

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



**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ June 8, 2017**  
**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 May 9, 2017 Workshop and the May 25, 2017 regular meetings**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. ORDINANCE NO. 446 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, SAID PROPERTY BEING AN APPROXIMATELY .98 ACRE PARCEL LOCATED ON THE EAST SIDE OF PARK LANE APPROXIMATELY 167 FEET NORTH OF THE INTERSECTION OF CYPRUS LANE; SITUATED IN PALM BEACH COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES (2016) AS REQUESTED BY JORGE E. RODRIGUEZ AND ANA L. RODRIGUEZ, OWNERS OF THE PROPERTY LOCATED AT 1310 PARK LANE; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE TOWN OF HAVERHILL TO INCLUDE THE SUBJECT PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.**
  - b. ORDINANCE NO. 447: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS 2009 COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY .98 ACRE PARCEL FROM THE PALM BEACH COUNTY LR 2 – LOW RESIDENTIAL (2 UNITS PER ACRE) DENSITY FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S LOW DENSITY (4 UNITS PER ACRE) AS REQUESTED BY JORGE E. RODRIGUEZ AND ANA L. RODRIGUEZ, OWNERS OF THE PROPERTY AT 1310 PARK LANE, WHICH PARCEL IS LOCATED ON THE EAST SIDE OF PARK LANE**

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 COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ June 8, 2017**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, May 11, 2017 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor and Remar Harvin, Council Member. Also present were John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 7:00 p.m. immediately following the close of the Local Planning Agency meeting.

**COMMENTS FROM THE PUBLIC**

Jamnea Finlayson of 600 Bethany addressed the Town Council. She presented a survey of her property and explained that she would be coming before the Town Council requesting a variation to allow for a 24' x 50' accessory building to be placed in the rear yard of her property. Council responded that they could not take action on the request as the matter would need to be properly submitted with the Town and placed on an agenda.

**APPROVAL OF AGENDA**

The Town Administrator requested that since Council had not had ample time to review the minutes, approval of same be tabled to the meeting of June 22, 2017. **A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (3-0) to approve the agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

~~Approval of the minutes of the April 13, 2017, April 27, 2017 and May 11, 2017 regular meetings.~~

**PROCLAMATIONS AND PRESENTATION**

None.

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

Sergeant Calway of the Palm Beach County Sheriff's office was present. He reported on two stolen vehicles; the first at 5200 Club Road and the other at 1100 Palmetto. Both vehicles had been left unlocked, and the one at Club Road was running with the keys in the ignition.

**SECOND READINGS AND PUBLIC HEARINGS**

Prior to opening the Public Hearing, Attorney Foster wanted to have certain matters clarified and confirmed with the applicant for annexation and a variation, Jorge Rodriquez, property owner at 1310 Park Lane.

Mr. Rodriquez stated for the record that the height of the accessory building that he was requesting a variation for was 14' at the eve with a ½" pitch for a total of 15' in height. He further stated he anticipated it to take one week to build the building, the pre-existing garage had already been removed, the pad has been formed but not poured and that once the building was completed, the items being stored in the storage container would be moved into the accessory building and the storage container removed. The boat and trailer presently being stored in the

front yard would be moved into the garage. Mr. Rodriguez was made aware that he would be responsible for reimbursing the Town for Solid Waste and Recycling Services as his property would not be added to the tax rolls in time for the current year assessment.

**ORDINANCE NO. 446 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, SAID PROPERTY BEING AN APPROXIMATELY .98 ACRE PARCEL LOCATED ON THE EAST SIDE OF PARK LANE APPROXIMATELY 167 FEET NORTH OF THE INTERSECTION OF CYPRUS LANE; SITUATED IN PALM BEACH COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES (2016) AS REQUESTED BY JORGE E. RODRIGUEZ AND ANA L. RODRIGUEZ, OWNERS OF THE PROPERTY LOCATED AT 1310 PARK LANE; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE TOWN OF HAVERHILL TO INCLUDE THE SUBJECT PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.**

The title was ready by Attorney Foster. Josh Nichols, Town Planner was present. Mayor Foy opened the public hearing. There being no one present for comments, the public hearing was closed. It was noted for the record that Palm Beach County had sent correspondence to the Town noting there were no inconsistencies with the annexation and that the Town Administrator had met with County Commissioner Mack Bernard on the matter.

**A motion was then made by Council member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to approve Ordinance 446 on second reading.**

**ORDINANCE NO. 447: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS 2009 COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY .98 ACRE PARCEL FROM THE PALM BEACH COUNTY LR 2 – LOW RESIDENTIAL (2 UNITS PER ACRE) DENSITY FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S LOW DENSITY (4 UNITS PER ACRE) AS REQUESTED BY JORGE E. RODRIGUEZ AND ANA L. RODRIGUEZ, OWNERS OF THE PROPERTY AT 1310 PARK LANE, WHICH PARCEL IS LOCATED ON THE EAST SIDE OF PARK LANE APPROXIMATELY 167 FEET NORTH OF THE INTERSECTION OF CYPRUS LANE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES**

The title was ready by Attorney Foster. Josh Nichols, Town Planner was present. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

**A motion was then made by Council member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to approve Ordinance 447 on second reading.**

**ORDINANCE NO. 448: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS OFFICIAL ZONING MAP, AS AMENDED, BY REDESIGNATING AN APPROXIMATELY .98 ACRE PARCEL FROM PALM BEACH COUNTY RH – MULTI-FAMILY (HIGH DENSITY) DESIGNATION TO THE TOWN OF HAVERHILL'S R-1 SINGLE FAMILY RESIDENTIAL DESIGNATION AS**

**REQUESTED BY JORGE E. RODRIGUEZ AND ANA L. RODRIGUEZ, OWNERS OF THE PROPERTY AT 1310 PARK LANE, WHICH PARCEL IS LOCATED ON THE EAST SIDE OF PARK LANE APPROXIMATELY 167 FEET NORTH OF THE INTERSECTION OF CYPRUS LANE; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.**

The title was ready by Attorney Foster. Josh Nichols, Town Planner was present. Mayor Foy opened the public hearing. There being no public comment, the public hearing was closed.

**A motion was then made by Council member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to approve Ordinance 448 on second reading.**

#### **REGULAR AGENDA AND FIRST READINGS**

**Consider request for variation from Section 58-331 sheds to allow for a 40 x 60 steel building at 1310 Park Lane and requested by Jorge Rodriguez**

Jorge Rodriguez, owner of the property at 1310 Park Lane was present.

**A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to approve the request for variation to allow for the construction of a 60' x 40' accessory storage building, with conditions of approval as follows:**

- **The preexisting 30'x40' storage building be removed and replaced by the new 60' x 40' accessory storage building;**
- **Once the new accessory building was completed, the vehicle and boat presently located in the front lawn be moved into the newly constructed storage building and the storage container removed from the site;**
- **The property owner will meet with the Town Administrator to determine the solid waste and recycling assessment due the Town of Haverhill;**
- **The construction of the new accessory building/shed be completed within 90 days and within 30 days of completion of construction, the storage container be removed from the property and the certificate of occupancy/final inspection be contingent upon meeting these requirements.**

#### **Update and action re: Park and Cyprus Lane drainage improvement project**

Todd McLeod, Town Engineer from McLeod and McCarthy was present to address Council. He updated Council on the probable cost of construction for the Park Lane and Cyprus Lane Drainage Improvement project. He noted that although it was the vote of the Council to let the project out to bid, his research found that material costs on the open market were higher than those included in the current agreement that Wynn and Sons has with Palm Beach County. It was his opinion that the Town would be better served if it were to piggy back off of an existing contract rather to go out to bid.

Mayor Foy noted that he had been in favor of letting the project to bid but not at the cost to taxpayers. Rescinding the prior vote would be within the guidelines of the CCNA.

**A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to rescind the prior vote of the Town Council calling for the Park and Cyprus Lane drainage improvement project to be advertised for bids and to authorize staff to move forward in working with Wynn and Son to obtain pricing through their piggyback contract with Palm Beach County.**

**Consider continuation of participation in the Interlocal agreement with Palm Beach County in the creation of the Urban County for receipt of federal community development funds from the U.S. Department of Housing and Urban Development**

Councilman Harvin reported to Council the benefits to the Town and its residents to continue to participate in the Interlocal Agreement with Palm Beach County. He noted the program was a very important tool in addressing housing issues.

**A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (3-0) to continue participation in the interlocal agreement with Palm Beach County in the creation of the Urban County for receipt of federal community development funds from the U.S. Department of Housing and Urban Development.**

**RESOLUTION 2017-05 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM SPECIAL ASSESSMENT FOR THE 2017/2018 FISCAL YEAR FOR RESIDENTIAL PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, TO FUND SOLID WASTE COLLECTION AND DISPOSAL AND RELATED CHARGES WITHIN THE TOWN, COLLECTING SUCH PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS, PROVIDING THAT SUCH ASSESSMENTS SHALL CONSTITUTE LEGAL, VALID, AND BINDING FIRST LIENS UPON PROPERTY AGAINST WHICH ASSESSMENTS ARE MADE UNTIL PAID; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was ready by Attorney Foster. The Town Administrator offered Staff’s Report. The contract entered into with Waste Pro had raised the cost for solid waste and recycling services from \$18.48 per unit, per month to \$20.07 per unit, per month. Because the 2016/2017 budget had been adopted prior to the contract award, the Town has been operating at a per unit per month shortfall \$1.59 per unit, per month (\$19.08 per year) exclusive of discount and administrative charges for the current year. The current contract with Waste Pro guarantees the per unit cost of \$20.07 for the first 3 years of the contract, the annual shortfall of \$12,326 can be amortized over the remaining two years of the contract.

Per household cost:	\$240.84 (20.07 x 12)
Discount average	9.63
Administrative costs	2.32
Shortfall	9.17 (total annual shortfall per unit for the 2016/17FY was \$19.08. This can be collected over the remaining 2 years of contract)
<b>TOTAL PER UNIT</b>	<b>\$261.96</b>

672 units at an assessment of \$20.07 per unit would collect \$161,844.48, less the approximate average discount of \$6,473.77; administrative costs of approximately 1,500 and a shortfall assessment of \$6,201.60 (9.17 per unit per year) would result in a total collection of \$176,019.85. This per unit assessment of \$262.00 will result in an annual increase of \$28.00 per unit for the ensuing 2 years.

**A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (3-0) to approve Resolution 2017-05 setting the Non Ad Valorem Rate for Solid Waste and Recycling Services at \$262.00 per unit (<5), per year for the 2017/2018 fiscal year.**

**Consider request for Town Council action concerning the proposed Development Order Amendment from Andrew Jacobson, McCraney & Company re: Hours of Operation at the Turnpike Business Park**

This matter had been brought up for discussion at the Town Council workshop held on June 6, 2017. Attorney Andrew Jacobson explained to the Town Council that the Turnpike Business Park is located off Cleary Road, close to Southern Boulevard abutting the turnpike. Presently the Development Order approved allows for operating hours 7:00 a.m. to 9:00 p.m. Mr. Jacobson, on behalf of McCraney was asking the Town to consider support of the request to allow for a 24/7 operation.

Discussion ensued. Council expressed concern that the additional hours would bring more traffic. Although the property is not within the Town, it is located in the Town's future annexation area and if annexed into the Town, it would come in with the approved hours of operation.

**A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (3-0) to notify Palm Beach County that the Town Council opposes the proposed Development Order Amendment to allow for an increase in hours of operation and to oppose the proposed Development Order Amendment to modify Use Limitations Conditions for the Turnpike Business Park.**

**REPORTS**

**Town Attorney**

None.

**Mayor**

Mayor Foy reported on the upcoming NPDES audits. Haverhill would not be audited this year. He also reported on the prior day's Palm Beach County League of Cities District 2 & 3 luncheon.

**Town Administrator**

The Town Administrator reported that she and the Town Planner had attended a meeting at Palm Beach County Airport regarding the new law concerning Airport Zoning Regulations. The Town presently has zoning regulations and may need to enter into an Interlocal Agreement with Palm Beach County to insure compliance.

**Committee/Delegate Report**

None.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

A brief discussion ensued regarding the proposed Townhouse development on the former Trailer Park property on Haverhill Road. The applicants were requesting an increase in density for their project. The Attorney commented that Town would have justification to deny the request. In addition, the zoning code does not contemplate Townhomes.

He added that should the Town wish to consider the request, an overlay zoning district could be established that could be confined to specific lots.

**NEW BUSINESS**



Joe Roche reported that he had met with the President of the New Parkview Place Homeowner's Association and they are requesting the Town install light poles to both sides of the entrance to the neighborhood on Belvedere Road.

Mr. Roche confirmed that the area is extremely dark with the closest light pole at Cheryl Lane. Mayor Foy concurred noting he walks quite early in the morning and there are no lights in that area.

Mr. Roche had met with FP&L and they are willing to install the poles at an approximate additional cost to the Town of \$13.00 per month.

It was the general consensus of the Town Council to move forward with the installation of the light poles provided Palm Beach County has no objections.

**ADJOURNMENT**

**With no further business to come before the Town Council, the meeting adjourned at 8:40 p.m.**

**Approved:**     July 13, 2017

  
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**Janice C. Rutan, Town Administrator**

  
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**Jay G. Foy, Mayor**