

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



**Town Council
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Monday, February 4, 2019
NOON**

AGENDA

- I. Call to Order
- II. Presentations/Proclamations
 - a. Presentation of Jerrod Purser of the Wantman Group re: Catalina Townhome Project
- III. Council, Attorney and Staff Reports
- IV.
 - a. Presentation and discussion of Mayor Foy: "How Government Can Work"
 - b. Memorandum from Town Attorney re: review of Charter
 - c. Request of Council Member Sohn to attend FLC Legislative Action Days in Tallahassee March 26 -27
 - d. Update on Briarwood Drainage
- V. New Business
- IV. Old Business
- VI. 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
February 4, 2019
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Monday, February 4, 2019 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Remar M. Harvin; Council Member Mark Uptegraph; Council Member Daniel Sohn; Town Attorney John Foster; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Public Service Director Joseph Roche

I. CALL TO ORDER

Mayor Foy called the Workshop to order at 12:15 p.m.

II. PRESENTATIONS / PROCLAMATIONS

Introduction of Dante Fraiegari, VP of Land with Meritage Homes, Civil Engineer Michael Spruce with Kimley-Horne & Associates, Inc., Project Manager Jerrod Purser and Lead Planner Doug Murray both with the Wantman Group Inc.

- a. Presentation of the new Catalina Townhome Project on Belvedere Road east of Jog Road and west of the Town of Haverhill:** Town Administrator Janice Rutan explained the Town of Haverhill sent an opposition letter citing the Town's concerns regarding the increased traffic on Belvedere Road and not wanting the widening of Belvedere Road.
- b.** Mr. Dante Fraiegari gave an overview of Meritage Homes stating they are the 7th largest builder in the country. They have 19 division offices within the United States and 3 division offices within the State of Florida in Orlando, Tampa & South Florida. Meritage Homes is primarily a single family and multi-family Townhome type builder and have been in this marketplace for about five (5) years now. They currently have multiple projects going on in South Florida from Broward County to Martin County (Jenson Beach).
- c.** Jarrod Purser explained this project will be approximately 6.57 acres and are proposing 68 Townhome units. They will have two (2) accesses off 62nd Drive North. Landscape all around the perimeters as required by Palm Beach County. He also stated the land is currently zoned AR (Agricultural Residential) and RS (Single Family Residential) but they are currently in the process of changing the AR to RS so the whole site will be zoned as RS allowing for Townhomes. The median cut through currently there (on Belvedere Rd), will be closed off making it a right turn only onto Belvedere Road (going east) from 62nd Drive North. However, Palm Beach County wants a U turn installed, so outside of the two travel lanes, they will need to widen sides of the road. Details have not yet been finalized on how they are going to do this. The Townhomes will be an average

of 1500-1900 square footage and pricing starting around \$250,000.00. Discussion ensued.

III. COUNCIL, ATTORNEY AND STAFF REPORTS

a. Presentation and discussion of Mayor Foy: "How Government Can Work": Mayor Foy stated he asked that this subject be put on the agenda for today's workshop not because it is generated by the Town, but because it is something that had happened to him (personally) recently. Mayor Foy presented a "How Government Can Work" suggestion sheet. He stated the purpose for Town meetings are to discuss issues with the best interest of the Town and to work, this process must be controlled and orderly with discussion (not debate, as it is typically by emotion). Discussion ensued about the following:

1. Chairs job is to keep the process moving forward
2. The process gives equal opportunity to all members
3. The process allows for public input but is not intended as discussion with the public. The public input is for member consideration in their deliberation to arrive at a result.
4. Process is intended to get to a result while reducing "Personal Emotions, Personal Interests and Personal Might"

b. Memorandum from Town Attorney re: review of Charter – Residency Requirement: Town Attorney John Foster provided a copy of a memorandum with the majority of the issue of residency and requirements. He read from the memorandum the following three (3) criteria requirements:

The Town of Haverhill Charter simply states that any "any person who is a resident of the Town of Haverhill, who is qualified as an elector of the State of Florida, and who registers in the manner prescribed by general law and ordinance of the Town shall be a qualified elector of the Town of Haverhill. Town Attorney Foster also stated that unfortunately, Florida Statutes do not offer a lot of clarity with respect to the meaning of "electors". It basically defines it as "any person who is a resident of the municipality, who has qualified as an elector of the State and who registers in the manner prescribed by law shall be an elector of the municipality." Vice Mayor Gordon made the suggestion of having a meeting to discuss changes that may need to be made to the Town's Charter. Town Administrator Rutan stated she will send an entire copy of the Town's Charter to each Council Member so they may go through it and choose the areas that they would like to discuss. Discussion ensued.

c. Memorandum from Town Attorney re: Council-Member Removal: Town Attorney Foster stated this is another question that had arisen and can be looked at in the Charter review process in the removal of a Council Member from office without a recall election. Any member of the Town Council, in addition to being removed by recall pursuant to law, may be removed from office by resolution of the Town Council unanimously adopted by the other members of the Town Council not charged for any of the grounds for removal set forth

in F.S. § 100.361. Written charges specifying the ground(s) for removal shall first be served upon said officer by hand delivery or certified mail, return receipt requested, with notice that the removal shall not take effect until a hearing, if requested in writing by the officer charged, is held by the Town Council to determine the truth of the charges. Such hearing shall be held within sixty (60) days of the date of service of the written charges.

At the conclusion of the hearing, the other members of the Town Council not so charged shall vote. If a majority of said members vote to sustain the charges and the resolution of the Town Council, the officer so charged shall be removed from office as of the date of the resolution. Absent a majority vote to sustain the charge, the officer charged shall remain in office and the resolution shall remain office and the resolution shall be considered void and of no force and effect.

The term "*neglect of duty*" as used in F.S. § 100.361, shall include, but not be limited to four (4) consecutive absences from regular Town Council meetings. After four (4) such absences, the matter shall be placed on the agenda for consideration by the Town Council. A majority of the Town Council may determine that said absences are excusable and that the charge of "*neglect of duty*" shall not be made.

Town Attorney Foster stated there are seven (7) grounds for recall - The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following and must be contained in the petition:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty; (Attorney Foster stated that interestingly enough, the Town of Haverhill defines Neglect of Duty as 4 consecutive absences from Council meetings
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and
7. Conviction of a felony involving moral turpitude

Town Attorney Foster picked out three (3) to specifically define:

Malfeasance: Wrongdoing or misconduct by a public official

Misfeasance: A lawful act performed in a wrongful manner; excessive, malicious or negligent exercise of statutory powers by a public officer

Incompetence: The state or fact of being unable or unqualified to do something

Discussion ensued.

- d. Town Attorney Foster stated that in his research, he often comes across things that are fascinating to him and one being Section 104.31 in the Florida Statutes that talked about political activities of municipal officers and employees that basically prohibits a municipal officer and employee from using their official authority or influence for the purpose of

interfering with an election or nomination of office or coercing or influencing another person's vote or affecting result thereof. Discussion ensued.

- e. Town Administrator Janice Rutan announced the submittal from WGI (Wantman Group, Inc.) is here if anyone would like to take a look at it quickly.
- f. Town Administrator Rutan stated that Council Member Mark Uptegraph had called her on many occasions regarding certain things that are happening in Town that he feels are not up to code or not up to building codes, etc. He would like to be able to bring these types of issues up but realizes he has to be careful as it may be a (future) code issue that could require a vote or be judged by Council Members at a future Town Council meeting. He wanted to know what the proper procedure is. Town Attorney Foster replied he must speak to Town Administrator Janice Rutan first and foremost. He also stated that a Council Member can always speak generically about something but you just can't mention specific properties or land owner. Discussion ensued.
- g. **Request of Council Member Sohn to attend FLC Legislative Action Days in Tallahassee March 26-27, 2019:** Mayor Foy reminded all they could not say nay or yay to this at a Town Council Workshop meeting. Council Member Daniel Sohn stated the Florida League of Cities is lobbying Tallahassee, they do annually. They will be discussing Home Rule issues and a Medical Marijuana presentation. He would like to attend and stated there are no registration costs. He is not asking for the Town to reimburse him for travel as he has to be in that area anyway. Mayor Foy stated a decision will be made at the next Town Council meeting on February 14, 2018. Discussion ensued.
- h. **Update on Briarwood Drainage:** Public Service Director Joseph Roche stated they are going to remove the apron and run the valley gutter through at 945 Briarwood Drive so there will be no more puddling in that driveway. Town Administrator asked Mr. Roche if there is no pipe and he replied there is a pipe underneath it. Mr. Roche stated that Town Engineer Todd McLeod believes the actual driveway was originally put in wrong. There is a highpoint in the middle of the driveway so the water floats to each side. Discussion ensued.

IV. NEW BUSINESS

- a. Council Member Daniel Sohn stated he spoke with Town Administrator Janice Rutan regarding an incident that happened just outside of Haverhill on the north end on Saturday morning. He explained that he received a call from a constituent that witnessed someone speeding up and intentionally running over a duck. He was disturbed by this and said the constituent wanted to know what Town Council could do, if anything, about it. He contacted South Florida Wildlife Management who gave him the Florida Statutes and protocol information. Discussion ensued.
- b. Town Administrator Rutan reminded all the Waste Pro contract would expire September 30, 2019. She will be placing the question of renewal on an upcoming agenda.

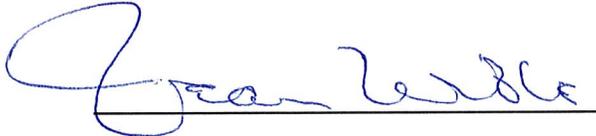
V. OLD BUSINESS

a. N/A

VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:50 p.m.

Approved: February 28, 2019



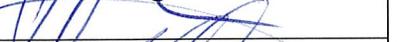
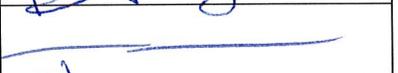
Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
COUNCIL WORKSHOP
Tuesday, February 4, 2019
Noon**

Name	E- Mail Address	Signature
MIKE FRASER	MIKE FRASER	
MICHAEL SPRUCE	mike.spruce@kinley-hwin.com	
Jerrold Purser	jerrold.purser@wginc.com	
Doug Murray	doug.murray@wginc.com	
LAWRENCE GORDON	TOH	
JAY FOY	TOH	
MARK UPTON	TOH	
DANIEL SMITH	TOH	
Janice Rutar	Town of Haverhill	
Sean Wilde	Town of Haverhill	
JOSEPH TORRE	TOWN OF HAVERHILL	
John Foster	j.foster@fosterfuchs.com	
Remar M. Harvin	TOH	