPROVED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- X. **REGULAR AGENDA AND FIRST READINGS**
 - a. **RESOLUTION 2019-03: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2019/2020 FISCAL YEAR; SETTING THE REQUIRED PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE.**
 - b. **ORDINANCE NO. 474: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING 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 DECEMBER 31, 2019; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**
 - c. **RESOLUTION 2019-05: A RESOLUTION OF THE TOWN OF HAVERHILL FLORIDA; ADOPTING RULES OF PROCEDURE FOR TOWN COUNCIL, BOARD AND COMMISSION MEETINGS; ADOPTING POLICIES GOVERNING PUBLIC COMMENT; ADOPTING SAID RULES AND POLICIES IN COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING RULES FOR THE CONDUCT OF MEETINGS; PROVIDING RULES FOR PUBLIC PARTICIPATION AND CONDUCT; REQUIRING THE OBSERVANCE OF DECORUM; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**
 - d. **Legislative Priorities**
 - e. **Appoint Complete Count Committee**
 - f. **Vote to approve correction of Scrivener's error contained in Ordinance 463**
- 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 ~July 25, 2019
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street, Haverhill on Thursday, July 25, 2019. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon, Council Member Mark C. Uptegraph, Council Member Remar Harvin and Council Member Daniel Sohn. Also present was John Foster, Town Attorney; Janice C. Rutan, Town Administrator.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation followed by the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

Attorney Foster requested the agenda be amended as follows:

Item X.f be revised to read "First reading of Ordinance 475 to correct the Scriveners error in Ordinance 463. He also suggested the Council consider tabling item X. c to the workshop on August 6, 2019.

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the June 13, 2019 Regular Meeting and the July 2, 2019 Workshop

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

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Kayla Schnell introduce herself to the Town Council. She stated she would be attending the second meeting of each month as the Crime Prevention liaison from District 1. She reported that there had been 47 deputy initiated residential or business checks; 16 traffic stops; 5 suspicious vehicles/persons; 1 burglary to a vehicle and 1 stolen tag.

Because the computer system was down, she was unable to provide details concerning the vehicle burglary.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 472: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE I, GENERAL, TO

AMEND SECTION 58-8, DEFINITIONS, BY ADDING NEW DEFINITIONS FOR YARD, AND FRONT, REAR AND SIDE YARDS, AND EXPANDING THE DEFINITION OF CERTIFICATES OF OCCUPANCY TO INCLUDE CONDITIONAL OR TEMPORARY CERTIFICATES OF OCCUPANCY; AMENDING ARTICLE V, SPECIAL EXCEPTIONS, BY AMENDING SECTION 58-127, VIOLATIONS; TIME LIMITATIONS, TO INCLUDE THAT WORK SHALL ALSO BE COMPLETED IN SIX MONTHS AND PROVIDING FOR INSPECTION; AMENDING DIVISION I, GENERALLY, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, BY AMENDING SECTION 58-327, CERTIFICATE OF OCCUPANCY, BY CLARIFYING THAT NO PERSON MAY OCCUPY ANY STRUCTURE UNLESS A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED, IMPOSING A TIME LIMIT OF SIXTY DAYS TO INSTALL LANDSCAPING RELATING TO A CERTIFICATE OF OCCUPANCY, AND SPECIFICALLY AUTHORIZING THE BUILDING OFFICIAL TO ISSUE A CONDITIONAL OR TEMPORARY CERTIFICATE OF OCCUPANCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster. He pointed out the additional language included in the title of the Ordinance as it pertained to the correction of Scrivener's errors that may be found in the Ordinance after adoption. The authority would be granted to the Town Administrator provided the correction did not affect the intent of the Ordinance.

Discussion followed and it was suggested that the Town Administrator be granted the same authority for minutes and other documents. It was agreed to bring the suggestion up for discussion under new business.

With regard to the Ordinance itself, Council Member Uptegraph inquired about the time limit allowed for temporary electrical service during construction and suggested it be included in the Town's code. Attorney Foster stated he thought that would be part of the Building Code. The Town Administrator would ask the Building Official and get back to him with an answer.

With no further discussion, a motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance 472 on second reading.

ORDINANCE NO. 473: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING DIVISION 10, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 58-481, KITCHEN REMOVAL, TO CLARIFY THAT REMOVAL OF ALL KITCHEN EQUIPMENT SHALL INCLUDE CABINETS AND APPLIANCES, SUCH AS A DISHWASHER AND OVEN/STOVE, AND AMENDING SECTION 58-482, INITIAL APPLICATION AND ANNUAL PERMIT, TO REQUIRE THAT THE AGREEMENT EXECUTED BETWEEN THE HOMEOWNER AND TOWN BE RECORDED AND SHALL RUN WITH THE LAND, ESTABLISHING AUTOMATIC TERMINATION OF THE SPECIAL EXCEPTION ALLOWING THE ACCESSORY DWELLING UNIT UPON TRANSFER OF TITLE OF THE PROPERTY, BY SALE OR LEASE, AND PROVIDING FOR ANNUAL INSPECTIONS OF THE PROPERTY AND STRUCTURES AFTER A SPECIAL EXCEPTION HAS BEEN APPROVED; 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.

A motion was made by Vice Mayor Gordon to approve Ordinance 473 on second reading.

Council Member Uptegraph commented that although the additional regulation for the Accessory Dwelling units contained in the Ordinance is an improvement to the existing Ordinance, he is still not in favor of standalone accessory dwelling units. They are difficult to regulate and often become income producing rental units for the property owner.

In response to Council Member Sohn, Attorney Foster explained that the preamble and “whereas” clauses preceding Ordinances was to substantiate why the Ordinance was being adopted, in most cases to secure the health, safety and welfare of Town residents and their property.

Discussion followed with the Attorney highlighting the procedures that would protect the Town from abuse of the approved accessory dwelling units. Those procedures included recording a covenant in the Palm Beach County land records as well as including the restriction on estoppel letters, annual checks of the facility and renewal statements.

Reference was made to the contentious effort in Lake Worth Beach to address the many unauthorized accessory dwelling units in that city.

With no further discussion, the vote was called and the motion passed unanimously (5-0).

REGULAR AGENDA AND FIRST READINGS

RESOLUTION 2019-03: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2019/2020 FISCAL YEAR; SETTING THE REQUIRED PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE.

The title was read by Attorney Foster. Mayor Foy confirmed the roll back rate to be 4.1783.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Resolution 2019-03.

ORDINANCE NO. 474: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING 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 DECEMBER 31, 2019; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was ready by Attorney Foster.

A motion was made by Council member Sohn to approve Ordinance No. 474 on first reading.

Attorney Foster suggested a Code and Ordinance Committee meeting be scheduled so the Town Council can make a decision regarding medical marijuana facilities.

Because the legislation limits the Town’s ability to regulate the facilities, Council Member Sohn would prefer keeping the moratorium in place.

The motion was then seconded by Vice Mayor Gordon and passed unanimously (5-0).

RESOLUTION 2019-05: A RESOLUTION OF THE TOWN OF HAVERHILL FLORIDA; ADOPTING RULES OF PROCEDURE FOR TOWN COUNCIL, BOARD AND COMMISSION MEETINGS; ADOPTING POLICIES GOVERNING PUBLIC COMMENT; ADOPTING SAID RULES AND POLICIES IN COMPLIANCE WITH

SECTION 286.0114, FLORIDA STATUTES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING RULES FOR THE CONDUCT OF MEETINGS; PROVIDING RULES FOR PUBLIC PARTICIPATION AND CONDUCT; REQUIRING THE OBSERVANCE OF DECORUM; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Foster gave a brief history on the reason this Resolution would need to be adopted. He asked the Town Council consider tabling the matter until the August 6, 2019 workshop so it could be discussed. He would also like to add a procedure for quasi-judicial hearings.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (5-0) to table the matter to August 6, 2019 workshop.

Legislative Priorities

Attorney Foster presented Town Council with a white paper outlining the legislative priorities of the Town Council to be presented to Representative Matt Willhite for the upcoming legislative session. **By general consensus of the Town Council, it was agreed to address the report at the August 6, 2019 Workshop.**

Appoint Complete Count Committee - Resolution 2019-06

The Town Administrator gave Staff's report. The Town of Haverhill had been requested to appoint a Complete Count Committee (CCC) to increase awareness and motivate resident responses to the 2020 Census. The U.S. Census Bureau had asked the Town do this in the form of a resolution so they would have a record of which municipalities have appointed CCCs.

At the last Town Council Meeting, the Town Administrator had asked if each Council Member would submit a name to serve on the Committee. She would serve as the Staff liaison to the Committee and Council Member Daniel Sohn had expressed an interest in representing the Town Council on this Committee.

In addition, she requested Council permission to contact all of the neighborhoods in Town that have HOAs as well as all of the houses of worship in the Town and request they appoint a member to serve on the Committee.

The following appointments were suggested by each Council Member with the Town Administrator to confirm acceptance:

- Robert Roessler (Mayor Foy)
- Salesia Gordon and Joe Alonzi (Vice Mayor Gordon)
- Pam Uptegraph (Council Member Uptegraph)
- Daijah Harvin and Betty Murph (Council Member Harvin)
- Davilyn Whims (Council Member Sohn)

A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0), to appoint individual members to serve on the CCC and to authorize the Town Administrator to contact the HOAs/Boards/Places of Worship for their recommendation of appointment to serve on the Committee and to pass Resolution 2019-06 supporting the formation of a Complete Count Committee for the 2020 Census.

~~Vote to approve correction of Scrivener's error contained in Ordinance 463~~

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE VII, PBI AIRPORT OVERLAY OF CHAPTER 58, ZONING, BY CORRECTING THE SCRIVENER'S ERROR IN SUBSECTION (2) OF SECTION 58-256 – REZONING CRITERIA, TO SUBSTITUTE

HAVERHILL ROAD IN PLACE OF BELVEDERE ROAD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster. Attorney Foster gave Staff's report.

A motion was then made by Council member Sohn, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve Ordinance 475 on first reading.

REPORTS

Town Attorney

Attorney Foster reported on a recent ruling (Case Johnson v. Ocaris Management Group) United States District Court for the Southern District Court of Florida whereby the Court had not only ruled against the plaintiff but called the case frivolous. The case involved a hearing impaired individual that had sued 26 gas stations because the advertising monitors at the pumps were not closed captioned. Attorney Foster noted the court had spent an incredible amount of time reviewing the case and found that not only was Mr. Johnson not injured, the case was without merit.

Mayor

Mayor Foy referred to the Palm Beach County District 2 & 3 luncheon held at El Sabor.

He then explained to Council the history with regard to the zoning designations of the Town. He reported that years ago, Council had decided that the Town's western and northern properties would remain low density residential with the higher density areas being those closest to Military Trail and the airport. Noting that the present Council can do what it chooses with regard to zoning designations, it was the intent of the previous Councils to have the R-1 designation remain in certain quadrants throughout the Town.

Town Administrator

The Town Administrator referred to recent case she had learned of whereby a person sued for non ADA compliance. The case was settled for \$20,000, with the plaintiff receiving \$2,000 of the \$18,000 and the law firm representing him received the balance. It was later learned the plaintiff was a partner in the law firm.

She reported she was working with Muni Code and Common Look software to try to bring the website back up in compliance with ADA, and to meet the requirements of the legislation in posting certain documents.

The Town Administrator reported on the letter from Representative Matt Willhite asking if the Town would be seeking any appropriations from the legislature for any projects. Council Member Sohn responded that he would like to request funding to cover the costs involved in bringing the Town's website into ADA compliance since it was the legislature's mandate that certain forms must be posted on the Town's website.

She next reported on the notices she has received from Palm Beach County regarding proposed development orders. Academy Bus has requested Town Council consideration of their proposal to modify an existing site by adding a 2.09 acre parcel that is adjacent to the existing site. It will allow for a proposed bus parking site expansion. By general consensus it was agreed to send the standard letter expressing the Town's concern that the approval of this and other development orders in such close proximity to the Town will result in increased traffic throughout the Town.

Council agreed to send the same letter for the proposed reconfiguration of the site plan at the northeast corner of Southern and Benoist Farm Roads to allow for a convenience store with gas sales and a Type 1 drive thru restaurant.

Council felt the proposed site plan amendments for Manheim Palm Beach (Sansbury Way) to eliminate outdoor lighting, or for the elimination of a softball field to allow for construction of a stealth tower at the east side of First Street, ½ mile north of Southern Boulevard would not increase traffic through the Town of Haverhill.

The Town Administrator announced that Mayor Foy would be recognized for 25 years of elected service at the Annual Florida League of Cities Conference to be held in Orland August 15-17, 2019. Vice Mayor Gordon would accept the Proclamation on behalf of Mayor Foy.

The Mayor's literacy luncheon would be held September 12, 2019 at the Flagler Steakhouse at the Breakers. If the Mayor chooses not to attend, Vice Mayor Gordon and Council member Uptegraph offered to go in his stead.

Committee/Delegate Report

Council Member Sohn expressed his appreciation for the support shown to him by Council when he had to leave the previous Council meeting early because his mother was in the hospital. He reported she would be undergoing surgery.

Vice Mayor Gordon reported on his attendance at the July 24, 2019 Palm Beach County League of Cities Meeting that was held at the Village of Palm Springs Finnish Club. He estimated over 200 people were in attendance.

During the Board of Directors meeting a legal report had been presented that included two cases, the first involving the City of Pembroke Pines and Corrections Corporation of America. Apparently, the City of Pembroke Pines agreed to supply water to a jail facility, however, when the proposed use of the facility changed to a detention facility, the City said they would no longer supply water to the facility. Corrections Corporation of America filed a counter claim claiming non contractual economic losses. While on appeal, the Fourth District Court agreed with the City, holding that a City was entitled the sovereign immunity waiver because limited waiver of s or wrongful act of sovereign immunity did not apply to state law tort claims which were not based on injury, loss of property, personal injury of death caused by the negligent or wrongful act of any employee of the agency or subdivision while acting within the scope of the employee's office or employment.

The second case involved the City of Cape Coral who had purchased 6 parcels of land located on the eastern edge of the island community of Matlacha. The city then proposed to annex the property into the City as a voluntary annexation. The annexation was met with opposition. The petitioners filed a three count action. On appeal, the appellate court held that the trial court's conclusion that the petitioners had to allege a present material injury directly resulting from the annexation was contrary to the plain language of the statute.

Vice Mayor Gordon next reported on the Florida League of Cities Legislative Policy Committees had made presentation at the meeting of their legislative priorities for the upcoming session. He had learned that Council Member Daniel Sohn had not attended any of the meetings thus far **and as such, moved to rescind the approval granted to Council Member Sohn at the July 11, 2019 to attend the Legislative Policy Committee meeting that was scheduled to be held during the annual Florida League of Cities conference in Orlando August 15 – 17, 2019.**

He expressed that since he himself would be attending the conference, and the committees would be making the presentation to the full body of the league, it would not be necessary for Council Member Sohn to attend.

Council Member Sohn seconded the motion and it passed unanimously (5-0).

Treasurer's Report

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion ensued regarding the many development/land use inquiries coming into the Town Hall concerning the few vacant parcels that remain in Town.

She and Attorney Foster next discussed the proposed subdivision of the 5078 Belvedere Road property and Staff's findings that the variance should be granted on only one parcel of land closest to Belvedere Road because the interior lot can meet the 100' required frontage on Rutherford Land, and the lot abutting Belvedere Road did have the required 100' frontage on Belvedere Road, however, the Town's Ordinances do not allow property access from Belvedere Road, thus requiring the access to be off Rutherford Lane. The matter would be coming before Council August 22, 2019.

Mayor Foy commented that it would be his recommendation that the Town move forward with reducing the frontage/width of properties in the R-1 district to 85', provided the minimum square footage of 10,000 square feet is met.


It was agreed to schedule a Code and Ordinance Committee meeting.

By general consensus of the Town Council, Attorney Foster would be presenting a Resolution to the Town Council at the August 8, 2019 meeting that would authorize the Town Administrator to correct typographical errors and Scrivener's errors on Town wide documents provided the intent of the document was not affected.

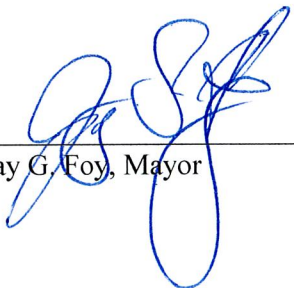
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:45 p.m.

Approved: August 8, 2019



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

[illegible]