

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, January 28, 2021  
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 January 14, 2021 Regular Meeting and January 5, 2021 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**

None.
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
  - a. Discuss Legislative Priorities
  - b. Discuss NPDES Audit Requirements
- X. PUBLIC READINGS AND SECOND HEARINGS**
  - a. **ORDINANCE NO. 482: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SEC. 30-1, TO ADD A DEFINITION OF CURBSIDE; AMENDING SEC. 30-28, TO CLARIFY THE USE OF CONTAINERS; ADDING A NEW SEC. 30-29 REGARDING UNSAFE CONDITIONS; ADDING A NEW SEC. 30-30 WITH RESPECT TO CONTRACTORS SERVICING PROPERTIES WITHIN THE TOWN; ADDING A NEW SEC. 30-31 TO IMPOSE THE RESPONSIBILITY OF TRASH DISPOSAL ON THE PROPERTY OWNER FOR NON-CONFORMING TRASH; ADDING A NEW SEC. 30-32 RELATIVE TO ENFORCEMENT; AND AMENDING SEC. 30-119 TO CLARIFY THE EARLIEST GARDEN AND YARD TRASH MAY BE PLACED CURBSIDE; 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. 495: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, REPEALING AND REPLACING ARTICLE II, NOISE, OF CHAPTER 18, CODE OF ORDINANCES, BY ESTABLISHING AN AMENDED AND RESTATED TOWN NOISE**

**CONTROL ORDINANCE; PROVIDING FOR REPEALER; SHORT TITLE AND TERRITORIAL SCOPE; FINDINGS AND PURPOSE; DEFINITIONS; NOISE DISTURBANCE PROHIBITED; PROHIBITED ACTS; EXCEPTIONS; WAIVERS; ENFORCEMENT; PENALTIES; CIVIL REMEDIES; RULES AND REGULATIONS; CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; CONFLICTS OF LAW, SEVERABILITY AND SUBSTITUTION CLAUSE; MODIFICATION; AND AN EFFECTIVE DATE.**

**c: ORDINANCE NO. 496: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SECTION 38-9, PARKING OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS, TO CLARIFY THAT ONE COMMERCIAL VEHICLE, WITH A PAYLOAD RATING NOT IN EXCESS OF ONE TON, MAY BE PARKED ON A RESIDENTIAL LOT, AND ANY OTHER COMMERCIAL VEHICLES, WITH A PAYLOAD NOT EXCEEDING ONE TON, MAY BE PARKED ON A RESIDENTIAL LOT AS LONG AS IT IS NOT VISIBLE FROM THE STREET OR ADJOINING PROPERTY; AND CLARIFYING THAT THE WAIVER PROCEDURE FOR ANY RESIDENT SEEKING TO AVOID A STRICT APPLICATION OF SEC. 38-9 APPLIES TO COMMERCIAL VEHICLES AS WELL; 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 N. 497: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CREATING A NEW DIVISION 14, PROPERTY MAINTENANCE STANDARDS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING, TO PROVIDE A PURPOSE AND SCOPE, DEFINITIONS, INSPECTION RIGHTS, ENFORCEMENT, MAINTENANCE AND APPEARANCE STANDARDS, VACANT LOT MAINTENANCE, AND INOPERATIVE VEHICLES ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.**

**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**

**January 28, 2021**

**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](mailto:jrutan@townofhaverhill-fl.gov)) up until noon on January 28, 2021. 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 meeting 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, January 28, 2021  
7:00 p.m.  
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, January 28, 2021 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Dennis Withington, Council Member and Ray Caranci, Council Member. Council Member Mark C. Uptegraph, attended via teleconference. John Foster, Town Attorney, Todd McLeod, Town Engineer, and Janice C. Rutan, Town Administrator were also in attendance.

Teleconferencing was available for those persons wanting to participate in the meeting remotely.

**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 in the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator called the roll. All members were present in Council Chambers.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

Approval of the minutes of the January 14, 2021 Regular Meeting and January 5, 2021 December 1, 2020 Workshops

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

**PROCLAMATIONS AND PRESENTATION**

None.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**

Not present.

**REGULAR AGENDA AND FIRST READINGS**

**Discuss Legislative Priorities**

Attorney Foster reported that he had been in contact with David Cruz, the FLC Legislative Attorney and was told that there have been no proposed amendments to the

legislation addressing medical marijuana dispensaries. It would be his suggestion that the Town move forward with a ban on medical marijuana dispensaries in the Town. He noted Lake Worth Beach does not allow them within the City.

The Town Administrator would present a draft letter to the Town Council highlighting proposed legislation supported by the Town.

#### **Discuss NPDES Audit Requirements**

Mayor Foy led the discussion regarding the continuation of the DEP requiring additional information relating to the annual NPDES Audit. It was his suggestion that the Town reply that they will respond to the outstanding matters in the next fiscal year when costs can be properly budgeted.

Discussion followed. It was suggested the Town Administrator attend a meeting of the NPDES Steering Committee to bring this issue to the forefront and to request the DEP reverse their course of action.

At a minimum, the Town would request an extension to the next budget year to respond to the most recent request for information so it can properly prepare for the fiscal impact of the additional request.

#### **PUBLIC READINGS AND SECOND HEARINGS**

**ORDINANCE NO. 482: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SEC. 30-1, TO ADD A DEFINITION OF CURBSIDE; AMENDING SEC. 30-28, TO CLARIFY THE USE OF CONTAINERS; ADDING A NEW SEC. 30-29 REGARDING UNSAFE CONDITIONS; ADDING A NEW SEC. 30-30 WITH RESPECT TO CONTRACTORS SERVICING PROPERTIES WITHIN THE TOWN; ADDING A NEW SEC. 30-31 TO IMPOSE THE RESPONSIBILITY OF TRASH DISPOSAL ON THE PROPERTY OWNER FOR NON-CONFORMING TRASH; ADDING A NEW SEC. 30-32 RELATIVE TO ENFORCEMENT; AND AMENDING SEC. 30-119 TO CLARIFY THE EARLIEST GARDEN AND YARD TRASH MAY BE PLACED CURBSIDE; 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. There being no public comment, a motion was then made by Council member Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to approve Ordinance No. 482 on second reading.

**ORDINANCE NO. 495: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, REPEALING AND REPLACING ARTICLE II, NOISE, OF CHAPTER 18, CODE OF ORDINANCES, BY ESTABLISHING AN AMENDED AND RESTATED TOWN NOISE CONTROL ORDINANCE; PROVIDING FOR REPEALER; SHORT TITLE AND TERRITORIAL SCOPE; FINDINGS AND PURPOSE; DEFINITIONS; NOISE DISTURBANCE PROHIBITED; PROHIBITED ACTS; EXCEPTIONS; WAIVERS; ENFORCEMENT; PENALTIES; CIVIL REMEDIES; RULES AND REGULATIONS; CODIFICATION AND CORRECTION OF SCRIVENER'S**



**ERRORS; CONFLICTS OF LAW, SEVERABILITY AND SUBSTITUTION CLAUSE; MODIFICATION; AND AN EFFECTIVE DATE.**

The title was read by Attorney Foster. **There being no public comment, a motion was then made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (5-0) to approve Ordinance No. 482 on second reading, as amended.**

**ORDINANCE NO. 496: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SECTION 38-9, PARKING OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS, TO CLARIFY THAT ONE COMMERCIAL VEHICLE, WITH A PAYLOAD RATING NOT IN EXCESS OF ONE TON, MAY BE PARKED ON A RESIDENTIAL LOT, AND ANY OTHER COMMERCIAL VEHICLES, WITH A PAYLOAD NOT EXCEEDING ONE TON, MAY BE PARKED ON A RESIDENTIAL LOT AS LONG AS IT IS NOT VISIBLE FROM THE STREET OR ADJOINING PROPERTY; AND CLARIFYING THAT THE WAIVER PROCEDURE FOR ANY RESIDENT SEEKING TO AVOID A STRICT APPLICATION OF SEC. 38-9 APPLIES TO COMMERCIAL VEHICLES AS WELL; 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. **There being no public comment, a motion was then made by Council Member Uptegraph, seconded by Council Member Caranci, and unanimously passed (5-0) to approve Ordinance No. 482 on second reading, as amended.**

**ORDINANCE N. 497: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CREATING A NEW DIVISION 14, PROPERTY MAINTENANCE STANDARDS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING, TO PROVIDE A PURPOSE AND SCOPE, DEFINITIONS, INSPECTION RIGHTS, ENFORCEMENT, MAINTENANCE AND APPEARANCE STANDARDS, VACANT LOT MAINTENANCE, AND INOPERATIVE VEHICLES ON PUBLIC PROPERTY; 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 very lengthy discussion followed regarding private roads and properties abutting private roads. It was suggested the Town Administrator reach out to Palm Beach County Fire Rescue to determine their roadway specs for private roads. All expressed their concern about the adverse effect on the health, safety and welfare of persons resulting from the excessive parking issues on private streets. Attorney Foster noted that the Fire Prevention was applicable as part of the Building Code.

Mayor Foy brought up his concern about maintaining the safe sight corners. Council member Caranci agreed, adding that he had noticed the digital inclusion pole at the location of Club Road and Haverhill Road seemed to be in the line of the safe corner and hoped it would be corrected during the permitting process and relocated if necessary.

Vice Mayor Gordon commented that the Town Council needed to consider a way to address the maintenance of private roads.

It was agreed that Subsection 584 (e) would be removed from the proposed Ordinance to be discussed at a Code and Ordinance workshop.

Catherine Moore, New Parkview Place. She agreed that something must be done about the parking issues. She reported that when her neighbors have parties, their guests park on her lawn and although against the association rules, there is no one on site to enforce.

**With no further discussion, or public comment, a motion was made by Dennis Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to approve Ordinance No. 497, as amended.**

## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

The Mayor extended the Local State of Emergency.

### **Town Administrator**

The Town Administrator offered an update on the Briarwood Wall project. The abutting property owners had agreed to the easements and now would be forwarding those easements to their mortgage companies for their consent.

The Town Administrator next requested guidance as to the finishing of the wall and if the Council would be appointing a committee. Consensus to allow staff to recommend beautification to include paint and plantings. The Attorney was concerned about liability if bougainvillea was planted on the backside of the wall.

### **Committee/Delegate Report**

The February 2, 2021 workshop was announced. The Town Administrator reported that Mr. and Mrs. Garcia would be present to discuss Park Lane drainage issues.

Vice Mayor Gordon announced that the Palm Beach County League of Cities would be meeting with the Palm Beach County Legislative Delegation.

Joseph Abruzzo, recently elected Palm Beach County Clerk and Comptroller addressed the January 27, 2021 general meeting of the PBC League of Cities. He reported that property values were holding up very well. He has made some changes within the office and had hired new vendors. Mr. Abruzzo would be available to meet with the Town Council should they wish to invite him to address the residents.

Attorney Foster next reported on the Charter Committee meeting held prior to the Regular Council meeting. He noted that all recommendations would be coming to the Town Council. Items discussed and action taken on included residency requirements; term of office; response to a tie-vote.

Attorney Foster reported that the Committee should finish no later than April, Council to adopt changes by July to be adopted by referendum in November.

The Town Council commented that it would like to control the discussion on run-off election requirements.

**Treasurer's Report**  
**Included in packet.**

**UNFINISHED BUSINESS**

Discussion followed as to the transition from septic to sewer. Mayor Foy commented that installation of sewer can cost up to five times to cost to install water. All agreed it is something that needs to be looked at. There may be grant funds available. Staff would follow up.

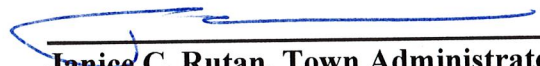
**NEW BUSINESS**


**None.**

**ADJOURNMENT:**

**There being no further business to come before the Town Council, the meeting adjourned at 8:00 p.m.**

**Approved: March 25, 2021**

  
**Janice C. Rutan, Town Administrator**

  
**Jay G. Foy, Mayor**



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