

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 SPECIAL MEETING
Tuesday, August 3, 2021
Noon
AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VII. PUBLIC HEARINGS AND REGULAR AGENDA**
 - a. RESOLUTION 2021-05: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CONFIRMING AND RATIFYING THE TENTATIVELY ESTABLISHED MILLAGE RATE AT 4.5000 FOR THE 2021/2022 FISCAL YEAR; RE-SETTING THE REQUIRED PUBLIC HEARINGS SO AS TO NOT CONFLICT WITH PALM BEACH COUNTY'S PUBLIC HEARING AND PROVIDING AN EFFECTIVE DATE.**
- XII. UNFINISHED BUSINESS**
- XIII. NEW BUSINESS**
- XIV. ADJOURNMENT**

**TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
Tuesday, August 3, 2021
(Immediately following the close of the Special Meeting)
AGENDA**

- I. Presentations/Proclamations**
- II. New Business:**
 - a. Discuss request of Frederick Ritter to allow for a recreation vehicle parking waiver at his property at 1158 Concord**
- III> Old Business**
 - a. Discuss proposed code amendments (sign code, subdivision code, Business Tax Receipts)**
- III. Council, Attorney and Staff Reports**
 - A. Briarwood Wall Project; ARPA Funds; Solid Waste Receptacles; Haverhill Court**
- IV. 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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**SPECIAL TOWN COUNCIL MEETING
REGULAR WORKSHOP
AUGUST 3, 2021**

Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until noon on August 3, 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 Special Meeting & Workshop
August 3, 2021
Town Hall – 4585 Charlotte Street

OFFICIAL MINUTES

Pursuant to the foregoing notice, a combined Haverhill Town Council and Code & Ordinance Workshop was held on Tuesday, August 3, 2021, at Town Hall, 4585 Charlotte Street, Haverhill. Those present Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Dennis Withington; Council Member Teresa Johnson; Council Member Ray Caranci; Town Attorney John Foster; Town Attorney Dominic DeCesare; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible; Town Planner Josh Nichols and Town Engineer Todd McLeod.

CALL TO ORDER

Mayor Foy called the special meeting of the Haverhill Town Council to order at 12:07 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

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 Withington, and unanimously passed (5-0) to approve the agenda as presented.

REGULAR AGENDA AND FIRST READINGS

Resolution 2021-05: A Resolution of the Town Council of the Town of Haverhill, Florida, confirming and ratifying the tentatively established millage rate at 4.5000 for the 2021/2022 fiscal year; Re-setting the required public hearing so as to not conflict with Palm Beach County's public hearing and providing an effective date.

The title was read by Attorney Foster. Mayor Foy asked Town Administrator Rutan to explain why we had to do this. Town Administrator Rutan explained that the county had rescheduled their meeting which is normally on a Tuesday, but because of Yom Kippur, when they had set their hearing date they had scheduled it two days later which was a Thursday, although the time was not in conflict with our meeting, the law that governs TRIM (Truth in Millage) was very clear that you could not hold a public hearing on the same day as the Board of County Commissioners Public hearing held theirs. In the

past, the Town had always held theirs at the first regular meeting in the month of September. But because of the conflict, it will be held on the 8th of September which was the day prior to our Regular Town Council meeting and the day after the Town Council workshop. Town Administrator Rutan suggested that after Town Council passes the Resolution, they may want to consider combining the regular meeting and workshop to take place on Wednesday at 5:30 p.m.

A motion was made by Council Member Johnson, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to approve Resolution R2021-05 as presented.

A motion was made by Council Member Johnson, seconded by Council Member Withington, and unanimously passed (5-0) to cancel the Regular Town Council meeting of Thursday, September 9, 2021, and Town Council Workshop on Tuesday, September 7, 2021, and schedule both for Wednesday, September 8, 2021, beginning at 5:30 p.m.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Vice Mayor Gordon stated since we are hearing more of the COVID virus kicking backup and Municipalities instituting masks on said properties, is this something we need to address. Town Attorney Foster stated the Town's policy was that at all public meetings, masks are required. Town Administrator Rutan reported that since she and Deputy Town Clerk Jean Wible are so spread apart in the building, and Rodrick Jones works outside, we are not requiring masks be worn. The Town Hall front door is kept locked, and we do not allow anyone in without a mask.

Town Administrator Rutan stated there will be a Special Election held on November 2, 2021, to fill the seat of Alcee Hastings. The Town of Haverhill had always been a polling location for our residents however, we have a Town Council Workshop scheduled for that day. She asked Mayor Foy if he would like to reschedule the Council Workshop to November 3rd or the following week on November 9, 2021.

Mayor Foy stated he was in favor of moving the Town Council Workshop date as he wanted to continue to allow the residents access to the Town Hall to vote.

A motion was made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to cancel the Council Workshop on Tuesday, November 2, 2021, and reschedule to Tuesday, November 9, 2021.

ADJOURNMENT:

With no further business to come before the Town Council, the special regular Town Council meeting adjourned at 12:20 p.m. Town Council Workshop followed.

I. PRESENTATIONS / PROCLAMATIONS

NA

II. NEW BUSINESS

- a. **Discuss request of Frederick Ritter to allow for a recreational vehicle parking waiver at his property, 1158 Concord Avenue:** Town Administrator Rutan reported she had emailed Mr. Ritter twice and left a voicemail at the telephone number she had but had not heard back from him nor did he show up for today's workshop. Town Administrator Rutan will call Mr. Ritter and invite him to the next Town Council meeting on August 12, 2021.

III. OLD BUSINESS

- a. **Discuss proposed code amendments (sign code, subdivision code, Business Tax Receipt):** Town Attorney Foster reported there were two (2) Church's that had approached the Town about amending the sign code in order to allow for electronic message signs. Attorney Foster stated he had looked at several sign codes including Stuart, Boca Raton, Palm Beach County, and the City of West Palm Beach provided by Council Member Ray Caranci.

Attorney Foster stated that what we have done was to try to create something that will have as minimal to no impact on the Town of Haverhill. Two (2) provisions that are key in this was that the electronic message portion of the sign had to be turned off at night. Meaning the sign cannot be on, there cannot be a message, and the lights cannot be on, period. Secondly, we have a provision that says the sign or source of illumination shall be shielded such that the source of light is not visible from any abutting property that includes a residential dwelling. Attorney Foster stated that most importantly, the time restriction and the fact that they can only change the message four (4) times a day. Attorney Foster asked Town Council to keep in mind as they considered this, that right now they can put a monument sign on their property and either illuminate it directly or have a backlit light, which they do right now.

Attorney Foster stated the Town had told both Pastors that the general inclination from a zoning and planning standpoint was not to allow electronic message signs in residential areas. Council Member Ray Caranci stated one of his questions was regarding the size. He stated he did not like the size of the sign as it was too large. He understood the electronic part of the sign was restricted and wanted to know what size exactly would the electronic portion be? He stated he had serious objections with this in the residential areas. He continued, all of our "places of worship", as they are referred to in our code in the Town of Haverhill, are special

exceptions and they are basically uses that are approved within a residential zoning district. He reported he had spoken with a lot of residents in his neighborhood and did not receive any positive feedback. He felt this issue really warrants a lot of thought about what the potential impacts were. Council Member Caranci would like more feedback/input from residents on this.

Vice Mayor Gordon stated that his main concern was once you open the door where does it stop. Also, he does not see how they could shield these signs in such a way that it doesn't affect any residential properties as there are residents all on all sides of the churches. If the requirement was, they had to put up something that stops it from reaching these homes, then what is the purpose of having the sign. Vice Mayor Gordon suggested a lot of thought needed to go into this decision.

Town Attorney Foster stated we need to proceed very cautiously.

Council Member Caranci stated that he believed the sign at the southeast corner (Belvedere Road & Haverhill Road) was non-conforming and probably illegal non-conforming because of the road expansions that have happened the setbacks do not meet and probably the monument sign setback currently, so therefore it is a non-conforming sign. The electronic sign as written now, has an even greater setback than the current sign does now, and he did not believe we could expand that. Council Member Caranci stated his question basically was, if it was a legal non-conforming sign with the setbacks, could we allow that to be modified which was not the same as other signs that are conforming with the setbacks. Attorney Foster stated we would not. Attorney Foster explained the sign they have there right now today, is a legal non-conforming sign and anything different than that would have to meet the setback requirements. Council Member Withington stated basically what we are saying was, if we were to allow this change to take place and allow for the electronic sign, they probably could not put it where the current sign is? Attorney Foster replied they definitely could not. Council Member Johnson asked if they were aware and who would tell them? Town Administrator Rutan stated they would be told when they came in for permitting.

Lengthy discussion ensued.

Subdivision code: Attorney Foster explained this essentially eliminates the opportunity to have private streets within subdivisions and also eliminates the opportunity to utilize a driveway where you have two (2) abutting lots.

The changes/additions are as follows in red:

Streets: All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the town for public use ~~unless otherwise required or permitted by this paragraph or by the Town. No private streets shall be permitted. Any street which is to be reserved as a private street shall be identified on the plat as a tract for private street purposes. Private streets may only be permitted when such streets are subject to a recorded declaration of covenants subjecting the streets to the jurisdiction and control of all lot owners deriving access from such streets their successors and assigns.~~ When parking areas are required to be constructed, they shall be reserved to and shall be the perpetual maintenance responsibility of a property owners' association, which association shall have jurisdiction over the parking area and the clustered lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

Sec. 54-5. - Minimum required improvements.

(1) *Access and circulation systems.* All streets and required sidewalks, and, when required under section 54-6, parking areas shall be constructed by the developer in accordance with the design and construction requirements of the town, which are 50 feet of right-of-way with curb and gutter, and 60 feet of right-of-way with swales. However, the town council may vary the right-of-way requirement to no less than 40 feet curb and gutter provided an acceptable amount of easement area is dedicated for utilities, ~~and 32 feet for a private road serving no more than two abutting lots in a subdivision.~~

(a) Vehicular circulation systems.

(1) Required improvement to be constructed by developer. All streets, alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, ~~whether intended for dedication to the Town or reservation for private use and maintenance,~~ shall be constructed to the minimum standards established by this chapter and the town standards. Notwithstanding the foregoing, or anything contained herein to the contrary, all streets serving subdivisions to be constructed by developer shall have a minimum right-of-way of 50 feet with curb and gutter and 60 feet with swale. However, the town council may vary the right of way requirement to no less than 40 feet curb and gutter provided an acceptable amount of easement area is dedicated for utilities, ~~or 32 feet for a private road serving no more than two abutting lots in a subdivision~~ Additionally, the developer shall construct any parking tracts which provide access to any clustered lots that do not have direct, primary access from a local street or residential access street. Construction of such parking tracts shall be completed prior to issuance of any certificate

of occupancy for any dwelling unit located on a clustered lot served by such parking tract. Construction of the parking tract may be done in conjunction with building construction on the lot the tract is to serve provided, however, that such construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to the town. When the parking tract is to be completed in conjunction with building construction, the developer shall execute a certificate of compliance on a form approved by the town prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking tract.

- (2) b. A common driveway may ~~not, with prior approval by the Town,~~ be utilized for legal access to ~~a group of not more than two~~ abutting lots situated on a residential access street notwithstanding the fact that where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access street. ~~Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served and shall meet the minimum right of way and pavement width requirements.~~

Lots: All lots shall have the area, frontage, width, and depth required by this Code or applicable zoning approval for the prevailing or approved use zone wherein said lots are located. All lots within a subdivision must have legal access to a local street dedicated to the town.

Lot Width: Notwithstanding anything contained in the Code to the contrary, the subdivision of lots in the R-1 Single Family Residential District which will result in lot width of no less than 90 feet may be approved by the town council: provided, however, that all other building requirements set forth in Sec. 58-170 are met, along with any additional requirements requested by the town council.

Discussion ensued.

Local Business Tax Receipt Increase: Town Administrator Rutan stated that it was discussed at the last meeting to increase the Business Tax by 5% but now she was wondering if we should bother doing that because our hands are becoming tied as to what we can allow and not allow. Attorney Foster stated that regarding the Home Occupation licenses, the Town has completely lost control after the legislative session. He stated that basically the State will tell you what can be allowed regardless of what you want. Attorney Foster stated that with respect to Business Tax Receipts, he knows there was some discussion in this past legislative session that even further pre-empted the issue of Business Tax Receipts to the State than what they already have. Attorney Foster explained that

was why Town Administrator Rutan stated it may not be worth to raise the fee 5%. **Discussion ensued.**

a. Briarwood Wall project; ARPA (American Rescue Plan Act) Funds; Solid Waste Receptacles; Haverhill Courts: **Briarwood Wall:** Town Engineer Todd McLeod reported there was a pre-construction meeting held last week with the general contractor, wall contract and tree removal company. He reported the tree company was actually at the project property right now removing the trees. He reported he received an email this morning that the engineer drawings for the wall were ready so the Town's Building Official will be reviewing and issue the permit to the contractor. The concrete panels should be onsite within week of the drawings being approved. Town Engineer McLeod reported the cost of the job had been increased by \$1,700 since the bid given last September. Town Engineer McLeod reported the wall could be done as early as the end August. **Discussion ensued.**

Town Administrator Rutan suggested that each Council Member take a drive down there to see what disgusting filth Town residents have had to live with from the Orleans Court side of the property.

Town Engineer McLeod reported the sidewalk repairs in Briarwood were finished last week.

Town Engineer McLeod reported the culvert repairs approved by Town Council on Woodland Avenue should begin sometime within the next two (2) weeks depending on the availability of Wynn & Sons Construction.

Town Administrator Rutan asked Town Engineer McLeod if we wanted to mention to Town Council about the little sinkhole in the driveway at 824 Briarwood Drive. Town Engineer McLeod reported that when the inspector was out looking at the sidewalks, he had noticed a little sinkhole which he may think could be water/sewer related in which case it would be up to the county to fix. He will be having a utility company come out to check it.

ARPA (American Rescue Plan Act) Funds:

Town Administrator Rutan stated she wasn't sure if anyone else attended but the Palm Beach County League of Cities partnered with the National League of Cities and held a webinar. She stated the information shared regarding the funds was unbelievable. She reported the Town's funds would be coming from the State. The funds would have to be encumbered by December 2024 and expended by December 2026. She stated the Town will receive one half right away and then the State will dole the rest out. She stated extensive records must be kept. **Discussion ensued.**

Town Administrator Rutan reminded Town Council that she had briefly brought up at the last meeting that there were consulting firms that are reaching out to Municipalities that are building their resources to handle the expenditure of these monies and the cost of those consultants or individuals can be paid for by the funds. **Discussion ensued.**

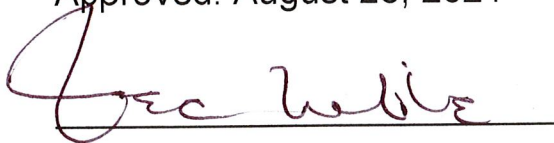
Solid Waste Receptacles: Town Administrator asked if Council wanted this included in the budget. Mayor Foy and Vice Mayor Gordon both said they thought this was what had already been decided. Town Administrator stated whatever the balance is that we have in Solid Waste for our residents, keep the rate at \$291.00 and the Town will pay the difference of the \$16.00 or \$18.00 they will pay toward the receptacle and the Town will pay out of the fund balance. **Discussion ensued.**

Haverhill Courts: Town Attorney Foster reported that DR Horton was entertaining the idea of taking over the project as they have done a number of successful projects in the Town. One of the questions that came up was that of a two-car garage. Attorney Foster stated that if all recalled, in the airport overlay area, we have allowed for smaller lots (widths) and we have allowed Townhouses which means narrower buildings. DR Horton wanted to do a one-car garage and but still maintain enough parking for three (3) or maybe even four (4) spots on the lot but want to provide a one-car garage. The concern was, with as narrow as the lots are and as narrow as the building was, you would have a big garage door, one front entrance door and then a long hallway that goes into these units. Attorney Foster stated D.R. Horton had stated that from an aesthetics and salability standpoint, it would essentially look like a storage unit because all you would see was garage doors. Attorney Foster stated that Townhouse developments are typically permitted to have a one-car garage and again, this would only be for an airport overlay area in Town. No other place in the Town would it be allowed. **Discussion ensued.**

IV. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:48 p.m.

Approved: August 26, 2021



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
TOWN COUNCIL SPECIAL MEETING AND WORKSHOP
Tuesday, August 3, 2021
Noon**

Name	E- Mail Address	Signature
Jay Foy		
Lawrence Gordon		
Dennis Withington		
Ray Caranci		
Teresa Johnson		
Janice Rutan		
Sean Wible		
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Dominic DeCesare		
Josh Nichols		
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