

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
FIRST PUBLIC HEARING
ADOPT MILLAGE RATE/
PROPOSED BUDGET FOR FY 2020/2021
SEPTEMBER 10, 2020
7:00 p.m.
Town Hall – 4585 Charlotte Street**

- I. Call to Order
- II. Invocation and Pledge of Allegiance
- III. Roll Call
- IV. Comments from the Public (items not on agenda)
- V. Approval of Agenda
- VI. Adopt tentative millage rate
 - a. Fiscal Year October 1, 2020 through September 30, 2021
- VII. Adopt tentative budget
 - a. Fiscal Year October 1, 2020 through September 30, 2021
- VIII. Adjournment

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, September 10, 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 July 23, 2020 Regular Town Council meeting
- VII. PROCLAMATIONS AND PRESENTATION
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE
- VIII. REGULAR AGENDA AND FIRST READINGS
- IX. 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. 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**
- H. 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**
- I. 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**
- J. 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. REPORTS

Town Attorney

Mayor

Town Administrator

Committee/Delegate Report

Treasurer's Report (included in packet)

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. 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

September 10, 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 September 10, 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
FIRST PUBLIC HEARING
ADOPT MILLAGE RATE/
PROPOSED BUDGET FOR FY 2020/2021
SEPTEMBER 10, 2020
Town Hall – 4585 Charlotte Street**

The Town of Haverhill's first Public Hearing for the 2020/2021 FY proposed millage rate and proposed budget was held at the Town Hall, 4585 Charlotte Street on Thursday, September 10, 2020. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn Foster, Town Attorney; 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 with the exception of Council Member Uptegraph.

COMMENTS FROM THE PUBLIC (items not on the agenda)

None

APPROVAL OF AGENDA

There being no additions, deletions or substitutions, the agenda stood as presented.

Adopt tentative millage rate

Fiscal Year October 1, 2020 through September 30, 2021

The Town Administrator presented Staff's report. Mayor Foy opened the floor for public hearing. There being none, a motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to adopt the tentative millage rate of 4.5000 mills for the 2020/2021 fiscal year.

Adopt tentative budget

Fiscal Year October 1, 2020 through September 30, 2021

The Town Administrator presented the proposed budget. Mayor Foy opened the floor for Public Comment. There being none, a motion was made by Vice Mayor Gordon, seconded by Council member Caranci, and unanimously passed (4-0) to adopt the tentative FY 2020/2021 budget.

Mayor Foy noted that although he voted in favor of the proposed budget, he was not in favor of the increased wages for the Town Council.

Adjournment

With no further business to come before the Public Hearing, a motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to adjourn at 7:15 p.m.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, September 10, 2020
AGENDA**

CALL TO ORDER

Mayor Foy called the regular meeting to order at 7:15 p.m. immediately following the close of the Public Hearing.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

The Town Administrator requested the agenda be amended to include consideration of the contract between the Town of Haverhill and AECOM to provide NPDES services for the 2020/2021.

A motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to approve the agenda as amended.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the July 23, 2020 Regular Town Council meeting

A motion was made Vice Mayor Gordon, seconded by Council member Caranci, and unanimously passed (4-0) to approve the Consent Agenda as presented.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

None.

REGULAR AGENDA AND FIRST READINGS

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 478: AN 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.

The Title was read by Attorney Foster. Mayor Foy opened the floor to Public Comment.

A brief discussion ensued. There being no public comment, a motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to approve Ordinance 478 on second reading.

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. The Title was read by Attorney Foster. A brief discussion ensued, and it was noted the Town would be adopting the County's standards.

Mayor Foy opened the floor to Public Comment.

There being none, a motion was made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (4-0) to approve Ordinance 478 on second reading.

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.

The Title was read by Attorney Foster. Mayor Foy opened the floor to Public Comment. Council Members agreed that the Ordinance addressed all the issues the Town Council had labored over during the drafting of the verbiage. **There being no public comment, a motion was made by Vice Mayor Gordon, seconded by Council Member Caranci, and unanimously passed (4-0) to approve Ordinance 478 on second reading.**

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.

The Title was read by Attorney Foster. **Mayor Foy opened the floor to Public Comment. A motion was made by Council Member Withington and seconded by Vice Mayor Gordon to approve Ordinance 481 on second reading.**

Council agreed that once again the issues raised by the public have been addressed. Council Member Caranci commented on the intent of the Ordinance but was still concerned over the provisions allowing Commercial vehicles. Owners of Commercial vehicles can apply for the waiver as allowed in the Ordinance. Discussion followed.

The vote was taken and passed unanimously (4-0).

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.

The Title was read by Attorney Foster. He briefly explained this Ordinance was to remove the Ordinance that addressed the Red-Light Cameral program that the Town never implemented. Mayor Foy opened the floor to Public Comment.

There being none, a motion was made by Council Member Caranci, seconded by Council Member Withington, and unanimously passed (4-0) to approve Ordinance 487 on second reading.

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.

The Title was read by Attorney Foster. Mayor Foy opened the floor to Public Comment. Resident William DeBay noted that the Ordinance does not include the definition of demolition and leaves that to the discretion of the Code Inspector.

There being no public comment, a motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to approve Ordinance 489 on second reading.

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. Mayor Foy opened the floor to Public Comment. There being none, a motion was made by Council Member Caranci, seconded by Vice Mayor Gordon, and unanimously passed (4-0) to approve Ordinance 490 on second reading.

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

Attorney Foster requested the Town Council consider pulling Ordinance No, 491 from the agenda as the proposed changes to the Ordinance do not repeal the Ordinance as advertised. It now amends the entire Ordinance and as such Attorney Foster would like to make the requested changes to the Ordinance as discussed at the previous meeting. He would prefer to readvertise the Ordinance with the proposed changes allowing property owners to bring properties into compliance.

Attorney Foster addressed the specific language included in the proposed Ordinance. The Town Administrator asked that the proposed Ordinance include language that a pre-existing non-conforming use be certified by a structural engineer that the building is safe for human habitation. The Town Attorney agreed adding that he would also include that a letter from the Health Department certifying the septic system is adequate to handle the ADU would also be included.

The Ordinance also included a sunset clause.

Ordinance 491 will be presented back to Town Council for first reading.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to pull Ordinance 491 from consideration this evening.

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. Mayor Foy opened the floor to Public Comment. **There being none, a motion was made by Vice Mayor Gordon, seconded by Council Member Caranci, and unanimously passed (4-0) to approve Ordinance 492 on second reading.**

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. Mayor Foy opened the floor to Public Comment. **There being none, a motion was made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (4-0) to approve Ordinance 493 on second reading.**

APPROVE AGREEMENT BETWEEN THE TOWN OF HAVERHILL AND AECOM TO PROVIDE ENGINEERING SERVICES FOR THE TOWN'S NPDES PROGRAM

Mayor Foy commented that AECOM has been providing Engineering Services for the Town's NPDES program for several years and has worked very well with the Town. **A motion was then made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed to approve the annual agreement between the Town of Haverhill and AECOM for the FY 2020/2021 in the amount of \$9,000.**

REPORTS

Town Attorney

Attorney Foster noted that there would need to be a workshop to address proposed Ordinance changes. Although there had been discussion about repealing the noise Ordinance, he would like maintain provisions of the Ordinance especially as it addresses construction noise.

A lengthy discussion ensued concerning the placement of vegetation curbside immediately following the Tuesday pick up. The next matter to be discussed was the pickup of clippings placed in containers on days other than vegetation days.

Enforcement has been an issue. The Ordinance does not allow vegetation to be placed curbside earlier than 72 hours prior to the Tuesday pick up. Discussion followed requiring contractors doing lawn work on private property would be required to take the vegetation with them.

Council Member stressed that new residents need to be educated.

The last item to be discussed would be property maintenance standards.

Attorney Foster next discussed the text alerts he receives from the City of Port St. Lucie. The Town Administrator reported that Devon Kirms, Community Services Coordinator was working with PBC EOC on a reverse alert system. Discussion followed. It was agreed that a Code and Ordinance Committee meeting would be scheduled.

Mayor

Decide on Docuware Records Management Program

Mayor Foy distributed work papers on the process of document imaging (process; process with database and then process on server). The server holds the SQL files and the named files. When the server fails, the SQL file needs to be sure that it reads the named files correctly. The choice to Council is to continue with the same system or move to the Cloud. The software assigns the categories and other identifying characteristics.

The Town Administrator then presented the cost analysis for the system rebuild vs. going with the Cloud. The upfront cost to rebuild the system would be \$8,800 with an annual cost of approximately \$3,200.

The proposal for the Cloud did not include enough storage to handle the Town's documents. The required storage would make moving to the Cloud cost prohibitive. They were recommending the Town enter a five-year contract which did not sit well with the Town Attorney.

It was the Town Administrator's recommendation that the move forward with rebuilding the docuware system and get the Town's record management system up and running.

She added that Staff should spend next several months interviewing other companies that could migrate the data into another database. She added that she would not trust Docuware/Toshiba to manage the Town's documents in the Cloud.

All agreed it was best to maintain the system in house. Would it be possible to have a mirrored back up of the system? It was agreed that the Town needed to do something as the system was down.

Discussion followed.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Withington and unanimously passed (4-0) to replace the failed server, move forward with the migration of the data and enter into a one year service contract with Toshiba for the Docuware system and to authorize a budget amendment to cover the cost for the rebuild in the 2019/2020 fiscal year.

Town Administrator

The gift bag giveaway for Haverhill Seniors had been held earlier in the day. Thirteen seniors had attended, and the sponsoring entities were quite pleased with the outcome.

At the next meeting she will present the amendments to the personnel policy as well as changing the meeting dates for November and December.

The Town Administrator addressed the possibility of amending the Ordinance to allow for a variation to address the placement of sheds that have been in existence for several years.

Vice Mayor Gordon did express his concern over how the Town could begin a code enforcement proceeding after having allowed these violations to continue without enforcement. Questions arose as to whether the shed was installed up to code. The Town Administrator offered that the

property owner was willing to get a permit and bring the shed into compliance but did not want to have to spend the money for a variance that could possibly be denied.

Discussion followed and it was agreed that the matter would be addressed at the upcoming Code and Ordinance committee meeting.

Committee/Delegate Report

The Mayor's literacy luncheon would be held via zoom this year. Vice Mayor Gordon was unable to attend as he had oral surgery scheduled for the same time and place. It was agreed that Council member Withington and Town Administrator Rutan would participate. She would forward the information to Council Member Withington.

Vice Mayor Gordon reported on the Palm Beach County League of Cities Meetings. He noted the Board meetings were held in person with social distancing and CDC guidelines being observed.

Mayo Foy reported he had attended the League of Cities Environmental Committee meeting virtually. One topic of discussion was South Florida Water management wanting the individual municipalities to enforce the water restrictions. The Environmental Committee did not recommend municipal enforcement. The other matter for discussion was the flood maps being revised for the coastal areas.

Treasurer's Report

Not included in packet.

UNFINISHED BUSINESS

None.

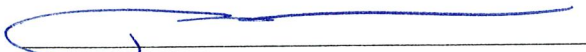
NEW BUSINESS

None.

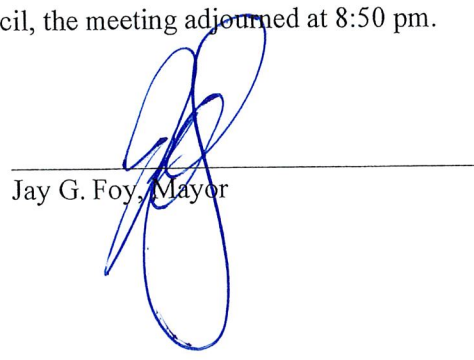
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:50 pm.

Approved: October 22, 2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor