

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Dennis Withington, Council Member
Raymond Caranci, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, July 23, 2020
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 11, 2020 Regular Meeting and June 25, 2020 Regular Meeting and June 2, 2020 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
 - a. Presentation of Melissa Lapari, Toshiba re: Presentation on reinstalling the Town's document management program, Docuware, on the Cloud and not on a dedicated server
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Appoint voting delegate for the Florida League of Cities for annual meeting and Conference in August 2020
 - b. **RESOLUTION 2020-07: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING RULES AND PROCEDURES FOR THE TOWN COUNCIL MEETINGS CONDUCTED BOTH IN PERSON AND THROUGH COMMUNICATIONS MEDIA TECHNOLOGY ("HYBRID VIRTUAL MEETINGS")**
 - c. Discuss virtual meeting procedure and whether to move to Zoom/WebEx format
 - d. Consider variation from Section 58-319 (b) height to allow for a 6' fence in the front yard as requested by the property owner, Diosdel Alonso, 825 Huff Road.
 - e. Consider budget amendment to install air purification units (UV Lights and REME Halo and Filters) in existing air systems
 - f. Approve Corporate Resolution to open Operating Checking Bank Account for Building Department Fees and Expenditures per recommendation of Auditors
- X. SECOND READINGS AND PUBLIC HEARINGS**
 - a. **RESOLUTION 2020-06: A RESOLUTION OF THE TOWN OF HAVERHILL, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2020/2021 FISCAL YEAR; SETTING THE REQUIRED PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE.**
- XI. REPORTS**

Town Attorney
a. Civil Rights Ordinance

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

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TOWN COUNCIL MEETING JULY 23, 2020

IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until 10:00 a.m. on July 23, 2020. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council, access to the Town Hall by the public will be limited to no more than 10 persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing or sneezing will not be permitted in the Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the workshop begins, all participants will be muted, however, after Council discusses a specific workshop item, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding during these uncertain times.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, July 23, 2020
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, July 23, 2020. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member; Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn Foster, Town Attorney and Janice C. Rutan, Town Administrator.

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

All Town Council members were in attendance.

COMMENTS FROM THE PUBLIC

Kurt Hoebee, Pineway Drive had shown up to participate in the public hearing regarding the adoption of Ordinances which as the Attorney explained was postponed until August 13, 2020.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the June 11, 2020 Regular Meeting and June 25, 2020 Regular Meeting and June 2, 2020 Workshop

A motion was made by Council member Withington, seconded by Council member Uptegraph and unanimously passed (5-0) to approve the consent agenda as presented.

PROCLAMATIONS AND PRESENTATION

Presentation of Melissa Lipari, Toshiba re: Presentation on reinstalling the Town's document management program, Docuware, on the Cloud and not on a dedicated server.

The Town Administrator gave Staff's report. She explained to the Town Council that in February the server that hosted the docuware records management program had crashed. The data was retrievable but would need to be rebuilt and reloaded into the software and placed on a new server if the Town were to choose that method of hosting the software. Toshiba, owner of the docuware program, had presented a quote to the Town to host the program via the cloud and when brought before Council at the prior meeting, Council, by general consensus was not in favor of the proposal for the following reasons:

- Not in favor of cloud-based programs.
- Length of contract (60 months) too long
- Did not want auto renewal
- Town Attorney not in favor of Indemnity clause

The Town Administrator reported that both the Town's IT department and Toshiba were leaning toward the cloud so she had invited Ms. Lipari to address any questions the Town Council may have.

Melissa Lipari, representing docuware (Toshiba) was present via teleconferencing. She explained that the length of the contract could be negotiated; the auto renewal could be canceled at any time, the Town's Attorney could red line the indemnity clause and the Toshiba legal team could review. The data and documents would remain the property of the Town.

Included in the Town Council's packet was a white paper that explained the cloud technology in detail.

Ms Lipari began her presentation by explaining that the cloud-based program was highly secure and would be easier than leasing the program. She highlighted the advantages of moving to the cloud.

She explained that the price proposal included back up and the Town could then forego the annual service and maintenance contract. The monthly fee included the migration of the 5 years of data (22 hours at \$250.00 per hour for a cost of \$5,500.). That cost is figured in the monthly fee spread out over the contract period whereas if the Town went with the on premises server, it would need to continue with the \$1,800 annual contract, the cost and configuration of the server and the migration cost of \$5,500 would need to be paid up front. She explained that there was five year of data that would need to be migrated. It would have to be rebuilt from scratch. The proposed cost for the subscription to move to the cloud would be \$385. per month. Additional storage would be at an additional cost. The cloud would allow the Town to get all types of modules available at no cost.

Mayor Foy confirmed that the back up was being backed up separately. The data is the data and cannot be duplicated because it is not supported by the docuware solution. Discussion followed as to why, if the data were being backed up nightly, the data would have to be rebuilt. The discussion then turned to more technical issues such as the condition of the data; if the Town has enough data, how and where is it being backed up to presently and whether the Town would need to build a depository to house the documents, etc. Council had too many questions that could not be answered. When Council learned that all the data was lost to the software package and could not be retrieved it was decided to discuss situation with IT to get answers to the technical questions.

It was agreed that the matter would be reviewed again at the workshop scheduled for August 4, 2020. The Town's IT department from ENS Solutions would be invited to call in to answer Council questions.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

None.

REGULAR AGENDA AND FIRST READINGS

Appoint voting delegate for the Florida League of Cities for annual meeting and Conference in August 2020

Discussion ensued. Because of the Pandemic, voting at the annual conference would most probably be virtual. **A motion was made by Council Member Council Member Withington, seconded by Council Member Caranci and unanimously passed (5-0) to appoint Lawrence Gordon the voting delegate to represent the Town of Haverhill during the Florida League of Cities annual conference scheduled to be held August 14, 2020.** Due to conflicting schedules, an alternate to act in the stead of the Vice Mayor could not be appointed.

RESOLUTION 2020-07: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING RULES AND PROCEDURES FOR THE TOWN COUNCIL MEETINGS CONDUCTED BOTH IN PERSON AND THROUGH COMMUNICATIONS MEDIA TECHNOLOGY (“HYBRID VIRTUAL MEETINGS”)

The title was read by Attorney Foster. Attorney Foster offered Staff’s report. He went over the Resolution in detail.

A motion was then made by Council Member Caranci, seconded by Council Member Uptegraph, and unanimously passed (5-0) to approve Resolution R 2020-07 as presented.

Discuss virtual meeting procedure and whether to move to Zoom/WebEx format

Discussion ensued as to the Town Council’s preference for conducting virtual meetings whether via a computer platform or to continue with teleconferencing.

If the Town were to proceed with a virtual computer platform such as Zoom, it would be a monthly fee. In addition, staff, other than the Town Administrator, would have to be present at the meeting to “manage” the meetings and attendees. It would be very difficult for the Town Administrator to host the meeting while trying to present Staff’s reports, etc.

Discussion followed. It was agreed that since the Town Council would all continue to attend meetings in person, therefore, the present system of teleconferencing seems to be working well.

Discussion followed concerning the August 13, 2020 Public Hearing for the adoption of Ordinances. It was the suggestion of the Town Attorney that this move forward as planned.

Consider variation from Section 58-319 (b) height to allow for a 6’ fence in the front yard as requested by the property owner, Diosdel Alonso, 825 Huff Road.

The Town Attorney offered Staff’s report. She explained the configuration of the house regarding its proximity to Huff Road. The front of the house faces Joe Plyler’s home on Palo Verde and the side yard faces Huff Road. The property owner who recently purchased the home installed a 6’ aluminum fence on both the front and side yards.

A discussion followed concerning the oddity of the property. The property owner was requesting a variation to allow for a 6’ fence in the front yard. The property owner would be installing a gate which would meet the 15’ open to view requirement.

If the property owner had pulled a permit prior to the construction of the fence, he would have to still have had to request a variation.

A motion was then made by Council Member Caranci, seconded by Council Member Uptegraph to approve the variation to allow for a 6’ fence in the front yard (facing Huff Road) as requested by the property owner of 825 Huff Road.

Roll Call:

Jay Foy, Mayor	Aye
Lawrence Gordon, Vice Mayor	Aye
Mark Uptegraph, Council Member	Aye
Dennis Withington, Council Member	Aye
Raymond Caranci, Council Member	Aye

Consider budget amendment to install air purification units (UV Lights and REME Halo and Filters) in existing air systems

In response to the Town Council’s request, the Town Administrator obtained costs for the installation of air filtration systems to protect the air in response to COVID 19. Summit Air Conditioning provided three options for Council consideration:

ITEM	COUNCIL CHAMBERS	OFFICE	TOTAL
Hepa Air Filtration	3295	3295	6590
REME Halo	1395	1395	2790
Fresh Aire UN Light	7090	5980	13090

A very lengthy discussion followed as to the benefit of each of the suggested products. Council agreed to do research and report back at the August 4, 2020 workshop.

Approve Corporate Resolution to open Operating Checking Bank Account for Building Department Fees and Expenditures per recommendation of Auditors

Town Administrator Rutan explained that at the recommendation of the Auditors, the Town needed to open an additional bank account for the Building Department.

A motion was made by Council Member Uptegraph and seconded by Council Member Caranci to approve opening a special revenue account for the Building Department with Seacoast Bank.

Roll Call:

Jay Foy, Mayor	Aye
Lawrence Gordon, Vice Mayor	Aye
Mark Uptegraph, Council Member	Aye
Dennis Withington, Council Member	Aye
Raymond Caranci, Council Member	Aye

SECOND READINGS AND PUBLIC HEARINGS

RESOLUTION 2020-06: A RESOLUTION OF THE TOWN OF HAVERHILL, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2020/2021 FISCAL YEAR; SETTING THE REQUIRED PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE.

The Town Administrator presented Staff's report. She had also prepared a spread sheet informing the Town Council that 47% of the present budget is earmarked for salaries/benefits, etc. 14% of the budget is set aside for the PBSO coverage.

Mayor Foy then reported that Council and Staff have been using the Attorney to excess. As such, the Attorney has increased the annual retainer from \$60,000 to \$75,000 effective January 2021. Council was in consensus to include the increase in the Attorney's retainer.

A brief discussion followed, and it was explained that once the millage rate was set, it could not be increased.

A motion was made by Council Member Withington, seconded by Vice Mayor Gordon to approve Resolution 2020-06 as presented setting the millage rate for 2020/2021 fiscal year at 4.5000.

Roll Call:

Jay Foy, Mayor	Aye
Lawrence Gordon, Vice Mayor	Aye
Mark Uptegraph, Council Member	Aye
Dennis Withington, Council Member	Aye
Raymond Caranci, Council Member	Aye

REPORTS

Town Attorney

Civil Rights Ordinance

Attorney Foster gave a detailed presentation of the proposed Civil Rights Ordinance that would be considered by the Town Council for first reading at the August 13, 2020 Town Council meeting. He explained that to protect the Town, he had outlined the Town's duties and responsibilities in the preamble to fully explained the Town's reasoning behind the adoption of the Ordinance.

He suggested the Town Council review the proposed Ordinance and be prepared to discuss it at the August 4, 2020 workshop.

With regard to the other Ordinances that the Town Council will be considering (Civil Rights; Repeal of Accessory Dwelling Unit; Repeal of the Noise Ordinance and clarification of Chapter 17-7 regarding safe structures and the designation of same by not only the Building Official by the Code Enforcement Office as well.

Discussion followed citing the requirement of the Building Official to enforce the Building Code and the declaration of safe structures to be by a structural engineer, etc. Attorney Foster clarified it was to allow the Code Inspector to issue Stop Work orders, and to *deem* a building unsafe. etc.

Regarding the adoption of the Civil Rights Ordinance, Mayor Foy noted all are equal and that it would be immoral not to vote in favor of Civil Rights. His only reason to object would be for fiscal reasons. With what the Attorney did with the Ordinance made it very clear that this Ordinance should be adopted.

Mayor

Mayor Foy continued the Local State of Emergency for the ensuing week due to the continuation of the COVID 19 Pandemic.

The Town Administrator noted that the Briarwood Drainage Project was near completion except for the replacement of sod in front of the Ayers property. Mayor Foy asked the Town Administrator to call a meeting of the Sales Tax Oversight Committee for authorization to use infrastructure sales tax funds for the emergency repairs.

Regarding to the installation of the wall at Briarwood, the Town Administrator was working with the Town Engineer to get prices for the construction of the wall. Again, it was the consensus of Council to use Sales Tax money for the repair of the existing fence to include the wall.

Town Administrator

The Town Administrator reported on her conversation with "G" of Amazon Prime regarding the convoy of vans travelling through the Town more than our speed limit. Vice Mayor Gordon said that he had counted over 30 vans headed west on Belvedere Road. The Town Administrator reported that "G" stated the parking lot located west of Skees Road should be completed soon and the Town should see a noticeable difference. He agreed to ask the drivers to stay in the right lane when traveling though the Town of Haverhill.

Discussion followed concerning the former CRALLS designation along Belvedere Road. Additionally, the use of Prime vehicles was not even a consideration when the traffic study was done for that industrial park.

Council asked the Town Administrator to investigate placing a decoy vehicle on Belvedere Road to assist in slowing the traffic.

The Town Administrator reported that the August 18, 2020 Primary would be held at the Town Hall. Considering COVID 19, she asked that Council authorize her to close the Town Hall for business that day and only have the Town Hall open for the Primary. By unanimous consensus, the Town Council authorized the Town Administrator to suspend Town Business for the day of the Primary.

Committee/Delegate Report

Vice Mayor Gordon noted that the League of Cities were holding their general membership meetings virtually and only the Board of Directors were meeting in person. The Supervisor of Elections was the guest speaker at the last general meeting.

The PLM Beach County Caucus of Black Elected Officials will be asking each Florida municipalities to draft municipalities to adopt Ordinance to prevent excessive force, etc. such as used in the case of George Floyd. The Cunningham Bar is working on the Ordinances. There will be a meeting on July 29, 2020 among the PBC Caucus of Black Elected Officials and other County stakeholders to discuss this same subject.

Discussion followed as the Town uses PBSO.

The District 2 and 3 luncheon had been split up and limited to 10 people so the meeting had been cancelled.

The Town of Haverhill would be undergoing an NPDES audit. 15 of the 40 entitles would undergo an audit.

The Town Engineer had been in contact with the EPA regarding the spill at the Airport. Haverhill had not been affected as the spill was upstream. The Town would have been responsible if there was a detected pollutant in the area.

The Town Administrator reported on the RFP's that would be going out to Appraisers for the highest and best use of the ballfield.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

NEW BUSINESS


It was announced that both Vice Mayor Foy and Council Member Withington would be attending the August 4, 2020 workshop via teleconference.

Brief discussion followed concerning traffic and safe travel restrictions.

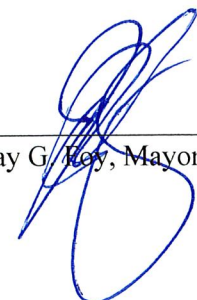
ADJOURMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:55 p.m.

Approved: September 10, 2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor