

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
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
MONDAY, November 5, 2019
NOON**

AGENDA

- I. Call to Order
- II. Presentations/Proclamations
 - a. Verizon representative, Jonathan Ostrowicki will make a presentation to the Town Council on the Verizon One Talk telephone System
- III. Council, Attorney and Staff Reports
 - a. Discuss LMS (Local Mitigation Strategy) Resolution sponsored by the Palm Beach County Division of Emergency Management
 - b. Discussion R2019-05 Council Policies
 - c. Review Proposal from Wynn & Sons for the repaving and striping of the Town Hall parking lot as well as the handicap ramp improvements at Town Hall entrance..
- IV. New Business
- 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
November 5, 2019
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, November 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 and Deputy Town Clerk Jean Wible

I. CALL TO ORDER

Meeting was called to order at 12:00 p.m.

II. PRESENTATIONS / PROCLAMATIONS

Introduction of Jonathan Ostrowicki (TOH Account Manager), Justin Oommen (Solutions Architect) and Einstein Hibbert (Government Sales Manager) with Verizon One.

A proposal was presented to Town Council as the Towns telephone system is long overdue for an upgrade. Mr. Ostrowicki stated the Town currently has 5 desk phones and he had discussed with Town Administrator Rutan adding a 6th desk phone. In addition, he had discussed with the Town Administrator, bringing in a conference unit. The conference unit will require Ethernet (which supplies the power) and a Bluetooth can be added. It was explained that one of the benefits to Verizon is the fact that they have backup batteries on all of their cell towers in case of power disruption. Discussion ensued.

III. COUNCIL, ATTORNEY AND STAFF REPORTS

- a. **Discuss LMS (Local Mitigation Strategy) Resolution sponsored by the Palm Beach County Division of Emergency Management:** Town Administrator Rutan stated included in today's packet is a requirement that we must adopt a resolution for the Local Mitigation Strategy (LMS) program. The Town must adopt in order to get any federal funding FEMA aid for any emergencies. It must be adopted by January 20, 2020. Town Administrator Rutan stated that one of her hopes is that the new Code Enforcement Officer will become very involved with the LMS program and the community rating systems which are hand in hand which can save our residents quite a bit of money in insurance. Discussion ensued.

- b. **Discussion Resolution 2019-05 Council Policies:** Town Attorney John Foster stated that in the interest of time, he asked Town Council members to review the policies over the weekend and get comfortable with them. Discussion ensued.

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.

WHEREAS, the Charter for the Town of Haverhill, Florida provides in Sec. 2.06 that the Town Council shall adopt its own rules of procedure; and

WHEREAS, the legislature enacted Chapter 2013-227, Laws of Florida, creating a new Sec. 286.0114, Fla. Stat., regarding public meetings and the public's right to be heard which became effective on October 1, 2013; and

WHEREAS, The Town Council of the Town of Haverhill wishes to adopt Rules of Procedure for conducting public meetings and to adopt policy governing public comment and participation at said meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA

SECTION 1. DECLARATION OF PUBLIC POLICY. It is the intent of these rules that the deliberations and actions of the Town Council be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the Town Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the Council. Towards that end, the Town Council makes the following findings and declares the following legislative intent:

- (1) The Town has traditionally permitted public participation in its public meetings.
- (2) Many Florida local governments allow public participation but have adopted rules to govern its conduct.
- (3) Public participation in government business is the bedrock of American local government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law.

(4) In 2013, the Florida Legislature adopted Section 286.0114, Florida Statutes which requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard before official action is taken.

(5) At the same time, some forms of comment that slander, defame, libel, disparage, or smear individuals through ad hominem attacks are neither germane to public business and are inappropriate to the decorum of public meetings involving the public business of a Town.

The Town is permitted to set reasonable ground rules for public participation within its Town Council meetings and within any other meetings of any board or commission of the Town or its agencies or authorities.

SECTION 2. AUTHORITY. The Charter of the Town of Haverhill provides that the Town Council may adopt its own rules of procedure for meetings. The set of rules set forth within this Section shall be in effect upon their adoption by the Town Council and until such time as they are amended or new rules adopted. These rules are for the purpose of guidance to assist in the orderly conduct of the meeting; provided, however, that no action of the Town Council shall be deemed invalid by virtue of the Town Council's failure to follow these rules.

SECTION 3. DEFINITIONS. For the purpose of these rules, the following definitions shall prevail:

(1) A "meeting" is a gathering of a quorum of the membership of the Council, or any board or commission or the Town or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.

(2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Town Council, a board or commission to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest. All regular meetings of the Town Council are to commence at 7:00 p.m. on the second and fourth Thursday of each month unless otherwise specified by the Town Council.

(3) A "special meeting" is any meeting other than a regular meeting held by a board or commission. A special meeting can be held at the call of the Mayor or presiding officer, or any other two (2) members of the Town Council, board or commission. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of a board or commission or for the purpose of addressing matters which the board or commission has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or presiding officer of the board or commission shall specifically state the purpose of the meeting and the board or commission shall address only those matters for which the meeting was called.

(4) "Adjourned Meetings" are any meetings of the Town Council, board or commission that are adjourned to a later date and time.

(5) The Town Council, board or commission may meet informally in "workshop" (open to the public) at the call of the Mayor or presiding officer, or of any three (3) members of the Commission. No ordinances, resolutions or other actions may be adopted at such meeting provided that the Town Council may direct staff to take actions that do not entail the expenditures of Town funds.

(1) "Emergency Meetings" may be held on the call of the Mayor, or presiding officer, or a majority of the members whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon less than one (1) hours' notice to each member and the public.

(2) Telephonic Participation is permitted if a quorum of the Town Council is present, provided the member participating by telephone can be heard on the record and they can hear other members of the Town Council and the participating public.

(9) A "board or commission" shall refer to the Town Council of the Town of Haverhill, the Zoning Board of Appeals, the Planning Commission, and any other board or commission created in the future by the Town Council.

(10) "Council Member" or "Town Councilor" shall refer to the Mayor and members of the Town Council of the Town of Haverhill.

11) The "Mayor" or "presiding officer" shall mean, in the case of the Town Council, the Mayor, and in all other cases shall be the chairman of a particular Town board or commission.

SECTION 4. GENERAL RULES

(1) **Meetings to be Public:** All meetings of the Town Council shall be opened to the public.

(2) **Quorum:** A majority of the members of the Town Council present at a meeting shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance may continue matters to another date.

(3) **Right of Floor:** Any member desiring to speak shall be recognized by the presiding officer and shall confine his or her remarks to one subject under consideration.

(4) **Town Administrator:** The Town Administrator or his/her designee shall attend all meetings of the Town Council unless excused. The Town Administrator may

make recommendations to the Town Council and shall have the right to take part in all discussions of the Town Council, but shall have not vote. In the absence of a recording secretary, the Town Administrator shall keep the official journal (minutes) and perform such other duties as may be requested.

(5) **Town Attorney:** The Town Attorney or his/her designee shall attend all meetings of the Town Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The Town Attorney shall act as the Town Council's parliamentarian.

(6) **Officers and Employees:** Department Heads of the Town, when there is pertinent business from their departments on the Town Council agenda, shall attend Town Council meetings when requested by the Town Administrator.

(7) **Rules of Order:** "Roberts Rules of Order Revised" shall rule the proceedings of the Town Council in all cases, unless they are in conflict with these rules, provided said rules and their application be administered by the presiding officer and all interpretations by the presiding officer (unless overruled by the Town Council) or parliamentarian shall be deemed correct.

SECTION 5. ORDER OF BUSINESS AND AGENDA

(1) **Order of Business:** Unless changed by motion of Town Council, the general rule as to the order of business in regular meetings shall be substantially as follows:

- Call to Order
- Invocation and Pledge of Allegiance
- Roll Call
- Comments from the Public
- Approval of Agenda
- Approval of the Consent Agenda
- Proclamations and Presentations
- Second Readings and Public Hearings
- First Readings and Regular Agenda
- Reports
- Town Attorney Mayor

- Town Administrator
- Committee/Delegate Reports
- Treasurer's Report
- Unfinished Business
- New Business
- Adjournment

The Town Council may, by motion change the order of business

- (1) **Agenda:** The order of business of each meeting shall be contained in the agenda prepared under the direction of the Town Administrator. The agenda shall be a listing by topic of subject to be considered by the Town Council, and shall be delivered to members of the Town Council prior to the meeting.

- (2) **Presentation by Mayor and Members of Council:** The agenda shall provide a time (Unfinished Business; New Business) when the Mayor or any member of the Council may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda.

- (3) **Reading of Minutes:** Unless a reading of the minutes of a Council meeting is requested by a member of the Town Council, such minutes may be approved without reading if a copy of the minutes had been previously furnished to each Council Member.

- (4) **Consent Agenda:** The Town Council may adopt a series of measures in one vote as listed on the agenda (or agenda as amended) as a Consent Agenda; the Consent Agenda may appear on the agenda before "non consent item."

SECTION 6. MEETINGS.

- (1) Location. All meetings of the Town Council shall be held in Town Hall, unless the Council indicates another location, and shall be open to the public as required by law. All meetings of any other Town board or commission shall also be held at the Town Hall, or at another suitable location within the Town limits of the Town of Haverhill

and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

- (2) Regular Meetings. The Town Council and the Town's other boards and commissions shall hold regular monthly meetings as designated by the Town Council or the Town's other boards and commissions.
- (3) Public Notice. The Town shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at Town Hall. The Town shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the Town of Haverhill for such notice.

SECTION 7 - CONDUCT OF MEETINGS.

- (1) The presiding officer shall preserve order and decorum at all meetings.
- (2) When considering matters noticed for a public hearing of the Town Council, the applicable ordinances shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.
- (3) During any board or commission meeting, board members and commissioners shall maintain order and decorum.
- (4) Town staff and citizens must be recognized by the presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.
- (5) All comments must be made from the podium which is located at the front of the Town Council Chambers or by other reasonable accommodations in any other location in which a board or commission meeting is held, and shall address the subject of the agenda item. Individuals that appear before any Town board or commission are required to state their legal name and their actual address for the public record. The purpose of this requirement is so that they are properly reflected in any board or commission minutes and are available for future reference.
- (6) At the discretion of the presiding officer, public comments to be offered for an item during which the board or commission is acting in a quasi-judicial capacity will be limited to three (3) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty second notice prior to the time allotted. The presiding officer may, at his discretion, or at the discretion of a majority of the board or commission, extend

the time allowed for an individual to speak or allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Town Council, board or commission. One participant's allotted time for addressing the board or commission may not be donated to another participant.

Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the board or commission may do so on the appropriate color-coded participation card which the Town shall make available, and when completed and returned to the recording secretary shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.

(8) As a board or commission considers consent agenda items, emergency items, items involving official acts that involve no more than a ministerial act, approval of minutes, ceremonial proclamations and other similar items, the presiding officer may, at his discretion, or at the direction of a majority of the board or commission, accept comments from those in attendance.

(9) When considering the first or second reading of an ordinance, the Town Council shall accept comments from those members of the public who have indicated their desire to address the Council concerning such ordinance by signing up at the commencement of the meeting on participation cards provided by the Town.

SECTION 8. PUBLIC PARTICIPATION AND COMMENT. The Town of Haverhill has a long standing policy which encourages its citizens to contact the Town Administrator's office to redress issues which involve the Town. In cases where a Town board or commission's involvement is required, these matters are typically taken before that Town board or commission as an agenda item. The Town Council continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In order to comply with Section 286.0114, Florida Statutes, the Town Council hereby establishes a Public Comment Policy applicable to all Town boards and commissions to allow members of the public an additional opportunity to address Town boards and commissions. In addition to public hearings, a special time is hereby set aside at all Town board and commission meetings for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The Town Council allocates fifteen (15) minutes at the beginning of each Town board or commission meeting for citizens who wish to appear in person before that Town board or commission to make a request of that board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. However, this

opportunity at the beginning of the meeting shall only apply to non-agenda items. The presiding officer will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than three (3) minutes. A Public Comment period not to exceed thirty (30) minutes will be held during any board or commission meeting. The presiding officer may permit additional time to a given speaker on a case by case basis.

(2) Persons who wish to make a statement during the Public Comment period will register on a sign-up sheet available ten (10) minutes before the start of the meeting. No one will be allowed to have his or her name placed on the list by telephone request to Town staff.

(3) Each person who signed up to speak will have up to three (3) minutes to make his or her statement. Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet. Speakers shall address that Town board or commission from the podium, and not approach that Town board or commission or staff. Speakers will begin their statement by first stating their legal name and actual address.

(4) Statements are to be directed to the Town board or commission as a whole, and not to individuals. Public comment is not intended to require a Town board or commission to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(5) Speakers will be courteous in their language and presentation.

(6) Only one speaker will be acknowledged at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated to express the group's concerns. Likewise, in the event the number of persons wishing to attend the hearing exceeds the capacity of the meeting place, one or more delegates shall be selected to speak on behalf of each group. If the time period expires before all persons who have signed up get to speak, those names will be carried over to the next Public Comment period, or if the presiding officer consents, these comments can be heard at that meeting.

(7) Any action on items brought up during the Public Comment period will be at the discretion of that Town board or commission. No Town board or commission will likely take any action on subject matter for which it has not had the opportunity to fully investigate and gather complete information.

(8) These same rules shall apply to all Town boards and commissions.

SECTION 9. DECORUM. The presiding officer shall preserve strict order and decorum at all meetings.

- (1) In conducting the public's business, Town boards and commissions are committed to the principles of civility, honor, and dignity. Individuals appearing before Town boards and commission are requested to observe the same principles when making comments on items and issues presented to a given Town board or commission for its consideration.
- (2) Staff members and citizens are required to use proper language when addressing a Town board or commission or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the Town board or commission or other participants. All comments are directed to the presiding officer and not to individual members of the Town board or commission or to the audience. No personal verbal attacks toward any individual will be allowed during the conduct of a Town board or commission meeting. The presiding officer may have individual(s) removed from the podium and/or meeting chambers if such conduct persists after a warning has been issued.
- (3) All members of a Town board or commission shall accord the utmost courtesy to each other, the Town employees and the public members appearing before the board or commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During Town board or commission meetings, cell phones are to be turned off or silenced.
- (4) In addition to the prohibitions in (3), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by law enforcement officers. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.
- (5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:
 - (i) The presiding officer shall declare a recess.
 - (ii) The person shall be approached by a law enforcement officer and advised that he has been ordered expelled.
 - (iii) In case the person does not remove himself from the area he may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

(iv) In the event any person who is ordered expelled leaves the meeting chambers voluntarily and then returns to the same meeting, he is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The Town Administrator may, during all Town Council meetings, have a uniformed certified law enforcement officer present.

SECTION 10. WAIVER OF RULES. The Town board or commission may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, that any such waiver shall only be done upon a motion and majority approval of the waiver by members of the board or commission present and voting. Such waivers shall only be granted to insure the protection of the right of members of the public to be given a reasonable opportunity to be heard before a Town board or commission takes official action on a proposition.

SECTION 11. SEVERABILITY. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 12. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

- c. **Review proposal from Wynn & Sons, Inc. for the repaving and striping of the Town of Hall parking lot as well as the handicap ramp improvements at Town Hall entrance:** Town Administrator Rutan reported Wynn & Sons has started the milling and resurfacing of Cole Street, Concord Avenue, Charlotte Street and Durham Street. This project was approved last year to be expended for the infrastructure amount. She stated that Rick Wynn had sent her a quote for the resurfacing and re-striping of the Town Hall parking lot in the amount of \$21,837.00. T/A Rutan stated that we have flooding around the handicap ramp every time it rains. She reported Wynn & Sons have a plan to fix that however, it would be an additional amount, between \$7,500-\$10,000.00 which will keep us in the (already) budgeted amount of \$35,000.00. Discussion ensued.
- d. Town Administrator Rutan reported the new high impact glass front door to Town Hall had been installed. You cannot compromise an impact door by putting in a mail slot, so we purchased and installed a United States Post Office approved locking mailbox in front of Town Hall.
- e. Town Administrator Rutan reminded all about the 2019 Read for the Record program being held this Thursday, November 7, 2019

IV. NEW BUSINESS

a. N/A

V. OLD BUSINESS

a. N/A

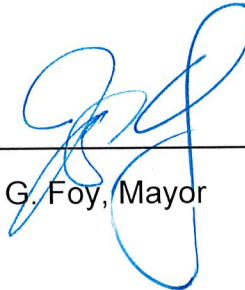
IV. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:20 p.m.

Approved: January 23, 2020






Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
COUNCIL WORKSHOP
Monday, November 5, 2019
Noon**

Name	E- Mail Address	Signature
Justin Oommen	justin.oommen@vzw.com	
Jonathan Ostrowicki	Jonathan.Ostrowicki@VZW	
EINSTEIN HIBBERT	EINSTEIN.HIBBERT@VELLUX.VERESS.COM	
Jay Roy		
Janice Putan		
Sean Wible		
Mark Uptegraph		
Dorel Sohn		
Lawrence Gorden		
John Foster		