

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



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ June 27, 2019
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 23, 2019 regular meeting and the June 4, 2019 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
 - a. Presentation of annual audited financial statements FY 2018 by Raquel McIntosh of Grau & Associates
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Consider Council Travel Policy and authorized travel
 - b. First Reading of Ordinance 472: Amending Chapter 58, Zoning, of the Town's Code of Ordinances, by amending Article I, General, to amend Section 58-8, Definitions
 - c. First Reading of Ordinance 473: Amending Chapter 58, Zoning, by amending Division 10, Accessory Dwelling Units, of Article IX, Supplemental District Regulations
- X. SECOND READINGS AND PUBLIC HEARINGS**
- 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 Facsimile Number (561) 689-4317

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ June 27, 2019
OFFICAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, June 27, 2019 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member; Remar M. Harvin Council Member and Daniel Sohn, Council Member. Also present were John Foster, Town Attorney; Janice C. Rutan, Town Administrator and Joseph Roche, Director of Public Services.

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.

COMMENTS FROM THE PUBLIC

Daijah Harvin, 5446 Club Circle. Ms. Harvin addressed the Town Council reminding them that she had appeared at the previous meeting to discuss the parking issues on Club Circle. She was following up, reporting on another incident that had happened just this week. She was driving out of the neighborhood, as she was passing a parked car, she almost ran head on into an oncoming vehicle. Had she not stopped behind the parked vehicle when she did, it would have resulted in an accident.

The Mayor inquired as to who would request enforcement on-street parking on a private road. The Town Attorney suggested the Town reach out to the Homeowner's Association to determine if they want to put parking regulations in force. Parking regulations would need to be adopted before they can be enforced. Club Road Estates had placed street markings and signs to prohibit parking, however, they do not meet the required standards.

Director of Public Services, Roche reported that the PBSO does patrol the area and presently are just giving friendly warnings. The Town will reach out to the HOA to determine their interest in adopting parking regulations to prohibit/limit on street parking.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the May 23, 2019 regular meeting and the June 4, 2019 workshop.

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

PROCLAMATIONS AND PRESENTATION

Presentation of annual audited financial statements FY 2018 by Raquel McIntosh of Grau & Associates

Raquel McIntosh, Partner with Grau & Associates, presented the FY2018 Financial Statements to the Town Council.

She expressed her appreciation to the Town Council for allowing them to perform the annual report for the Town. She expressed her appreciation to the Town Administrator for working with them.

She then proceeded to address the highlights of the report including revenues, expenditures, infrastructure surtax and fund balance.

Ms. McIntosh explained the note on Page 20, relating to the infrastructure surtax \$650,000 loan for the Park Lane and Cyprus Lane drainage project. Annually there will be an expenditure of approximately \$102,000 to repay the loan. She moved then to pages 24, and 26 explaining the Town's long term liability in the Florida Retirement System.

The budget to actual was reviewed. The infrastructure surtax expenditures were anticipated to be \$110,000, however, due to the drainage project the town had spent almost \$799,000.

There were no deficiencies found in the Town's internal control.

The last page of the report, page 37, is where the current year non compliance issue was listed. The non compliance issue rested with the over expenditure of the Town's surtax money. At the time of the adoption of the budget, the Town had not included the cost of the project in the budget, thereby exceeding expenditures. A budget amendment should have been prepared and adopted within 30 days of the close of the fiscal year.

A brief discussion followed concerning the early pay off of the loan.

Vice Mayor Gordon inquired how the Town's finances compared to other municipalities. Ms. McIntosh responded that in terms of the fund balance, the Town has a very healthy fund balance. Regarding the opinion of the Inspector General's office, she responded that the investment of the town's funds should be left to the discretion of the Town Council.

She commended the Town Council for being very careful on where they spend their money and for their involvement in approving all expenditures.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (5-0) to receive and file the audited financial statements for the 2018 FY as presented by Raquel McIntosh, Partner, Grau & Associates.

The Town Council expressed their appreciation to Ms. McIntosh.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Crime stats for the previous 2 week period were reported on. There were a few vehicle stops that had resulted in arrests, but few other incidents.

REGULAR AGENDA AND FIRST READINGS

Consider Council Travel Policy and authorized travel

The Town Administrator reported that at the last Town Council meeting, the Town Council had approved both Vice Mayor Gordon and Council Member Sohn to attend the Florida League of Cities conference in August in Orlando and had also approved that Council Member Sohn continue his appointment to serve on the FLC Legislative Priority Committee. She did want to clarify that the appointment to the Legislative Priority Committee was a reappointment and not a continuation of the appointment. Each appointment was for a one year term.

Discussion ensued. Vice Mayor Gordon added that at the workshop held earlier in the month, the Charter was reviewed with Section 3.01 being very clear that the Mayor shall serve as the head of Town Government for service of process, ceremonial matters, and the signature of ordinances, contracts, deeds, bonds, or other instruments or documents. Further, it stated, the Vice Mayor shall serve as acting Mayor in the absence or disability of the Mayor.

Vice Mayor Gordon felt that the Town Council needs to adhere to the Charter and in cases of travel and attendance at conferences, if the Mayor is unable to attend, then the Vice Mayor should attend to represent the Town and only in unusual circumstances should other members of the Town Council be authorized to attend in addition to either the Mayor or Vice Mayor. He commented that there should be few exceptions to that rule.

His position would be that the Town Council should get back to the intent of the Charter and reign in spending for travel.

Vice Mayor Gordon noted he would be attending the Florida League of Cities and does not believe it necessary for any other member to attend. And as far as having someone attend the legislative policy committee, he did not believe it was a necessary expenditure of Town funds to have someone attend.

Council Member Sohn was of the understanding that at the last meeting, he was authorized to attend the legislative policy committee in July at his own expense, with no expense to the Town. But, in addition, the Town Council approved he attend the August conference at the expense of the Town. The legislative policy committee was meeting during the conference at the conference. Vice Mayor Gordon had no objection to Council Member Sohn attending events on his own dollar, however, he would not be there to represent the Town at the Town's expense.

Council Member Sohn requested clarification as to the Vice Mayor's intent. Vice Mayor Gordon confirmed that there would be no need for Mr. Sohn to attend the conference in August as he, as Vice Mayor, would be attending and would represent the Town. He reiterated the Haverhill taxpayers should not be required to pay for two attending members of the Town Council.

Council Member Sohn asked how he could be expected to complete his term on the legislative policy committee. He then asked if Council would grant permission for him to attend the committee meeting at the conference but not attend the conference.

Town Administrator Rutan confirmed that the approval for both Vice Mayor Gordon and Council Member Sohn was done by general consensus of the Town Council. The action to authorize Council Member Sohn to represent the Town at the July legislative policy committee meeting at his own expense and to represent the Town at the August legislative priority meeting as part of his attendance at the annual conference was done by vote.

It was explained to Council Member Sohn that a vote is a formal action of the Town Council.

Vice Mayor Gordon moved any conference or the like that require Town representation, attendance or participation that the Town will be paying for will be attended by first the Mayor and if the Mayor is not available then by the Vice Mayor, any variation to this would

require a full vote of the Town Council and that going forward, any and all events follow these rules of procedure.

Attorney Foster clarified that this would be an amendment to the Town's existing travel policy to require only the Mayor, or in his or her absence, the Vice Mayor, be authorized to represent the Town of Haverhill at events with payment and/or reimbursement.

The motion was seconded by Council Member Uptegraph.

Attorney Foster offered a summary of the proposed changes.

Although he was in agreement with the Vice Mayor's concern, Council Member Sohn noted that he received a lot from attending at the legislative policy committee and the annual conference. He also receives the annual ethics training that is required of elected officials.

Vice Mayor Gordon reminded all that the Town would need to receive some benefit as well. He asked if he could amend the motion. Council Member Sohn offered an amendment to the motion that would allow him to still attend the legislative policy committee meeting without having the Town pay for it.

Council Member Uptegraph inquired as to whether Council Member Sohn would be permitted to attend the conference if he was not a member of the Council. It was explained that the Town is a member of the League of Cities, therefore, the elected officials and/or the Administration could attend. Discussion followed.

It was agreed that the amendment to the motion was not necessary as the motion made did not reference the legislative policy committee. Council Member Sohn had been appointed to serve on that committee as a representative of the Town.

According to the Town Attorney, if this motion passes, Daniel would not be permitted to serve on the legislative policy committee representing the Town at taxpayer's expense. If a member of the Council needs to complete an application to serve on a committee, as Council member Sohn had to do, it should go before Council.

In the past, Council Member Sohn had been approved to serve on the Committee and to attend the meetings at the Town's expense.

The vote was then called and it passed unanimously 5-0.

The Mayor then asked if the Town were to authorize a member to serve on a committee, was it then obligating itself to pay for that member's attendance at the Committee meetings.

Vice Mayor Gordon noted that the Town would need to look at what the benefit to the Town would be. If participation would benefit the Town then it could be considered, if it benefits a Council Member, then the Council Member should pay for it.

The Town Administrator explained that at the last meeting, Mayor Foy had passed the gavel to the Vice Mayor so that the Mayor could make a motion to authorize Council Member Sohn to attend the legislative policy committee meeting. The motion passed 5-0 to authorize Council Member Sohn to attend the July legislative policy committee meeting in July at his own expense. At the last meeting the Town Council, by general consensus, had also authorized Council Member Sohn to attend the League of Cities conference during which the legislative policy committee was meeting.

Vice Mayor Gordon explained that the policy committee meeting was taking place on one day of the 3 day conference and as such he did not find it necessary to pay the entire conference price with hotel, etc. to attend one meeting. At a minimum the Town could pay for mileage back and forth for Council Member Sohn. That would be his recommendation.

A lengthy discussion ensued. Council Member Uptegraph reminded all that there were certain amount of dollars allotted to each Council Member. Attorney Foster then opined that since the Mayor and Vice Mayor's roles are either/or, the two allotted amounts should be combined for a total budgeted amount.

With that in mind, the Mayor noted that since only the 2 were authorized to attend conferences, etc. their budget should be at a higher percentage than the others.

Council Member Sohn asked how much each Council had been allotted and if he could still attend a conference. Discussion ensued and the Town Administrator suggested the matter be addressed during the budget process. However, the motion that had just passed authorized only the Mayor and/or Vice Mayor attend, unless a vote by Council was granted to another Council Member.

Vice Mayor Gordon moved that the Town Council make an exception to authorize Council Member Sohn to attend the August legislative policy committee meeting and reimburse him for the mileage as per IRS guidelines. The motion was seconded by Council Member Uptegraph and unanimously passed (5-0).

First Reading of Ordinance 472: Amending Chapter 58, Zoning, of the Town's Code of Ordinances, by amending Article I, General, to amend Section 58-8, Definitions

The title was read by Attorney Foster.

A motion was made by Council Member Sohn, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 472 on First Reading.

First Reading of Ordinance 473: Amending Chapter 58, Zoning, by amending Division 10, Accessory Dwelling Units, of Article IX, Supplemental District Regulations

The title was read by Attorney Foster. Attorney Foster offered Staff's report noting that the proposed Ordinance included a revised definition of kitchen. It also required that when the unit ceases to be an approved ADU, not only the appliances would need to be removed, but all plumbing and electric installed to the appliances would need to be removed. The requirements of the Special Exception were next discussed. The application, ownership, annual permit and deed restrictions were addressed and explained in detail.

The Town Administrator reminded all that the cost of the Special Exception for Accessory Dwelling Units had been reduced from \$1,000 to \$350 to help the residents afford the Special Exception application process. If the proposed Ordinance is going to require an annual inspection, she requested an annual renewal fee of between \$100 - \$150 be assessed. All agreed so that the Town can be self sustaining. Discussion followed. Council Member Uptegraph expressed his concern that the stringent restrictions may push people to attempt illegal ADUs. Council hoped the improved Ordinance would protect the Town by reinforcing the true intent of the Accessory Dwelling Unit to be used for the immediate family member that needed assistance with housing.

A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 473 on first reading and to include the annual renewal fee of \$150.00.

The Town Administrator would bring up the increase to the Special Exception application fee at the next Council meeting.

Council Member Sohn had to excuse himself from the meeting due to a family member's health emergency.

SECOND READINGS AND PUBLIC HEARINGS

None.

REPORTS

Town Attorney

None.

Mayor

None.

Town Administrator

The Town Administrator reported that the City of Belle Glade would be having a stand alone election on June 2, 2020 to avoid their own election matters from getting lost on the Presidential Preference Primary ballot which would also contain approximately 20 questions. She suggested the Town Council consider moving their election up to perhaps January for the same reason especially if the Council intends to place a Charter Amendment on the ballot.

Discussion ensued. Council had not yet decided to place the Charter Amendment on the ballot. The Town Administrator would contact the Supervisor of Elections to determine if moving the election up to another date prior to the Presidential Preference Primary date was even an option.

Committee/Delegate Report

Due to the lateness of the hour, Vice Mayor Gordon would defer his report until the next meeting.

Treasurer's Report

None.

UNFINISHED BUSINESS

The Town Administrator reminded all that the Council would be meeting in workshop on July 2, 2019 and the agenda would be sent out on Friday.


NEW BUSINESS

None.

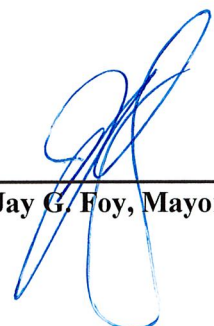
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:25 p.m.

Approved: January 9, 2020



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor