

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



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING**

Thursday, July 22, 2021

6:30 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 for the June 24, 2021, and July 8, 2021, Regular Meetings and the June 1, 2021, and July 7, 2021, Workshops
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE**
- X. REGULAR AGENDAS AND FIRST HEARINGS**
 - a. Act on request of Frederick M. Ritter, property owner, 1158 Concord Avenue, for a Parking Waiver Request to allow for Recreational Vehicle, Watercraft and/or Sport Vehicle to be parked in his front yard because of the property being located on a corner lot and the location of his septic and drain fields.
 - b. Act on request for a Special Exception as filed by Costanza Barilla, property owner of 4949 Belvedere Road, to allow for an Accessory Dwelling Unit (continued from May 13, 2021, and June 10, 2021).
 - c. Discuss proposed Ordinance Amendments for proposed Sign Ordinance and Subdivision Ordinance
 - d. RESOLUTION R2021-04: Set Preliminary Millage Rate at 4.5000 for the fiscal year beginning October 1, 2021 and ending September 30, 2022.
- XI. PUBLIC HEARINGS AND SECOND READINGS:**

ORDINANCE NO. 483

A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING CODE, BY AMENDING SEC. 58-311 AND SEC. 58-312 TO BETTER CLARIFY THE MEANING OF ONE PRINCIPAL BUILDING PER LOT AND ACCESSORY STRUCTURES REGARDING STRUCTURES

ATTACHED TO A PRINCIPAL BUILDING VIA BREEZEWAY; 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. 485

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 THE PROVISIONS OF DIVISION 9, AIRPORT REGULATIONS, AND ADDING IN ITS PLACE AND STEAD NEW REGULATIONS PURSUANT TO CHAPTER 333, FLORIDA STATUTES; 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. 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 AMENDING DIVISION 11, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, TO LIMIT THE TIME PERIOD FOR APPLYING FOR A SPECIAL EXCEPTION FOR AN ACCESSORY DWELLING UNIT UNTIL OCTOBER 1, 2021, AND LIMITING THE TIME IN WHICH AN APPROVED ACCESSORY DWELLING UNIT MUST BE COMPLETED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

E. ORDINANCE NO. 499

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 2-36 OF DIVISION I, OF ARTICLE II, TOWN COUNCIL, OF CHAPTER 2, ADMINISTRATION, TO CLARIFY THAT THE TOWN COUNCIL MAY CANCEL OR CHANGE A TOWN COUNCIL MEETING, AND THE MAYOR MAY CANCEL UP TO ONE TOWN COUNCIL MEETING PER MONTH UPON DETERMINING THAT THERE IS NO BUSINESS TO COME BEFORE 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.

F. ORDINANCE NO. 500

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING CODE, BY CREATING A NEW SECTION 58-157, ENTITLED "MEDICAL MARIJUANA DISPENSING FACILITIES"; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE TOWN OF HAVERHILL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

XII. REPORTS

Town Attorney
Mayor

Town Administrator

a. Discuss proposed 2021-2022 budget.

Committee/Delegate Report

Treasurer's Report (included in packet)

XIII. UNFINISHED BUSINESS

XIV. NEW BUSINESS

XV. ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370

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TOWN COUNCIL MEETING
July 22, 2021

Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until noon on July 22, 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 and exhibit signs of illness, such as coughing or sneezing, please do not enter 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. Town Council has considered the health, safety and welfare of its residents and the public, and voted to continue to require face masks be worn during public meetings and public hearings in Town Hall and Town Council Chambers to address the Town Council. Those persons gathering outside the Town Hall are encouraged to maintain a separation of at least six feet from one another. 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.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, July 22, 2021
AGENDA**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, July 22, 2021. Those present were Jay Foy, Mayor, Dennis Withington, Council Member, and Teresa Johnson, Council Member. Vice Mayor Lawrence Gordon participated via ZOOM. Also, present were John Fenn Foster, Town Attorney, and Janice C. Rutan, Town Administrator.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:30 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 present except Council Member Caranci.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

A motion was made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to approve the agenda, as amended, by adding receipt and file of the Annual Financial Statement for the FYE 9/30/2020

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Kayla Schnell. Community Services for the Palm Beach County Sheriff's office was present to report on the crime statistics for the previous 2-week period. She reported there had been a stolen vehicle for which an arrest had been made, a burglary to an unlocked vehicle at 5432 Club Circle, 121 traffic stops and a domestic disturbance.

She agreed to investigate the recent report of a groping at the Haverhill Park.

The Council expressed their appreciation to D/S Schnell and the PBSO.

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

Not present.

REGULAR AGENDAS AND FIRST HEARINGS

Act on request of Frederick M. Ritter, property owner, 1158 Concord Avenue, for a Parking Waiver Request to allow for Recreational Vehicle, Watercraft and/or Sport Vehicle to be parked in his front yard because of the property being located on a corner lot and the location of his septic and drain fields.

The Town Administrator presented the application to the Town Council. She explained the applicant's property is a corner lot, making it difficult to locate recreational vehicles in accordance with the Town's ordinances, Council had questions regarding the proposed finished surface, location of septic and drain field as well as the number and type of recreational vehicles that the sketch, photos or the Administrator did not answer.

After a brief discussion it was agreed that the applicant should be present to address the questions raised by Council.

A motion was then made by Council Member Johnson, seconded by Council Member Withington, and unanimously passed (4-0) to move further discussion of the matter to either the August 3, 2021, workshop, or the next regular meeting when the applicant could provide information for Council consideration.

Act on request for a Special Exception as filed by Costanza Barilla, property owner of 4949 Belvedere Road, to allow for an Accessory Dwelling Unit (continued from May 13, 2021, and June 10, 2021).

Attorney Foster explained that the matter before Council could not be considered as the application is incomplete. The applicant and her attorney are aware of the information still required and have requested the matter be postponed to a date certain on several occasions.

The terms of the proposed Ordinance 491 amending Chapter 58, Division 11 was reviewed, a copy of which would be forwarded by the Town Administrator to the Applicant and her attorney. A brief discussion ensued.

A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to remove from the agenda until such time the application is deemed complete.

Discuss proposed Ordinance Amendments for proposed Sign Ordinance and Subdivision Ordinance

Town Attorney Foster suggested Town Council postpone action on the proposed sign Ordinance until a full Council could be present to strike a full balance. He noted the major issues being the number of copy changes allowed in a 24-hour period.

Paster Chris from the Abundant Life Church was present in the audience and Tom Crowe of Stewart signs was present via teleconference. Both addressed the Town Council and answered questions posed regarding lumens, light sensors and controlling the flow to the LED measured in NITS. All can be controlled by a light sensor and can be made as part of the factory settings. Factory settings cannot be changed.

After a lengthy discussion, it was agreed to continue discussion at the August 3, 2021, workshop to be held at noon at the Town Hall.

RESOLUTION R2021-04: Set Preliminary Millage Rate at 4.5000 for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

The Town Administrator offered Staff's report. **A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to pass Resolution R2021-04.**

(Because the date set for the Public Hearing that was included in the Resolution conflicted with the Board of County Commissioners Public Hearing, a Special Meeting was held on August 3, 2021, to change the date of the first Public Hearing to September 8, 2021, at 5:30 p.m. through the adoption of Resolution R2021-05)

Receive and file the annual financial statement for the period ending 9/30/2020

The Town Administrator offered Staff's Report. The audit had been received earlier in the day. She explained that Raquel McIntosh of Grau and Associates would be on site August 12, 2021, to

make a formal presentation, but the Town Council needed to receive and file so she could move forward with finalizing the Management Letter and filing the AFR.

The Town Administrator highlighted certain areas of the Audit and explained in detail the findings of the Auditors as they related to budget amendments and interfund transfers.

A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to receive and file the annual financial report for the FY ending September 30, 2020.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the June 24, 2021, and July 8, 2021, Regular Meetings and the June 1, 2021, and July 7, 2021, Workshops

A motion was made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to approve the Consent Agenda as presented.

PUBLIC HEARINGS AND SECOND READINGS:

ORDINANCE NO. 483

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING CODE, BY AMENDING SEC. 58-311 AND SEC. 58-312 TO BETTER CLARIFY THE MEANING OF ONE PRINCIPAL BUILDING PER LOT AND ACCESSORY STRUCTURES REGARDING STRUCTURES ATTACHED TO A PRINCIPAL BUILDING VIA BREEZEWAY; 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 ready by Attorney Foster. Mayor Foy opened the Public Hearing. There being no public present and no public comments, **a motion was made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to adopt Ordinance 483 on second reading.**

ORDINANCE NO. 485

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 THE PROVISIONS OF DIVISION 9, AIRPORT REGULATIONS, AND ADDING IN ITS PLACE AND STEAD NEW REGULATIONS PURSUANT TO CHAPTER 333, FLORIDA STATUTES; 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 ready by Attorney Foster. He explained that he would be finalizing recital 5 of the preamble to note that the Interlocal Agreement was still to be finalized. Mayor Foy opened the Public Hearing. There being no public present and no public comments, **a motion was made by Council Member Johnson, seconded by Council Member Withington, and unanimously passed (4-0) to adopt Ordinance 485 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 AMENDING DIVISION 11, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, TO LIMIT

THE TIME PERIOD FOR APPLYING FOR A SPECIAL EXCEPTION FOR AN ACCESSORY DWELLING UNIT UNTIL OCTOBER 1, 2021, AND LIMITING THE TIME IN WHICH AN APPROVED ACCESSORY DWELLING UNIT MUST BE COMPLETED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

The title was ready by Attorney Foster. Mayor Foy opened the Public Hearing. There was a brief discussion, and it was clarified that an application would need to be considered complete and in compliance with the Ordinance by October 1, 2021, to be considered. There being no public present and no public comments, **a motion was made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to adopt Ordinance 491 on second reading, as amended.**

ORDINANCE NO. 499

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 2-36 OF DIVISION I, OF ARTICLE II, TOWN COUNCIL, OF CHAPTER 2, ADMINISTRATION, TO CLARIFY THAT THE TOWN COUNCIL MAY CANCEL OR CHANGE A TOWN COUNCIL MEETING, AND THE MAYOR MAY CANCEL UP TO ONE TOWN COUNCIL MEETING PER MONTH UPON DETERMINING THAT THERE IS NO BUSINESS TO COME BEFORE 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 ready by Attorney Foster. Discussion followed. It was agreed to add language authorizing the Mayor to cancel or postpone a meeting if it is determined that there will not be a quorum present. Mayor Foy opened the Public Hearing. There being no public present and no public comments, **a motion was made by Council Member Johnson, seconded by Council Member Withington, and unanimously passed (4-0) to adopt Ordinance 499 on second reading, as amended.**

ORDINANCE NO. 500

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING CODE, BY CREATING A NEW SECTION 58-157, ENTITLED "MEDICAL MARIJUANA DISPENSING FACILITIES"; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE TOWN OF HAVERHILL; 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 ready by Attorney Foster. He explained that there is nothing in the Ordinance that would prohibit the matter from being revisited at a later date. Mayor Foy opened the Public Hearing. There being no public present and no public comments, **a motion was made by Vice Mayor Gordon, seconded by Council Member Withington, and unanimously passed (4-0) to adopt Ordinance 500 on second reading.**

REPORTS

Town Attorney

Attorney Foster noted he would be presenting the Town Council with an update on the past legislative session at their August 12, 2021, meeting. He expressed his dismay at the key legislative items that would have an adverse effect on Home Rule, the deregulation of Business Tax Receipts being one.

Mayor

Mayor Foy echoed the concern of Attorney Foster adding that Board of County Commissioner Melissa McKinley had attended the meeting of the Indian Trail Improvement District the night before, at which he was present and reported on other items such as parking issues, municipalities not having the right to limit gas lines within their towns, etc. He added Home Rule is becoming non-existent.

He added that the Army Corps of Engineers was once again implementing requirements affecting water quality including their governing the water levels on Lake Okeechobee.

The mask mandate while attending public meetings in the Town Hall would be continued by consensus of Council.

All agreed that the Annual Mayor's luncheon would be held on December 14, 2021, at 11:30 a.m. at the Town Hall. Boris of BDS catering would provide the food.

It was agreed to send a letter of appreciation to the Charter Commission.

Town Administrator

Discuss proposed 2021-2022 budget

A brief review of the budget took place. The Town Administrator clarified that the Council would use surplus funds in the Solid Waste Account along with the 3% increase to supplement the cost to purchase Town of Haverhill issued trash receptacles. The cost balance would be included in the general fund balance.

Committee/Delegate Report

Vice Mayor Gordon, in attendance via Zoom, reported from his conference with the Florida Bar Association in Orlando.

He also spoke of the recent legislation that governed parking and noise control, increasing sovereign immunity from \$200,000 pp/\$300,000 per incident to \$500,000pp/1 million per incident.

He spoke about the annexation legislation and economic legislation.

The annual Florida League of Cities conference would still be taking place in person in Orlando August 12 -14, 2021.

The Palm Beach County League of Cities would be joining with the Florida League of Cities to host a webinar detailing the funding behind the American Rescue Plan Act.

He announced the next regular meeting of the Palm Beach County League of Cities would be an in-person meeting sponsored by the Village of Royal Palm Beach. Although the PBC District II and III luncheons would be resuming soon, no date has been set.

UNFINISHED BUSINESS

None.

NEW BUSINESS

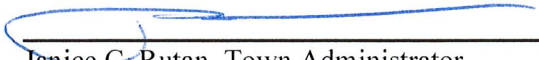
Council Member Johnson announced that Cross Ministries were sponsoring food drives at the Haverhill Community Church on the 1st, 3rd, and 5th Tuesday of each month between 5:00 p.m. and 7:00 p.m.

She noted several families had attended the first one that was held the previous Tuesday.

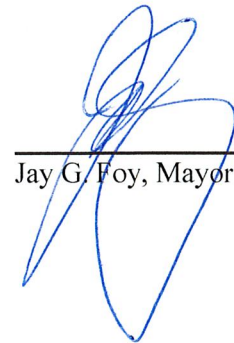
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved: August 12, 2021



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

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