

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, August 27, 2020
7:00 p.m.**

REVISED 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 July 23, 2020
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Act on request for Variance for a pool setback as filed by the property owners of 930 Briarwood Drive, Haverhill Florida.
 - b. Act of request for variation to allow two feet of 6' fence height in front of the plain of the house for property located at 5088 Ivywood Road as filed by the property owner Rose M. Alvarez
 - c. **ORDINANCE NO. 490: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE OF ORDINANCES, BY ADOPTING A NEW ARTICLE VI, CIVIL RIGHTS; PROVIDING FOR THE ADOPTION OF THE HAVERHILL CIVIL RIGHTS ACT; 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**
 - d. **ORDINANCE NO. 491 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY REPEALING DIVISION 11, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, TO NO LONGER ALLOW FOR ACCESSORY DWELLING UNITS IN THE TOWN; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE**
 - e. **ORDINANCE NO. 492 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF**

ORDINANCES BY AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, BY ADDING A NEW SUB-SECTION (g) TO SECTION 14-7, CLARIFYING THAT THE CODE INSPECTOR FOR THE TOWN OF HAVERHILL MAY ALSO ENFORCE THE PROVISIONS OF SECTION 14-7(a)(3), BUILDINGS OR STRUCTURES ERECTED WITHOUT A PERMIT, AND UTILIZE THE ENFORCEMENT PROCEDURES AS SET FORTH IN ARTICLE V, CODE ENFORCEMENT, OF CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE, IN ADDITION TO THE ABATEMENT PROCEDURES SET FORTH IN SECTION 14-7 WITH RESPECT TO THE POWERS OF THE BUILDING OFFICIAL; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE

- f. ORDINANCE NO. 493 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ORDINANCE NO. 449, TO CLARIFY THAT SECTION 2 THEREOF WAS NOT INTENDED TO DELETE THE PROVISIONS OF ORDINANCE NO. 228, WHICH WAS CODIFIED AS CHAPTER 50 OF THE CODE OF ORDINANCES, BUT ONLY PROVISIONS OF SAID ORDINANCE AS IT RELATED TO FLOODPLAIN MANAGEMENT, AND THEREBY RE-ENACTING, RE-ADOPTING AND RATIFYING ALL OF THE LANGUAGE OF PREVIOUS CHAPTER 50, STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES, AS IT EXISTED IMMEDIATELY PRIOR TO THE DATE OF ADOPTION OF ORDINANCE NO. 449, JUNE 22, 2017, INCLUDING, WITHOUT LIMITATION, SECTIONS 50-1 THROUGH 50-12; SECTIONS 50-36 THROUGH 50-43; SECTIONS 50-66 THROUGH 50-71; AND SECTION 50-91; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE

X. SECOND READINGS AND PUBLIC HEARINGS

- a: ORDINANCE NO. 478:ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 14, BUILDING AND BUILDING REGULATIONS, BY ADDING A NEW SECTION 14-8, HURRICANE SHUTTERS, REGULATING THE TIMING OF THE PLACEMENT AND REMOVAL OF HURRICANE SHUTTERS ON BUILDINGS AND STRUCTURES WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.
- b: ORDINANCE NO. 479:AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY AMENDING SEC. 58-315, VISUAL OBSTRUCTIONS, TO CLARIFY THE PROHIBITION OF ANY OBSTRUCTIONS ON CORNER LOTS WHICH MAY OBSCURE THE VIEW, OR OBSTRUCTIONS ON OTHER LOTS WHICH MAY IMPAIR VISIBILITY AT DRIVEWAYS OR STREET INTERSECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.
- c. ORDINANCE NO. 480: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY AMENDING SEC. 58-319, DRIVEWAYS, FENCES AND SHRUBBERY, TO CLARIFY THAT FENCES, WALLS AND HEDGES MAY

NOT BE PLACED WITHIN THREE FEET OF UTILITY INSTALLATIONS OR EMERGENCY APPARATUS; PROVIDING A LIMIT ON THE HEIGHT OF HEDGES TO SIX FEET IN ANY SETBACK, EXCEPT FOR LOTS ABUTTING HAVERHILL ROAD AND BELVEDERE ROAD WHICH MAY BE UP TO TEN FEET IN HEIGHT; REQUIRING ALL FENCES, WALLS AND HEDGES TO COMPLY WITH APPROPRIATE ZONING CLEARANCE AND BUILDING PERMIT PROCEDURES; AND SUBJECTING THE PROVISIONS OF THE SECTION TO ANY STRICTER REQUIREMENTS OF THE CODE, INCLUDING SEC. 58-315; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

- D. ORDINANCE NO. 481: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SEC. 38-3, DEFINITIONS, TO ADD NEW DEFINITIONS FOR RECREATIONAL VEHICLE, TRAILER, TRAVEL TRAILER, AND WATERCRAFT; AMENDING SECTION 38-9, PARKING OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS, TO ADD A CONTROLLING LAW PROVISION IN THE EVENT OF CONFLICT WITH CHAPTER 58, ZONING; CLARIFYING THAT NO MORE THAN ONE WATERCRAFT, SPORTS VEHICLE AND RECREATIONAL VEHICLE MAY BE PARKED ON RESIDENTIAL PROPERTY; CLARIFYING THAT NO PORTION OF ANY WATERCRAFT, RECREATIONAL VEHICLE, SPORTS VEHICLE OR TRAILER MAY BE PARKED OR EXTEND INTO THE FRONT YARD, AND SETTING FORTH THE REQUIREMENTS OF SCREENING; CLARIFYING THAT A TRAILER, RECREATIONAL VEHICLE, AND WATERCRAFT MAY NOT BE USED FOR LIVING PURPOSES; DEFINING THE AREA REQUIRED FOR THE PARKING AND STORAGE OF RECREATIONAL VEHICLES, TRAILERS AND WATERCRAFT ON RESIDENTIAL PROPERTY WITHIN THE TOWN; AND ESTABLISHING A WAIVER PROCEDURE FOR ANY RESIDENT SEEKING TO AVOID A STRICT APPLICATION OF SEC. 38-9; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.
- E. ORDINANCE NO. 487: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY REPEALING AND DELETING SEC. 38-18, DANGEROUS INTERSECTION AND SAFETY ACT, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.
- F. ORDINANCE NUMBER 489: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SEC. 30-61 OF DIVISION 3, ROLLOFF COLLECTION SERVICE, TO CLARIFY THAT ALL NON-RESIDENTIAL LOTS SHALL CONTRACT FOR SEPARATE ROLLOFF SERVICE AND MAY NOT DISPOSE OF ITS SOLID WASTE ON ANY OTHER PROPERTY WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENER'S' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.
- G. RESOLUTION R2020-08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL LEVYING A SPECIAL EXCEPTION FOR THE RESIDENTIAL PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN AND ADOPTING THE FINAL NON AD VALOREM

**RATES FOR THE 2020/2021 FISCAL YEAR AT \$282 PER RESIDENTIAL UNIT <5
UNITS.**

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

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TOWN COUNCIL MEETING

August 27, 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 noon on August 27, 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, August 27, 2020
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, August 27, 2020. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member (via teleconference); Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn Foster, Town Attorney; Josh Nichols, Town Planner; and Janice C. Rutan, Town Administrator.

The meeting was being held via teleconference for persons wanting to participate.

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 except for Council Member Uptegraph who was present via teleconference.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

The Town Administrator reported that there were no minutes for approval. Mayor Foy requested Town Council consideration in postponing second reading of the Ordinances until September 10, 2020. A motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (5-0) to approve the agenda as amended.

~~**APPROVAL OF THE CONSENT AGENDA**~~

~~**Approval of the minutes of the July 23, 2020 Regular Meeting**~~

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Not present.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Not present

REGULAR AGENDA AND FIRST READINGS

Act on request for Variance for a pool setback as filed by the property owners of 930 Briarwood Drive, Haverhill Florida.

The Town Administrator presented the application to Council. Town Planner Nichols offered Staff's report. There had been no objections from the neighbors.

Because Staff's recommendation included a statement about drainage, Council inquired as to whether staff would be requiring the applicant to submit a drainage plan. Staff responded in the negative, however, Council was concerned that the drainage might affect neighboring properties.

Vice Mayor Gordon took exception in requiring the applicant to undergo the expense of obtaining a drainage plan. He understood that the drainage on the site after installation of the pool had to be equal to or better than that prior to the onset of the project.

Discussion followed and it was agreed that the Town Engineer would review the pool plans prior to construction and would be required to sign off on the completed project prior to the applicant receiving a final building approval.

A motion was then made by Council Member Withington, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the rear and side yard variance for the purposes of constructing a pool with associated decking provided that drainage was sufficient to handle the construction as confirmed by the Town Engineer.

Act of request for variation to allow two feet of 6' fence height in front of the plain of the house for property located at 5088 Ivywood Road as filed by the property owner Rose M. Alvarez

The Town Administrator offered Staff's report. The property owner was seeking permission to allow for the six-foot side yard fence to encroach two feet into the plane of the front of the house. Council reviewed the application and the photos supplied by the applicant.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to grant the variation to Rode M. Alvarez, property owner at 5088 Ivywood Road to allow the six-foot side yard fence to encroach two-feet into the front plane of the house.

ORDINANCE NO. 490: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE OF ORDINANCES, BY ADOPTING A NEW ARTICLE VI, CIVIL RIGHTS; PROVIDING FOR THE ADOPTION OF THE HAVERHILL CIVIL RIGHTS ACT; 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 reported that Judge Hoch and he had worked closely to agree upon the verbiage used throughout the Ordinance.

A motion was made by Council Member Caranci and seconded by Vice Mayor Gordon to adopted Ordinance No. 490 on first reading.

Mayor Foy opened the floor to Public Comment. There being no Public Comment the vote was called and passed unanimously (5-0).

ORDINANCE NO. 491 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY REPEALING DIVISION 11, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, TO NO LONGER ALLOW FOR ACCESSORY DWELLING UNITS IN THE TOWN; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE

The title was read by Attorney Foster. Attorney Foster explained that he was reluctant to move forward with the repeal of Chapter 58 Division 11 as he would want to address the existing legal nonconforming units existing in town. It would be his preference to pass an Ordinance allowing those illegal nonconformities a certain time to comply.

A very lengthy discussion ensued. Council would want those units that could possibly comply be given the chance to receive an approved Special Exception to allow for an accessory dwelling unit.

The question as to how the Town would notify those property owners arose as well as how could the Town take a known use away from those properties that have had an illegal non conforming use and have had so for several years. Attorney Foster suggested the Ordinance take effect January 1, 2021 and then give those persons several months to comply. All residents of the Town would need to be notified.

In response to Vice Mayor Gordon, the Attorney had issues allowing those units in existence to continue as a grandfathered use citing building code issues. Would the Town be open to an argument that it had allowed the use?

It was confirmed that the Town's codes do not allow more than one kitchen in a single-family unit.

Discussion ensued among the Town Council, Town Attorney and Town Planner. It was finally agreed that the Town Council would approve Ordinance No. 491 on first reading with the intent to terminate the use in 18 months from the adoption of the Ordinance to allow ample time for those properties to come into compliance.

Council Member Uptegraph expressed his preference that ADUs only be permitted within the existing single-family home and not be allowed as a separate unit on a single lot.

Mayor Foy would like to reconsider the entire Ordinance. He expressed concern over allowing an illegal use to be grandfathered; and questioned whether separate units should be permitted or only allowed within the primary residence. He noted how Council was in a quandary in making this decision.

Vice Mayor Gordon asked for Staff's opinion. The Town Administrator suggested that the Ordinance be adopted with a date certain for compliance to the entire Ordinance; be allowed for family members and receive an engineer's certification that the building is safe for human habitation.

It was agreed to allow those properties with a nonconforming ADU six months to apply and 12 months from that date to be granted a Special Exception if they can meet the terms of the Ordinance in effect at the time of application.

The Attorney commented that the Accessory Dwelling Unit ordinance does not prohibit family members from living in the home. The issue lies with the second kitchen.

The Town Administrator added that all buildings must meet current building code.

Motion was made by Council Member Uptegraph, seconded by Council Member Withington and so voted to approve Ordinance No. 491 on first reading as amended, to allow six months for those pre-existing non conforming uses to apply for a Special Exception to allow for an Accessory Dwelling Unit and 12 months from that date to comply with the terms of the Special Exception and that the Ordinance will terminate within 18

months of adoption. There being no public comment, the vote was called and passed unanimously (5-0).

ORDINANCE NO. 492 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, BY ADDING A NEW SUB-SECTION (g) TO SECTION 14-7, CLARIFYING THAT THE CODE INSPECTOR FOR THE TOWN OF HAVERHILL MAY ALSO ENFORCE THE PROVISIONS OF SECTION 14-7(a)(3), BUILDINGS OR STRUCTURES ERECTED WITHOUT A PERMIT, AND UTILIZE THE ENFORCEMENT PROCEDURES AS SET FORTH IN ARTICLE V, CODE ENFORCEMENT, OF CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE, IN ADDITION TO THE ABATEMENT PROCEDURES SET FORTH IN SECTION 14-7 WITH RESPECT TO THE POWERS OF THE BUILDING OFFICIAL; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE

The title was read by Attorney Foster.

A motion was made by Council Member Caranci and seconded by Vice Mayor Gordon to adopted Ordinance No. 492 on first reading.

Mayor Foy opened the floor to Public Comment. There being no Public Comment the vote was called and passed unanimously (5-0).

ORDINANCE NO. 493 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ORDINANCE NO. 449, TO CLARIFY THAT SECTION 2 THEREOF WAS NOT INTENDED TO DELETE THE PROVISIONS OF ORDINANCE NO. 228, WHICH WAS CODIFIED AS CHAPTER 50 OF THE CODE OF ORDINANCES, BUT ONLY PROVISIONS OF SAID ORDINANCE AS IT RELATED TO FLOODPLAIN MANAGEMENT, AND THEREBY RE-ENACTING, RE-ADOPTING AND RATIFYING ALL OF THE LANGUAGE OF PREVIOUS CHAPTER 50, STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES, AS IT EXISTED IMMEDIATELY PRIOR TO THE DATE OF ADOPTION OF ORDINANCE NO. 449, JUNE 22, 2017, INCLUDING, WITHOUT LIMITATION, SECTIONS 50-1 THROUGH 50-12; SECTIONS 50-36 THROUGH 50-43; SECTIONS 50-66 THROUGH 50-71; AND SECTION 50-91; PROVIDING A CONFLICTS CLAUSE, AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE

The title was read by Attorney Foster.

A motion was made by Vice Mayor Gordon and seconded by Council Member Withington to adopted Ordinance No. 490 on first reading.

Mayor Foy opened the floor to Public Comment. There being no Public Comment the vote was called and passed unanimously (5-0).

SECOND READINGS AND PUBLIC HEARINGSORDINANCE

~~**NO. 478:ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 14, BUILDING AND BUILDING REGULATIONS, BY ADDING A NEW SECTION 14-8, HURRICANE SHUTTERS, REGULATING THE TIMING OF THE PLACEMENT AND REMOVAL OF HURRICANE SHUTTERS ON BUILDINGS AND STRUCTURES WITHIN THE TOWN;**~~

~~PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.~~

~~ORDINANCE NO. 479: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY AMENDING SEC. 58-315, VISUAL OBSTRUCTIONS, TO CLARIFY THE PROHIBITION OF ANY OBSTRUCTIONS ON CORNER LOTS WHICH MAY OBSCURE THE VIEW, OR OBSTRUCTIONS ON OTHER LOTS WHICH MAY IMPAIR VISIBILITY AT DRIVEWAYS OR STREET INTERSECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.~~

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~~ORDINANCE NO. 481: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SEC. 38-3, DEFINITIONS, TO ADD NEW DEFINITIONS FOR RECREATIONAL VEHICLE, TRAILER, TRAVEL TRAILER, AND WATERCRAFT; AMENDING SECTION 38-9, PARKING OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS, TO ADD A CONTROLLING LAW PROVISION IN THE EVENT OF CONFLICT WITH CHAPTER 58, ZONING; CLARIFYING THAT NO MORE THAN ONE WATERCRAFT, SPORTS VEHICLE AND RECREATIONAL VEHICLE MAY BE PARKED ON RESIDENTIAL PROPERTY; CLARIFYING THAT NO PORTION OF ANY WATERCRAFT, RECREATIONAL VEHICLE, SPORTS VEHICLE OR TRAILER MAY BE PARKED OR EXTEND INTO THE FRONT YARD, AND SETTING FORTH THE REQUIREMENTS OF SCREENING; CLARIFYING THAT A TRAILER, RECREATIONAL VEHICLE, AND WATERCRAFT MAY NOT BE USED FOR LIVING PURPOSES; DEFINING THE AREA REQUIRED FOR THE PARKING AND STORAGE OF RECREATIONAL VEHICLES, TRAILERS AND WATERCRAFT ON RESIDENTIAL PROPERTY WITHIN THE TOWN; AND ESTABLISHING A WAIVER PROCEDURE FOR ANY RESIDENT SEEKING TO AVOID A STRICT APPLICATION OF SEC. 38-9; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.~~

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~~DANGEROUS INTERSECTION AND SAFETY ACT, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.~~

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RESOLUTION R2020-08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL LEVYING A SPECIAL EXCEPTION FOR THE RESIDENTIAL PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN AND ADOPTING THE FINAL NON AD VALOREM RATES FOR THE 2020/2021 FISCAL YEAR AT \$282 PER RESIDENTIAL UNIT <5 UNITS.

The title was read by Attorney Foster. The Town Administrator reminded the Town Council that the annual rate of \$282.00 per unit did not include the 3% increase that WastePro was charging the Town for the 2020/2021 FY.

Council Member Caranci spoke in favor of the Town Council's decision to not charge the residents the additional 3% but instead use surplus funds to cover the increase.

There being no further discussion or public input, **a motion was made by Vice Mayor Gordon, seconded by Council Member Caranci, and unanimously voted (5-0) to approve Resolution 2020-08 as presented.**

REPORTS

Town Attorney

None.

Mayor

Mayor Foy announced that the Governor had extended the State of Emergency through ~~September 1, 2020.~~ October 1, 2020.

Mayor Foy, with the support of the Town Council extended the Town's Local State of Emergency.

Town Planner Nichols confirmed his attendance at the September workshop to discuss future uses of the ball field.

Mayor Foy spoke briefly about the NPDES audits being conducted. The Town Administrator noted that she had received a report from Karen Brandon, the Town's NPDES Engineer, that she and Todd McLeod were able to answer the questions posed. The Auditor would be asking for more extensive record keeping from Rodrick regarding street side trash collection and had specific questions regarding the Town's street sweeping contract. In response to Mayor Foy, the Town Administrator did note that the Town would need to update their Standard Operating Procedures.

Town Administrator

The Town Administrator reported that letters had been mailed to the Town's seniors inviting them to the essential gift bag giveaway sponsored by Dedicated Senior Services and Tree of Life, and hosted by the Town of Haverhill scheduled for September 10, 2020 under the pavilion.

She learned that only 15 senior residents qualify for the senior exemption. According to the Palm Beach County Tax Assessor, the probable reason being they receive too high of an income to qualify.

She presented the proposed budget to Council announcing that although all state revenue sharing was down approximately 9%, the Town's taxable value had increased 7% resulting in a 2% difference. She highlighted additions to the budget that included the construction of the Briarwood wall as well as the possible replacement of the air conditioners. She noted that she and the Mayor had conversation earlier in the day regarding the coil replacement to the unit and how it is only used when the temperature drops below a certain degree difference. Discussion followed. Mayor Foy gave a full explanation of the leakage and the coil in the second evaporator coil. The hepa filters would be installed in the duct system so if the Town were to purchase new units, it would not affect the new filtering system.

The Town Administrator reported on the August primary. Although the Town Hall was closed, she was in the office all day. 22% of Haverhill's registered voters voted, with 122 voting in person. Discussion followed. They had tried to have people enter and exit through the back door. Residents got very confused, so the front door access was reinstated.

Council thanked the poll workers for their service.

The Town Administrator brought up the holiday of Columbus Day from the list of paid holidays for Town Employees. All agreed it could be removed. She would present an "employee alternative day off" to the Council at the next meeting.

Attorney Foster clarified that the Executive Order was extended to October 1, 2020.

Committee/Delegate Report

Vice Mayor Gordon reported on the general meeting of the Palm Beach County League of Cities via Web Ex. The speaker addressed human resource issues. The Town Administrator reported that she had given the employees a minimum wage increase in appreciation of their full-time attendance during the height of the COVID pandemic.

Mayor Foy would be meeting as part of the environmental committee for the Palm Beach County League of Cities and would report after the meeting.

Vice Mayor Gordon reported on the Florida League of Cities annual meeting which was held virtually. The normal several day conference did not take place due to the pandemic. There was the annual business meeting and the election of the new president all held virtually.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council Member Caranci commented that he has had new neighbors move in and they had no idea about trash pick up days etc. He suggested the Town prepare a welcome packet informing the resident of the trash and recycling schedule, Town Hall hours, what requires a building permit, etc.

Discussion followed. The Town Administrator noted that the information brochure is completed however, there are many outstanding Ordinances that would affect the content of the brochure.

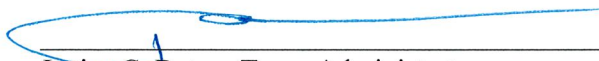
It was agreed that when the Town learns of new residents, they deliver an informational brochure, recycle bins and a gift (coffee mug, coaster, etc.) to the new resident.

The Town Administrator was requested to invite representatives of the Palm Beach International Airport to the next workshop so the Town could receive an update of the future expansion plans of the Airport.

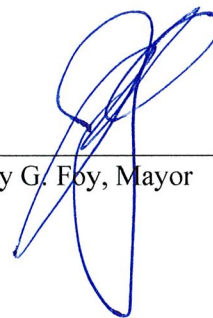
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:40 p.m.

Approved: October 8, 2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor