

# **TOWN COUNCIL REGULAR MEETING**

**Town Hall Council Chambers**

**Thursday ~ June 25, 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 May 14, 2020 and May 28, 2020, Regular meetings
- VII. PROCLAMATIONS AND PRESENTATION**
  - a. Presentation of the Annual Financial Reports for the Town of Haverhill for the FY ending 9/30/2019 by Racquel McIntosh, Managing Partner, Grau & Associates.
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
  - a. Update on Emergency Drainage Repairs at Berkeley Mews/Briarwood
  - b. Act on request for a Special Exception to allow for an accessory dwelling unit at the property located at 4681 Belvedere Road as filed by the property owners Cesar Morales and Dolores Ruiz Becerra
- X. SECOND READINGS AND PUBLIC HEARINGS**
  - a. **ORDINANCE NO. 488: Second Reading AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL OCTOBER 15, 2020; PROVIDING FOR SEVERABILITY, PROVIDING FOR SCRIVENERS ERRORS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**
  - b. **RESOLUTION 2020-05:**  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM SPECIAL ASSESSMENT FOR THE 2019/2020 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**
- XI. REPORTS**
  - Town Attorney
  - Mayor
  - Town Administrator
  - Committee/Delegate Report
  - Approval of 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

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Dennis Withington, Council Member  
Ray Caranci, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



## **TOWN COUNCIL MEETING JUNE 25, 2020**

**IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail ([jrutan@townofhaverhill-fl.gov](mailto:jrutan@townofhaverhill-fl.gov)) up until 6:00 p.m. on June 25, 2020. 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, access to the Town Hall by the public will be limited to no more than 10 persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing or sneezing will not be permitted in the 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. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. 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 agenda item, but prior to the vote, 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 during these uncertain times.**

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ June 25, 2020**  
**OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, June 25, 2020. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member (arrived late); Dennis Withington, Council Member and Ray Caranci, Council Member. Also present were John Fenn Foster, Town Attorney and Janice C. Rutan, Town Administrator.

**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 the Pledge of Allegiance.

**ROLL CALL**

Mayor Foy, present; Vice Mayor Gordon, present via teleconference; Council Member Uptegraph, present at 7:10 p.m.; Council Member Withington, present via teleconference; Council Member Caranci, present. Town Attorney John Foster and Town Administrator Janice C. Rutan were also present in Council Chambers.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

A motion was made by Council Member Caranci, seconded by Vice Mayor Gordon, and unanimously passed (4-0) to approve the agenda as presented.

**APPROVAL OF THE CONSENT AGENDA**

Approval of the minutes of the May 14, 2020 and May 28, 2020, Regular meetings

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

**PROCLAMATIONS AND PRESENTATION**

**Presentation of the Annual Financial Reports for the Town of Haverhill for the FY ending 9/30/2019 by Racquel McIntosh, Managing Partner, Grau & Associates.**

Ms. McIntosh of Grau and Associates was present via teleconference. She expressed her appreciation to the Town for allowing them to be the Auditing Firm for the Town. She noted that the Town received a clean audit with no notes to the financials.

She highlighted specific areas of the Financial Statements, overview of financial statements, changes in net position and statement of revenues, expenditures, and changes in fund balances. She explained that the Town presently had three funds (General Fund, Infrastructure Surtax Fund and Building Fund). The Building Fund was set up due to recent changes in the legislation. A brief discussion followed. The Independent Auditor's Report noting the Town's compliance was also referred to and the report to management reported that there were no current year findings and recommendations. She braced the Town Council for the reduction in revenues received from the State due to the COVID 19.



The Auditors did not find any material weaknesses and had no findings with the Town. The Town was found to be in compliance.

The Town Council thanked Ms. McIntosh for her report. They were quite pleased with the clean audit and with the status of the Town's finances.

**A motion was then made by Council Member Uptegraph and seconded by Council Member Caranci and unanimously voted (5-0) to receive and file the FY 2019 Annual Financial Report.**

Ms. McIntosh noted that the Auditors would be adding a subsequent event footnote to the Annual Financial Statement regarding the COVID 19 pandemic.

A brief discussion and explanation as to how the recently enacted legislation would affect the Building Department followed.

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

None.

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

##### **Update on Emergency Drainage Repairs at Berkeley Mews/Briarwood**

Town Engineer Todd McLeod was present via teleconference. He updated the Town Council explaining that the contractors, Wynn and Sons were on site preparing for K3 who were also on site. The new culvert had been drilled; the new pipe had been fused and pulled back through the hole. All was on track with hopes to complete the onsite work within 2 days. They should be connecting to the catch basin without problem.

They were on budget and all costs were coming in as proposed.

The old pipe would be filled and grouted so as to prevent the ground from collapsing.

##### **Act on request for a Special Exception to allow for an accessory dwelling unit at the property located at 4681 Belvedere Road as filed by the property owners Cesar Morales and Dolores Ruiz Becerra**

Attorney Foster announced the Public Hearing would be quasi judicial and asked for Council Members to disclose ex parte communications. There were none.

Attorney Foster swore in those persons giving testimony and then presented Staff's report.

The property owner, Cesar Morales Tellis was present. Attorney Foster inquired as to whether he was aware of all requirements under the terms of the ADU Ordinance.

Town Planner, Josh Nichols had submitted staff's recommendation of approval based on 4 conditions of approval.

Mr. Morales addressed the Town Council. He explained that his sister in law would be living in the unit.

Council Member Uptegraph expressed his concern over constructing a building specific for this use. It was explained that this was an accessory dwelling unit, not an assisted living facility. He again noted that he could perhaps accept a request for an ADU if it were a unit as part of the main building, but not a separate building being constructed for that use.

Discussion followed. There being no public comment, the Public Hearing was closed.



**A motion was then made by Vice Mayor Gordon to grant the Special Exception to allow for an accessory dwelling unit at the property located at 4681 Belvedere Road as filed by the property owners Cesar Morales and Dolores Ruiz Becerra as per the recommendation of Staff to include the Conditions of Approval attached.**

The motion was seconded by Council member Withington and passed 4-1 with Council Member Uptegraph voting against the motion.

#### **BRIARWOOD WALL/FENCE**

The Town Administrator explained that she had been in contact with contractors to obtain prices to install a fence or wall at the east end of Briarwood where it abuts Orleans Court. Most require engineered drawings before they could provide an estimate of cost. While the Town Engineer was still on the teleconference, she asked for Town Council support in authorizing him to draw up plans to they could obtain costs.

The Mayor had no objection provided the contract the Town had with the Town Engineers included general engineering services. Mr. McLeod noted for the record he was not a structural engineer and if that degree of plan was required he would need to consult with a structural engineer. He was hoping that he would be able to provide minimum drawings that would be accepted. By consensus, the Town Council authorized Todd McLeod to proceed with drawing up plans.

#### **SECOND READINGS AND PUBLIC HEARINGS**

**ORDINANCE NO. 488: Second Reading AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL OCTOBER 15, 2020; PROVIDING FOR SEVERABILITY, PROVIDING FOR SCRIVENERS ERRORS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

The title was read by Attorney Foster. A brief discussion followed.

There being no public comment, Mayor Foy closed the Public Hearing. **A motion was made by Council Member Uptegraph to pass Ordinance No. 2488 on second reading. The motion was seconded by Vice Mayor Gordon and passed 4-1 with Council Member Uptegraph voting against the motion.**

#### **RESOLUTION 2020-05:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM SPECIAL ASSESSMENT FOR THE 2019/2020 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 read by Attorney Foster. The Town Administrator presented Staff's report.



She presented a report for Council information and consideration in setting the non ad valorem assessment rate for the 2020/2021 fiscal year. She explained the Town Council must adopt the preliminary assessment for TRIM purposes no later than July 1, 2020.

The extension of the contract entered with Waste Pro would increase costs for solid waste and recycling services based on the CPI (All Urban Consumer Index, not to exceed 3% for the FY 2020/2021). The present rate of 22.38 per month per unit will increase by 3% which is the CPI as of June 15, 2020 according to Chris Schulle of Waste Pro.

Per household cost:	\$276.60(23.05 x 12)
Discount average	\$11.05
Administrative costs	n/a
<b>TOTAL PER UNIT</b>	<b>\$287.65(5.65 increase per unit per year).</b>

In prior years, the Town had collected an administrative fee and had considered the 4% discount afforded the property owner if taxes are paid prior to November 1 of each year. As such, we have collected more revenue than we have expended. There is presently an approximate balance of \$13,000 in the Solid Waste and Recycling Account.

We will have approximately 675 properties being assessed for Solid Waste Assessment. The purpose of an assessment is to pay for services and not to raise revenue or provide services other than solid waste and recycling.

Although the Town would be charged \$276.60 per unit by WastePro, which does not include the 4% discount granted by the Tax Collector if paid by November 1, the Town has ample funds to cover the 3% increase being charged by WastePro. **It would be staff's recommendation that the Solid Waste Assessment remain at \$282.00 per unit per year for the 2020/2021 fiscal year and the Town pay the approximate difference of \$5.67 per unit, per year with the excess revenues collected by the Town in the past.**

This is a Preliminary assessment that needs to be filed with Solid Waste Authority no later than July 1, 2020 for **TRIM** purposes. This is the amount that will appear on the Notice to Taxpayers sent out the first week in August. Once the preliminary rate is adopted, Council can not increase but can only decrease at final hearing.

**A motion was made by Council Member Withington, seconded by Vice Mayor Gordon, and unanimously passed (5-0) to approve Staff's recommendation to adopt the preliminary non ad valorem assessment of \$282.00 per unit for the 2020/2021 FY.**

## **REPORTS**

### **Town Attorney**

Attorney Foster reported on the Governor's Emergency Order regarding the mandatory wearing of facemasks through July 24, 2020. In addition, the Governor's Executive order regarding meeting quorums has also been extended through July.

### **Mayor**

None.

### **Town Administrator**

The Town Administrator reported that she had received an inquiry from Javiris Neely, founder of Palm Beach Youth Football Alliance requesting use of the Town's ballfield to conduct football practice/games.

The Town Administrator reported he had filed a hold harmless agreement and has secured the required liability insurance.

She went on to explain that she had recently learned that the Town had been on a special rate with FP&L for the ballfield that allowed them to charge for electricity use. The rate was extremely high, and she switched it back to save the Town over \$1,700 per year. The ballfield was not being used and she was unsure about allowing use of the field at night for liability purposes.

With that being said, using the ballfield lights would be extremely expensive. She would recommend the field not be used at night, Mr. Neely was asking for practice to last until 8:15 p.m.

Discussion followed. The amount of staff time needed to bring the field up to standards concerned the Town Council and the money collected would not cover expenses. Council also expressed concern over the wear and tear on the field when using it for football and did not see anyway the use would be compatible with the design of the field. It was the consensus of Council that during the COVID 19 pandemic and the reasons cited above, use of the ballfield for football not be authorized.

Discussion followed then regarding future use of the ballfield. Joseph Roche, former Director of Public Services, had recommended the Town Council invest in a new grader, repair of scoreboard, netting, field, and clay work to bring the field up to standards for use by practice teams. He estimated costs to be between \$15,000-\$20,000 and during budget talks for the 2019/2020 budget year, Council had decided to take no action on the recommendation.

It had been suggested that Staff consider obtaining the services of an appraisal firm to determine the highest and best use of the land. Discussion followed. It was agreed to look at a use other than recreation use. Vice Mayor Gordon suggested the Council look at some type of housing development for the property. The Town Administrator would follow up with contacting appraisal firms.

She then reported that the camera system would be installed so that Staff could allow access to the Town Hall via camera and audio. A new community bulletin board was also ordered and would be installed.

**Mayor Foy extended the Local State of Emergency for an additional week.**

#### **Committee/Delegate Report**

It was reported that the Palm Beach County League of Cities District 2 & 3 luncheon was being scheduled for the 2<sup>nd</sup> Wednesday of the month. The League asked that the Town appoint one person to attend to represent the Town as they planned to meet in person while safe distancing. It was agreed Mayor Foy would attend.

Mayor Foy reported on a spill at the Airport and the DEP requirement that the Town offer a full report of potential impact on the Town NPDES reporting.

#### **Approval of Treasurer's Report**

None.

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

None.



**ADJOURNMENT**

**With no further business to come before the Town Council, the meeting adjourned at 8:30 p.m.**

**Approved:** July 23, 2020

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor