

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



TOWN COUNCIL WORKSHOP
Town Hall Council Chambers
Thursday ~ January 16, 2020
6:00 p.m.
AGENDA

- I. Call to Order**
- II. Council, Attorney and Staff Reports**
- III. New Business**
 - A. Review of Proposed Ordinance 481 – Recreational Vehicles**
- IV. Old Business**
- V. 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
January 16, 2020
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Thursday, January 16, 2020 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Daniel Sohn; Town Attorney John Foster; Deputy Town Clerk Jean Wible and Town Code Enforcement Officer/Public Works Michael L. Jordan.

I. CALL TO ORDER

Mayor Foy called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the invocation and led in the Pledge of Allegiance.

ROLL CALL

All members were present with the exception of Council Member Harvin and Council Member Uptegraph

II. COUNCIL, ATTORNEY AND STAFF REPORTS

N/A

III. NEW BUSINESS:

Review of Proposed Ordinance 481 – Recreational Vehicles:

Mayor Foy stated the main purpose for tonight was to talk about recreational vehicles, boats, etc. that are parked on lots. Mayor Foy welcomed all to tonight's workshop and encouraged resident's input to help Town Council make the right decisions. Mayor Foy explained this is a workshop where no decisions can be made. This is a time for Town Council to listen to the residents.

Town Attorney Foster stated the most important part of the revisions the Town Council had been considering (**draft attached still subject to review and modification by Town Council**) of Chapter 38 was the addition of a permitted waiver for residents with special circumstances. It reads:

Waiver permitted. Recognizing that the strict application of the requirements of this subdivision may work an undue hardship on certain persons, a waiver from the strict application of this subdivision may be granted by the town council.

Petition for waiver. A written petition for a waiver shall be filed by the owner of the lot upon which the vehicle, trailer or watercraft will be parked or stored with the town administrator. The town council shall conduct a public hearing within 30 days to review the petition. As a basis for approval, the town council must find that the requested parking or storage of the recreational vehicle, sports vehicle or watercraft will:

Be consistent with the general character of the neighborhood considering population density, intensity and character of activity, size and dimensions of the lot, and traffic and parking conditions: and not be a detriment to the use, enjoyment economic value or development of surrounding properties or the general neighborhood.

Town Attorney Foster also stated a new definition had been added to the draft, **Section 58-3 Definitions: Recreation vehicle means:** a camper, trailer, pickup camper, bus, or other vehicle with or without motor power, designed and constructed to travel on public thoroughfares without special permit in accordance with the vehicle code of the state any vehicle designed as a temporary living quarters for recreational, camping or travel use, which is self-powered or is mounted on or drawn by another vehicle.

Recreational vehicle (RV) means a vehicle which is designed, constructed or equipped as a dwelling place, living quarters, or sleeping place, whether temporary or permanent, and which may be used on public roadways. Such a vehicle may include those which are motorized, as well as those which are designed to be mounted on or drawn by another vehicle. The term "recreational vehicle" may include, but is not limited to, a travel trailer, camping trailer, camper, truck camper, motor home, motor coach, park trailer, mobile home, recreation vehicle or other covered vehicle type.

Trailer means any vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle. The term "trailer" includes, but is not limited to watercraft trailers and travel trailers

Travel trailer means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, with a body width not exceeding eight (8) feet and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. For the purposes of these regulations, the term includes recreational vehicle, pickup campers, camping trailers, and motorized homes which provide living facilities constructed as integral parts of self-propelled vehicles.

No more than one (1) watercraft, (1) sports vehicle and one (1) recreational vehicle shall be permitted to be parked or stored outdoors on a residential lot.

The recreational vehicle, watercraft or trailer is not being used for living, sleeping, or housekeeping purposes. Under no circumstances shall an recreational vehicle, trailer or

watercraft, parked or stored pursuant to this subdivision, be used for temporary or permanent residential purposes, including living, sleeping, or other similar occupancy, or storage in any manner. Town Attorney Foster continued reading aloud the draft and explaining in more detail.

Parking areas for recreational vehicles, sports vehicles, trailers and watercraft shall be large enough to accommodate the individual vehicle or vessel. However, the minimum setback from the side and rear property line shall be five (5) feet, and the parking area shall be ten feet by 18.5 feet. The height of the recreational vehicle, sports vehicle, trailer or watercraft, in its parked or stored position, shall not exceed the lesser of the height of the principal building on the lot, or (b) twenty (20) feet.

PUBLIC COMMENTS:

Jeffrey Waite of 630 Tall Pines Road requested clarification on total number of allowable vehicles in backyard. Town Attorney Foster replied three (3). Attorney Foster stated what was contemplated right now was one watercraft, one sports vehicle and one recreational vehicle. Mr. Waite also asked if the violation tags (stickers) that were being placed on properties were easily removable as one was placed by Joseph Roche years ago and it stuck to the paint. Code Enforcement Officer Michael Jordan replied they are applied to glass surfaces or an area that will not damage paint using painter's tape which does not leave an adhesive or a residue. Above was discussed at length.

Dave McCarty of 1157 Palmetto Road stated he wants clearer definitions of the ordinances that are now under review. He wants to know how all of this will affect commercial vehicles. Town Attorney Foster stated there was already a provision involving commercial vehicles that allows one commercial vehicle per unit to be parked on the lot. Mr. McCarty asked if that is included in the recreational vehicles. Attorney Foster stated yes. Mr. McCarty stated he had a landscape business and is concerned he will have to close his business (livelihood) if he can't park his commercial truck and trailer on his property. Discussion ensued.

Robert Roessler of 1010 Pineway Drive stated he had a 40ft RV and is concerned about the screening from view requirement. He stated he would have to build a 20ft concrete wall. Mr. Roessler also stated, that he and his wife cannot load/unload the RV in the 3-4 hours currently allowed. He would like to see more time allowed. Mayor Foy stated the screening is only required to be 6ft high and believed this would be a perfect case for a waiver to be permitted. Discussion ensued.

Ray Caranci of 819 Mimosa Court stated the hours allowed for loading and unloading recreational vehicles is unrealistic. He would like to see a 24 hour period given and if you need more time, then apply for a permit. Discussion ensued.

Brian Smith of 1133 Palmetto Road asked why just one watercraft when Florida is the sport fishing capital of world. What is this screening about? Why hedge issues? He

asked why all these issues now and why not enforced for the past 47 years he has lived in the Town. Discussion ensued.

Pam McCarty of 1157 Palmetto Road is concerned about the 6ft hedge height and screening codes as most tops of boats, RV's, trailers will extend above that height. Town Attorney Foster stated this is a bit of a nuance and this code is in all counties and municipalities. He stated Town Council realizes this and have been discussing it. Ms. McCarty also asked if there would be a fee to obtain waiver/permit. Town Attorney Foster stated a fee has not been discussed by Council to his knowledge and if there were to be a fee it would be nominal. Ms. McCarty stated that as residents, they pay their taxes on top of their county taxes therefore, residents should not be incurring more fees for waiver/permit. Town Attorney stated that as written as of right now, there is no fee. Discussion ensued.

Phillip Bankert of 1192 Pineway Drive would like to see a much longer period of time to have RV's parked at the home when returning from a trip. He reported it was fought against years ago when the ordinance was passed but the Town Council at the time, had no consideration for the people and what they wanted. Discussion ensued.

Carol Newhart of 4940 Luwal Drive stated if she understood correctly, the 6ft hedge must block the view of the boat, RV or trailer from the street. Mayor Foy stated as it reads now, yes. She stated the tongue of her trailer sticks out very little past the plane of the home with no way to put a gate there to hide the boat from view of the street and asked what she was supposed to do. She also had an issue with the hours allowed for loading and unloading recreational vehicles after a trip.

Don Smith of 1131 Palmetto Road stated he understands the 5ft setback from the side and rear of the lot for parking recreational vehicles, sports vehicles and trailers but he does not understand the dimension of 10ft by 18.5ft, why is that in there? Attorney Foster stated that is a good point and that it was taken from another code. He stated historically, what the Town of Haverhill was concerned about was the setback, not parking area. He stated it had been discussed to delete the 10ft by 18.5ft leaving the 5ft setback. Discussion ensued.

Saverio Carbone of 1254 Palmetto Road stated he has only lived in the Town about a year and doesn't understand why all of a sudden everyone is having problems now. He asked Town Council members how long each of them have been in office. Mayor Foy stated this has all come about because the Town has a new Code Enforcement Officer. Discussion ensued.

Christine Carbone of 1254 asked why the rules and regulations that were explained to her before she bought the house are no longer the rules. Why were people allowed to do certain things for many years and now cannot!

William DeBay of 5170 Belvedere Road read the definition of commercial vehicle found in Municode: **Commercial vehicle** means a vehicle which is not used solely

for personal nonbusiness activities. *The following factors will be considered when determining commercial status: (1) Outside lettering designating a business of any kind, (2) use of vehicle, (3) size of vehicle. The following types of vehicles shall be considered commercial for the purposes of this section, but shall not be the only types of vehicles considered as commercial: truck cab; semi-trailer; taxi; tow truck; step van; construction vehicle; bus; trailer or utility trailer; a vehicle outfitted for commercial purposes or a vehicle with three or more axles.*

Carol Newhart of 4940 Luwal Drive asked if Council knew what the procedure would be for the RV parking permit in the future as it was as easy as just emailing in the past and one would be sent to her. She asked that no violation stickers be placed on her RV. Code Enforcement Officer Jordan stated he would email her if that was easier and she said yes.

Kurt Hoebee of 1148 Palmetto Road shared some history of himself and his family with the Town of Haverhill. He stated this is an outrage as to why we are even here. He asked if Council even knew how many people are calling to report their neighbors. He said the rule of thumb in the Town was always “if it’s behind the gate” then there was never a problem. If you kept the front of your house clean and clear (which he does), there was never a problem. He stated that keeping him limited on what he can keep and can do in his backyard is ludicrous. Discussion ensued.

Sherri Gerris of 4920 Luwal Drive stated she doesn’t care what her neighbors do regarding their motor vehicles or motor homes. She stated her huge issues are recently with noise. There are major parties going on and fireworks going off every five minutes. She wants to know what is being done about this. She is having to call the police half the night and weekends.

Doug Magaw of 1173 Trailaway Lane stated he understands ordinances are important and is not interested in a “free for all” but if neighbors are not complaining and people are not complaining then let’s just not upset the whole fruit basket because we have nothing else to do. He stated he appreciated Attorney Foster’s attention to the waivers. He would like to see common sense maintained. He would like to see more PBSO visible on Belvedere Road and driving more often down his street as well as others.

Kathy Bryant of 1053 Melinda Lane stated there are more things that she would like to see addressed. Safety is one of them. She would like to be able to go to Haverhill Park to walk the heart trail but, she had two incidents at the park where she had to call the police. Noise is another issue she would like to see handled. The house on the corner of Melinda Lane and Belvedere Road have had constant parties. Fireworks on Christmas. She would like to see a noise ordinance that is governed. Discussion ensued.

Ray Caranci of 819 Mimosa Court said he would like to see the Town picnic brought back. Mayor Foy explained it takes a lot of energy and we were getting more and more people from outside of the Town in attendance instead of Town residents. He said he had no issue revisiting if there is a consensus to start it up again.

Mayor Foy thanked everyone for their input and their participation.

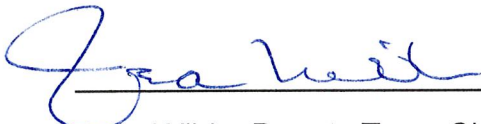
IV. OLD BUSINESS:

N/A

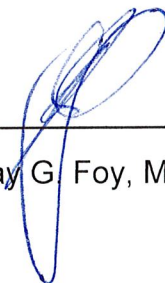
V. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 7:27 p.m.

Approved: February 27, 2020



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

TOWN OF HAVERHILL TOWN COUNCIL
 PROPOSED ORDINANCE WORKSHOP – RECREATIONAL VEHICLES
 Thursday, January 16, 2020
 6:00pm – 7:00pm

Name	E- Mail Address	Signature
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