

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



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, February 27, 2020
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 ~~December 12, 2019 Regular Meeting~~ and the January 16, 2020 Workshop
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Consider Increasing Cost of Special Exception Application Fee from \$350.00 to \$1,000 and Variance Application Fee from \$350.00 to \$500.00 for Residential.
 - b. Consider request of Rafael Perez, property owner of 857 Ivory Lane to allow for 2 6ft wrought iron front gates and wrought iron fencing down South side property line.
- X. SECOND READINGS AND PUBLIC HEARINGS**
 - a. **ORDINANCE NO. 477**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL REGARDING AN APPLICATION FOR A REZONING, BY REDESIGNATING A 1.83 ACRE PARCEL OF LAND FROM THE EXISTING TOWN OF HAVERHILL ZONING DESIGNATION OF R-2 - TWO FAMILY RESIDENTIAL DISTRICT TO THE TOWN OF HAVERHILL ZONING DESIGNATION OF R-3 - MEDIUM DENSITY RESIDENTIAL DISTRICT, AS REQUESTED BY CHAD RIDDLE, AGENT FOR MF ASSOCIATES HAVERHILL POINT, LLC, CONTRACT PURCHASER FOR THE PROPERTY (OWNER, HAVERHILL BAPTIST CHURCH), WHICH PARCEL IS LOCATED APPROXIMATELY 0.377 MILES SOUTH FROM THE INTERSECTION OF BELVEDERE ROAD AND NORTH HAVERHILL ROAD ON THE WEST SIDE OF NORTH HAVERHILL ROAD ON THE SOUTHEAST CORNER OF CLUB ROAD (EAST) AND HAVERHILL ROAD, BEING A PORTION OF PARCEL

CONTROL NUMBER 22-42-43-35-01-008-0016; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

- 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 OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, February 27, 2020
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, February 27, 2020 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 and Daniel Sohn, Council Member. Also present were John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

ROLL CALL:

The Town Administrator called the roll. All members were present.

COMMENTS FROM THE PUBLIC

None.

Mayor Foy allowed candidates in the audience to introduce themselves to those present.

- Ray Caranci, 819 Mimosa Court. A resident of Haverhill for 15 years. (Seat 2)
- Dennis Withington, 4862 Berkeley Mews. A resident of Haverhill for 33 years (Seat 1)

Mayor Foy then announced Council Member Sohn was also a candidate, running for reelection to Seat 2.

APPROVAL OF AGENDA

The Town Administrator requested the approval of the December 12, 2019 meeting minutes be removed from the consent agenda. **A motion was then made by Council Member Uptegraph seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the ~~December 12, 2019 Regular Meeting~~ and the January 16, 2020 Workshop

A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve the Consent Agenda as amended.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Kayla Schnell of the Crime Prevention Unit was present to report on the crime statistics February 13 through the 27th. There had been a misdemeanor arrest at the 7-11, one drunk driving arrest, and another theft at the 7-11 (a phone left on the counter in error). There was a hit and run on Woodland Avenue; no injuries (car to car), 4 calls on suspicious persons, 56 traffic stops and 97 business and residence checks since the 13th of February.

Council expressed their appreciation to the PBSO for all they do for the Town of Haverhill.

REGULAR AGENDA AND FIRST READINGS

Consider Increasing Cost of Special Exception Application Fee from \$350.00 to \$1,000 and Variance Application Fee from \$350.00 to \$500.00 for Residential.

The Town Administrator presented Staff's report. She explained the Town of Haverhill's Land use Application Fees were adopted in October 2014. Staff is requesting the fees for Special

Exceptions (Accessory Dwelling Units be increased from \$350.00 to \$1,000 dollars and the fees from Variances (Residential) be increased from \$350.00 to 500.00.

Currently, the Town charges a flat fee, exclusive of escrow fees of \$350.00 for Special Exception for an Accessory Dwelling Unit but charges \$1,000 for all other Special Exception requests. For all other Special Exception requests, the Town also requires a \$1,000 escrow deposit.

Staff had found that there was as much Staff time, if not more spent working on the Applications for Special Exceptions than for other Special Exception requests, therefore, Staff was asking that the fees be increased to \$1,000. The advertisement alone was approximately \$300.00; the notice to abutters, Staff and Consultant fees far exceeded the \$350.00 application fee. Staff was recommending that the fee be set at \$1,000 w/o escrow.

It was also Staff's recommendation that the cost for residential variances be also increased from \$350.00 to \$500.00 with an escrow deposit.

In response to Vice Mayor Gordon, Town Administrator Rutan concurred that the current fees often resulted in a loss to the Town. She explained that with a variance, the onus to prove hardship was on the applicant, whereas with a Special Exception for an ADU, often times Staff was brought in to assist the homeowner with completing the paperwork and filing costing the Town money.

A motion would be needed to move forward in amending the fees.

Jeff Waite, 630 Tall Pines Road. He took exception to the proposed increase as he felt it was specific to him as he had been in Town Hall gathering information on a proposed variance request to put up an accessory building.

Mr. Waite then asked for the Town Planner to explain to him what was meant by "the footprint of the property".

Council Member Sohn asked for Staff to explain the difference between a Special Exception and Variance. Attorney Foster highlighted the differences.

In response to Mr. Waite, Town Planner Nichols explained the requirements for an accessory dwelling unit and how it cannot exceed a certain percentage of the main building's footprint.

Discussion followed. Town Attorney Foster interjected that it had not been advertised to discuss a specific case and/or property and advised to end the discussion relative to Mr. Waite's property.

Vice Mayor Gordon stated for the record that the idea was to break even and not have these applications cost the Town money. The Town was not in the business to make money, but rather to break even. **He then made a motion to accept Staff's recommendation and increase the fees for Special Exceptions - Accessory Dwelling Units be increased from \$350.00 to \$1,000 dollars and the fees from Variances (Residential) be increased from \$350.00 to 500.00 plus escrow. The motion was seconded by Council member Uptegraph and unanimously passed (4-0).**

Consider request of Rafael Perez, property owner of 857 Ivory Lane to allow for 2 6ft wrought iron front gates and wrought iron fencing down South side property line.

Mr. Perez was present to address Council. He has been a resident of Haverhill for 35 years. He gave an animated presentation to Town Council putting forth the reasons to allow for a six foot gate and fence along the front and south side of his property.

Mayor Foy confirmed that the wrought iron fence would meet the requirement that at least 15' consecutive feet of the fence not be opaque.

A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously approved (4-0) to grant the variation to allow for Mr. Perez, 857 Ivory Lane, to install two 6' gates, and a 6' fence along the front and south side of his property.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 477 – FIRST READING

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL REGARDING AN APPLICATION FOR A REZONING, BY REDESIGNATING A 1.83 ACRE PARCEL OF LAND FROM THE EXISTING TOWN OF HAVERHILL ZONING DESIGNATION OF R-2 - TWO FAMILY RESIDENTIAL DISTRICT TO THE TOWN OF HAVERHILL ZONING DESIGNATION OF R-3 - MEDIUM DENSITY RESIDENTIAL DISTRICT, AS REQUESTED BY CHAD RIDDLE, AGENT FOR MF ASSOCIATES HAVERHILL POINT, LLC, CONTRACT PURCHASER FOR THE PROPERTY (OWNER, HAVERHILL BAPTIST CHURCH), WHICH PARCEL IS LOCATED APPROXIMATELY 0.377 MILES SOUTH FROM THE INTERSECTION OF BELVEDERE ROAD AND NORTH HAVERHILL ROAD ON THE WEST SIDE OF NORTH HAVERHILL ROAD ON THE SOUTHEAST CORNER OF CLUB ROAD (EAST) AND HAVERHILL ROAD, BEING A PORTION OF PARCEL CONTROL NUMBER 22-42-43-35-01-008-0016; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; 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 read by Attorney Foster. He noted for the record that the Local Planning Agency had recommended Town Council approval of the rezoning.

Because it was a quasi-judicial hearing he asked that Council disclose ex-parte communication.

- Mayor Foy: Not outside of public meetings
- Vice Mayor Gordon: None
- Council Member Uptegraph: Not outside of public meetings
- Council Member Sohn: Stacy, a private resident abutting the project.

Attorney Foster announced that anyone offering testimony they would need to be sworn in. Attorney Foster administered the Oath to 5 individuals.

Attorney Foster again explained that the Town Council can approve the application, approve the application with conditions of approval or deny the application. Further, included in the Town's code were the 8 criteria that the applicant must meet before Staff could recommend approval. The Attorney read the 8 items required by the Code of Ordinances. Staff had determined that the project met all 8 points.

Any testimony would need to be specific to the 8 points and an argument to those eight points would need to be based on substantial competent evidence.

Josh Nichols, Town Planner offered Staff's report. Staff was recommending approval of the request for the rezoning from the R-2 to the R-3 consistent with Ordinance 463, the Airport Overlay Zone. Staff was recommending approval with Conditions of Approval.

Todd McLeod, Town Engineer, addressed 10 Engineering Conditions of Approval. He highlighted item number 1 noting the applicants were proposing to pipe the ditch along the Town's western boundary. The Town is requiring a hydraulic analysis of the water entering the ditch to be sure the drainage will operate correctly.

Mayor Foy appreciated the efforts made by staff in that regard.

Mayor Foy called for public comment, hearing none, he closed the Public Hearing.

A motion was then made by Council Member Uptegraph to approve Ordinance 477 on first reading, subject to the Staff recommended conditions of approval and to note for the record that the application as approved was consistent with the Town of Haverhill's Comprehensive Plan. The motion was seconded by Vice Mayor Gordon.

Council Member Sohn commented that going into this, he had heard from residents that were not in favor of the project, however, after listening to Staff and learning that the applicant met all the required criteria he found no reason other than to support the rezoning. He added he was not in support of the the Site Plan at this point, only the rezoning.

Mayor Foy reminded all that the Town had been working very hard for many years to transform the failed trailer park. This has been many years in the making. Approval of this project would be an improvement and although denser than normally allowed, the property was directly in the airport landing path.

Vice Mayor Gordon commented that the trailer park had been a tremendous eyesore, and its location directly under the flight path made it very difficult for anyone to invest in the project. This project will definitely beautify the Town and add value.

Council member Uptegraph concurred with Vice Mayor Gordon. Council Member Sohn commented that his preference would have been single family homes, however, no one had come forward with that plan so this was a great project.

The motion passed 4-0.

Attorney Foster announced that the second reading of Ordinance 477 had been scheduled for March 12, 2020. It was revealed that two Council Members would be out of Town on March 12, therefore a quorum would not be present. With the Charter allowing Council meetings to be set by Town Council, it would be his recommendation that an alternate date be scheduled.

A motion was made by Council Member Uptegraph to cancel the regularly scheduled Council meeting for March 12, 2020 and reschedule it for Monday, March 16, 2020 and to place the second reading of Ordinance 477 and Site Plan approval on the agenda for that meeting. The motion was seconded by Vice Mayor Gordon. The motion passed 4-0.

REPORTS

Town Attorney

Town Attorney Foster reported that the Town Administrator had mailed out the notices for Public Hearing to be held on March 26, 2020 and April 9, 2020 for 6 Ordinances. There would be a workshop to be held at 6:00 p.m. on March 26, 2020 that would address the hedges, fences, shutters, vehicles, safe corners, RV and parking Ordinances. Other remaining Ordinances to be heard that evening would be an Ordinance deleting the red light camera Ordinance; and an Ordinance that would require Commercial Businesses in Town provide for their own garbage containers and not use the Town's dumpster or recycling containers located at the Town Hall.

Mayor Foy was under the impression the Town would be addressing these Ordinances one at a time and was surprised Staff was moving forward with them as a group.

Town Administrator

The Town Administrator reported that the budget process had been completed when she learned that Windows 7 would no longer be supported by Microsoft, thereby requiring the Town to purchase new computers that can be supported and the system can be protected.

After meeting with ENS, the Town's IT Consultants, the bid of approximately \$10,000 (under government contract) would include the replacement of 4 computers, installation and upgrade to fire wall, network switch, warranty renewal for server, battery backup for server, etc. Unfortunately, this had not been budgeted for and would need to be approved through a budget amendment. By general consensus, the Town Administrator would prepare a budget amendment for the next meeting.

The Town had received a request from SFWMD to enact the Town's own water restriction Ordinance and a request from the Town of Tequesta banning use of certain pesticides.

Ray Caranci, 819 Mimosa Court. Confirming the restriction on pesticides would be by Resolution and not by Ordinance.

Mayor Foy expressed his objection to passing Ordinances that would be difficult to enforce.

Council Member Sohn confirmed with Mr. Caranci that the City of West Palm Beach did not pass an Ordinance restricting certain pesticides.

Mayor

He spoke of the last Palm Beach County District 2 and 3 luncheon during which he spoke about how much he had learned about Council Member Remar Harvin after his passing. Mayor Foy commented how surprised he was to learn of the many accomplishments of Council Member Harvin, including him having been a boxer, that he had his master's degree, etc. As such, it was introduced at the District 2 & 3 luncheon that each member would spend 3 minutes at the beginning of each luncheon introducing themselves so the members can get to know each other better.

The Town Administrator was asked to schedule the presentation of the Proclamation to the family of Remar Harvin.

Mayor David Stewart of Lantana announced a documentary of the National Enquirer that was being released. His colleague on the Council, Malcolm Balfour, a former employee of the National Enquirer is featured in the documentary.

Mayor Foy stated he would like to establish a policy relating to the receipt of letters. For example, if a letter is an anonymous letter, it would be forwarded to the Attorney and the Attorney would determine if it was legally binding and would then decide if it needed to be distributed to Council Members or to just be received and filed. As Mayor, it was his intent to not give a letter validity if it was unwarranted.

He would like the Attorney to look at the situation and make a recommendation.

Vice Mayor Gordon confirmed that this policy would be in moving forward. He asked that because there was a letter received recently that he did want addressed. Mayor Foy welcomed Vice Mayor Gordon to address it under Council comments or place it on a future agenda.

Vice Mayor Gordon agreed with the Mayor that a policy should be set for the future, especially when the person writing the letter did not sign the letter. He supported the request that the Attorney move forward with a policy regarding Council mail. By general consensus, Council agreed.

Committee/Delegate Report

The Town Council appreciated the luncheon held earlier in the day sponsored by the Town for the Municipal Clerks Association. The guest speakers were from the Census Bureau and they spoke on the benefit to the Town by having a complete census count. Census funding is received from the government as well as allowing for additional delegates and senate seats, etc.

The Town Administrator reported that the Complete Count Committee would like to sponsor a "Census Sundae". The event would encourage participation in completing the census forms and awarding prizes and gift cards as well as offering an ice cream social for the residents. The proposed date would be Saturday, March 21, 2020. Council was in favor of the event.

Mayor Foy noted that the 2020 census was shooting for over 80 % participation. The State of Florida received 88 billion dollars from the last census

Treasurer's Report

None

UNFINISHED BUSINESS

None.

NEW BUSINESS

Vice Mayor Gordon explained that the letter referenced earlier was written by a concerned citizen. In the letter, it was alleged that the Council Members were treating Council Member Sohn unfairly because 1.) He was younger than the others and 2.) He was the only gay Member on the Council at this time. Vice Mayor Gordon was quite annoyed with the letter. He admitted that he had problems with Daniel, but added it had nothing to do with his age or sexual preference. His stated his biggest problem with Council Member Sohn was that he lies all the time and he was an incessant liar. Vice Mayor Gordon, in response to Mayor Foy's protest, stated that that he was entitled to his opinion. Council Member Sohn encouraged Vice Mayor Gordon to continue.

As far as the Vice Mayor was concerned Council Member Sohn's word was nothing. In response to the comment that the Council does not like gay people. Vice Mayor Gordon reminded all that when he ran for County Commission he employed Daniel Sohn. Some of his biggest supporters were Rand Hoch and other members of the gay community. Vice Mayor Gordon added that in today's newspaper, he had called out a state legislator having referred to his competitor as a

“Batting Boy”. Vice Mayor Gordon had pushed for the Town’s resolution supporting LGBTQ rights and had worked very hard to get it passed.

Vice Mayor Gordon believes Daniel Sohn wrote the letter, he didn’t see him write it, but believed that either he wrote it or had someone write the letter. Vice mayor Gordon stated that his feelings about Council Member Sohn were based on his behavior and not his age or sexual preference. He couldn’t care about either one of those.

Council Member Sohn apologized to Vice Mayor Gordon. He was embarrassed when he found out about the letter. He did not write it, nor did he ask someone to write it. He asked that Vice Mayor look back at the friendship they had. He knows that Vice Mayor Gordon is not homophobic and not discriminatory. Council Member Sohn had been trying to figure out who sent the letter. Publicly he would say that he does not believe those things of the Vice Mayor or the Council. He agreed that the Council had had their problems but he did not believe those things.

And as to the Mayor’s point, he does want to see a policy get adopted. He had things said about him that were able to grow legs that were hearsay and untrue. Written or not, a policy should be adopted.

He was embarrassed when he received the call from the Town Administrator about the letter. He again apologized to Vice Mayor Gordon. He did not write the letter. He said he needed the policy to be adopted.

Vice Mayor thanked him for the apology but he was standing by what he had said.

Council Member Sohn noted that the Vice Mayor was entitled to his opinion but hoped that it would change.

The Mayor commented that this was the type of debate that causes the Town to spend taxpayers money to settle this type issue.

Council Member Sohn requested permission to attend the Equality Florida luncheon. He had attended the past two years. It was being held at the Colony on Palm Beach. Because it would be held after the election, the Town Council cannot approve the funds until Council Member Sohn would be reelected.

Amber Cox, Bethany Lane. She asked if an investor had purchased the property at 600 Bethany Lane. The Town Administrator was unaware if the property had been sold but added that anyone that had expressed an interest was told it was an R-1 zone and could only be accessed through Bethany Lane. Also, it was not located in the Airport Overlay Zone.

The Town Administrator noted that any subdivision would be limited to what the present property would allow (septics, present location of the house, its septic, etc.).


Mayor Foy then introduced Andre Rajoo, Candidate for Seat 2. Mr. Rajoo stood and addressed those present.

Town Administrator Rutan announced the Candidates Forum sponsored by the League of Woman Voters would be held at the Town Hall Monday March 10, 2020.

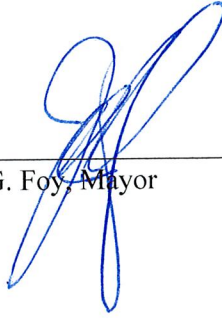
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:10 pm.

Approved: May 20, 2020

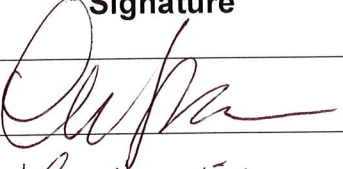
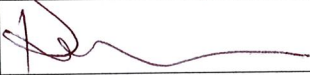



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

SIGN IN SHEET
TOWN OF HAVERHILL
LOCAL PLANNING AGENCY
 Thursday, February 27, 2020 6:45 p.m.

| Name | Address | Signature |
|---------------------|-------------------|---|
| CHANDER LIMPABANDH | |  |
| JEFF + LINDA WAITE | | Linda Waite |
| DENNIS WITHINGTON | |  |
| RAFAEL PEREIRA | 857 IVORY LANE |  |
| Dls Kayla Schnell | P850 | K Schnell |
| Amber Koss | 5213 Bethany LN | Amber Koss |
| Pam & Dave McCarthy | 1157 Palmetto Rd | P. McCarthy |
| André Rajoo | 1133 Melinda Lane | André Rajoo |
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