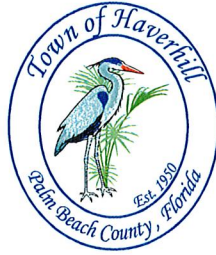


Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Daniel H. Sohn, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
MONDAY, MARCH 16, 2020**

(Rescheduled from Thursday, March 12, 2020 due to a lack of quorum)

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**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. REGULAR AGENDA AND FIRST READINGS**
 - a. Approve budget amendment/transfer in the amount of \$10,000 from fund balance reserves to Machinery and Equipment (001-1200-512.6400) for the installation, configuration and migration of 4 computers**
- 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
MONDAY, MARCH 16, 2020
(Rescheduled from Thursday, March 12, 2020 due to a lack of quorum)
7:00 p.m.
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular monthly meeting of the Haverhill Town Council was held on March 16, 2020 in Council Chambers, Town Hall, 4585 Charlotte Street. Those present were Jay Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark Uptegraph, Council Member and Daniel Sohn, Council Member. Also present were Lance Fuchs, Town Attorney and Janice Rutan, Town Administrator.

CALL TO ORDER

Vice Mayor Gordon 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

All members were present.

COMMENTS FROM THE PUBLIC

Mayor Foy noted there were candidates running for Seats 1 & 2 in the audience and asked each to stand up and introduce themselves. Dennis Withington announced himself as a candidate for Seat Number 1, Ray Caranci for Seat 2 introduced himself, Andre Rajoo for Seat 1 introduced himself and Council Member Daniel H. Sohn announced he was seeking reelection for Seat No. 2.

No additional Public Comment.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

None.

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

The Town Administrator announced the Sheriff's office had suspended attendance at Council meetings due to the **Coronavirus**.

REGULAR AGENDA AND FIRST READINGS

Approve budget amendment/transfer in the amount of \$10,000 from fund balance reserves to Machinery and Equipment (001-1200-512.6400) for the installation, configuration and migration of 4 computers

The Town Administrator gave Staff's report. The funding was needed to replace the 4 computers that were no longer supported by Windows 7.

Council Member Sohn asked what the cost was for each of the computers.

A motion was made by Council member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve the budget amendment in the amount of \$10,000 for the installation, configuration and migration of 4 computers as recommended by the Town Administrator.

SECOND READINGS AND PUBLIC HEARINGS

SECOND READING OF 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 (WEST) 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 Fuchs. Attorney Fuchs swore in those persons who were present to testify on the matter.

The Town Administrator noted that the Agent for the Applicant Chad Riddle was not present, however, Jennifer Vaill from WGI was present to represent the applicants...

Town Planner Josh Nichols offered Staff's report. He reiterated that the proposal for the 40 townhomes, at 8 units per acre was in concert with the recently adopted Ordinance 463 addressing the Airport Overlay Zone. He noted that Staff had evaluated the criteria for the rezoning and had determined the applicant had met those criteria and as such, Staff was recommending approval subject to specific Conditions of Approval.

He explained that the matter of rezoning had come before the Local Planning Agency who recommended Town Council approval. A first reading of Ordinance 477 was held and Ordinance 477 had been approved on first reading. This was the second and final reading of the Ordinance approving the rezoning. If approved, Council would then consider the Site Plan approval.

Vice Mayor Gordon confirmed that the applicants had met all of the requirements (applicable codes and regulations) specifically to the rezoning. Mayor Foy announced that any person planning to appeal would need to provide their own transcript of the meeting.

Jennifer Vaill, WGI, standing in for Chad Riddle, representing the applicant introduced herself to the Town Council.

Stacy Herrig, 5118 Club Circle. Ms. Herrig stated she lives directly behind proposed Townhome project and was concerned that she will have people staring into her backyard. She had specifically bought that property for the privacy of the rear yard. She would like to see the design of the project so she can see how it would affect her. She complained that she has already had experienced strangers running through her back yard and didn't want more of that. She understood that the rezoning would most probably be approved as the applicants had meet the required criteria, however, she was concerned about the overall project.

Mayor Foy commented that the rezoning from the R-2 to the R-3 would result in an additional 3 units. And although in advance of the Site Plan review, he asked if a wall was part of the site plan. Josh Nichols responded that there was a chain link fence that runs along the north side of the property along with a 15' landscape buffer as well.

Town Planner Josh Nichols confirmed that there would be a 15' setback in addition to the 15' landscape buffer so there would be a total of 30' of separation from the properties.

Mayor Foy reminded all that this discussion was being held in advance of the Site Plan review process.

Town Attorney Fuchs swore in an additional witness.

Carol Newhart, 4940 Luwal Drive. She commented that she had expressed her concern at prior hearings and now was further concerned. She expressed her confusion as to the rezoning. The Town Administrator explained that the 1.83 acre parcel was being rezoned from the R-2 zoning to the R-3 zoning designation. The former trailer park already had a zoning designation of R-3.

She further explained that she had always fought to maintain the single family residential quality of the Town and would prefer to see the R-3 rezoned to R-2 not the other way around. She had spoken to several people do not want the Townhomes at that location.

Mayor Foy explained the Town had been laboring over this property for some time and had to weigh the future uses against the Burt Harris Act which protects the property uses of the property owner. The Town Council considered many factors when changing the use of the land. He spoke of other developments outside the Town that have increased density and the Town Council strives to approve projects that will benefit the greater good.

With no further public comment, the Public hearing was closed at 7:20 p.m.

A motion was then made by Vice Mayor Gordon to approve Ordinance 477 on second reading. Council Member Uptegraph seconded the motion. The motion passed 3-1 with Council Member Sohn voting against the motion.

APPROVE SITE PLAN AS REQUESTED BY CHAD RIDDLE, AGENT FOR MF ASSOCIATES HAVERHILL POINT, LLC, TO ALLOW FOR 40 TOWNHOME UNITS

Town Planner Josh Nichols offered Staff's Report. He explained that now that the rezoning had been approved, Council would need to consider the proposed Site Plan that would allow for 40 townhomes on an approximate 5 acre parcel of land that meets the 8 dwelling units per acre for the R-3 zoning designation.

The Town had worked excessively with the applicant and one of the issues addressed during the planning process were parking requirements. The Town Council required additional guest parking spots throughout the development. They also addressed that as well as a tot lot in the park area. The Town Council limited each building to 6 units. He discussed the compatibility buffers. Staff was recommending approval of the site plan with specific conditions of approval.

Mayor Foy asked if there had been any discussions of putting up a wall instead of a fence. The Site Plan is showing a proposed chain link fence along the north and east side.

Vice Mayor Gordon expressed his concern that a wall could look too institutionalized and asked the applicant if they would consider additional fencing along the perimeter. The Town Planner agreed suggesting additional vegetation forming a landscape wall.

Town Planner Nichols stated that any additional requirements can be added as Conditions of Approval. The Town Administrator reminded all that there was a required 30' separation due to required setbacks and buffering.

Stacy Herrig reviewed the site plan with the Town Planner.

Jennifer Vaill WGI, presented the Site Plan to those present. She noted there were 8 separate buildings with maximum 6 units. Most buildings were setback 30' from the front with additional dry retention areas. The required ten and fifteen foot perimeter buffers, filled with landscape would be installed. A proposed chain link fence was shown on the site plan and guest parking was scattered throughout the site. A centrally located recreation area was also being proposed.

(Inaudible discussion among those present ensued).

Carol Newhart, 4940 Luwal Drive asked if the proposed development fence would be up against the fence of Stacy Herrig, or would the proposed landscaping be in between the two fences.

Town Planner Josh Nichols explained that the 2 fences up against each other would become a maintenance nightmare. One fence would have to be removed or excluded.

Stacy Herrig, 5118 Club Road commented that she had been looking to replace her fence but was waiting to see the final site plan to determine how it would affect her property. She referred to the property behind her that had huge cement pieces, poor drainage, etc. She commented that she would depend on the applicants to install a fence high enough to prohibit people from looking in her back yard. She wanted to ensure

separation as well as being sure that the drainage from the project was diverted from her property, adding that her property was one of the lowest in Town and during the last hurricane had flooded.

Jennifer Vaill, WGI commented that they were required to contain any drainage on their own property and they would be willing to install the fence and provide further landscape buffering between the two properties to address Ms. Herrig's concerns.

Mayor Foy called on Town Engineer, Todd McLeod for his report. The Town Engineer provided a summary of the ten Conditions of Approval they were imposing on the project, the first one being to pipe the drainage ditch behind the property, west of the former trailer park. In addition, the applicant would be required to provide drainage calculations to ensure the size of the pipe was adequate to remove the water.

He commented on the additional Conditions of Approval:

permits required; bond required; dry retention areas would need to be fenced; required roadway materials; copies of all erosion control reports and surety that the applicant would clean up and incur all expenses due to any erosion control violations; requirement that construction of the piping in the ditch was done to ensure back up flooding would not occur; maintenance of traffic approval from PBC to be provided to Town; Engineer Certifications and As-Builts being provided to the Town prior to sale and occupation of the first unit.

Mayor Foy added that there was a requirement that the project adhere to equal compensating storage, and asked if calculations had been submitted. The Town Engineer replied that preliminary calculations had been provided and they were in compliance with the C-51 requirements.

Mayor Foy also inquired about the 10' drainage easement being shown on the site plan. It was explained if there was a proposed fence on the west side. Town Engineer explained that the existing drainage easement on the former trailer park property was wider than the newly acquired property from the church, this would result in a consistent easement throughout both properties.

Town Engineer McLeod further noted the drainage easement along the west side of the what was the Haverhill Baptist Church property would be ten feet with the pipe being located in the middle of the easement, for the easement located on the former trailer park property, the easement was actually behind the property so the proposed plan was to divert the piping, with the applicant dedicating a new easement.

Attorney Fuchs noted the lack of specificity in Condition 13, with respect to the chain link fence and hedge material, he asked for staff's recommendation. Town Planner Josh Nichols confirmed that Staff would be requesting a 6' chain link fence with an 8' hedge material to be maintained at the 8' height by the applicant in perpetuity.

Attorney Fuchs confirmed, for the benefits of the residents that Staff was requiring in its clarification of Condition of Approval #13, the replacement, repair, maintenance, etc. to be the responsibility of the applicant and not on any of the abutting property owners.

Jennifer Vaill, WGI, confirmed that the applicants would be willing to accept the revised Condition of Approval regarding the installation of the 6' fence, the 8' hedge and the maintenance, replacement, repair, etc. in perpetuity.

Mayor Foy noted that the site plan showed a fence on the north side but not on the west side. Town Engineer McLeod commented that they were proposing a fence for those properties with dry detention (Buildings F, D and E). There was no fence behind buildings C and A as it would be located on the drainage easement. Any future maintenance of the drainage easement would be a Condition of Approval for the Property Owner's Association.

Mayor Foy commented that he would like to see a fence along the west side of the property, tying into the fences along the dry detention areas.

The applicant had no objection to installing a fence along the west property line, including how it would need to maneuver around the dry detention areas. They may need to look at, for maintenance purposes, the installation of a gate to allow for access to the drainage easement. They had no objection to make the connection of the fences to prohibit access into the abutting properties.

Mayor Foy noted there was no fence along the south side and confirmed there were no abutting property (to the south side of the project) owners in the audience.

Carol Newhart, 4940 Luwal Drive. Requested that all vegetation be native Floridian plants. An exchange of words between Carol Newhart and Vice Mayor Gordon took place.

Mayor Foy wanted the motion to include the amendment to the Conditions of Approval and the fence along the west side of the property.

Council Member Daniel Sohn asked if the same installation of fences and vegetation were required for the south side of the property. He thought it had been recommended that the same requirements for the west side applied to the south side (Ivywood Road).

Town Planner Josh Nichols explained that there would be a 10' landscape buffer on the south side and that the properties on Ivywood were zoned R-3 when the properties along the north side were zoned R-1.

A motion was then made by Vice Mayor Gordon to approve the site plan with the Conditions of Approval as recommended by Staff to include the fencing along the north side, the vegetative buffers of 8' along the north side, and the continuation the fencing along the west side as agreed upon by the applicant. The motion was seconded by Mark Uptegraph and unanimously passed (4-0). (Conditions of Approval attached hereto and made a part hereof).

REPORTS

Town Attorney

None.

Mayor

Mayor Foy spoke of the potential impact of the COVID 19 - Coronavirus pandemic and the need for the Town to declare a local state of emergency that would need to be renewed every seven days. He asked that since it would need to be renewed every 7 days, the Council grant the Mayor and Town Administrator the authority to renew. Further, he recommended there be limited access to the Town Hall and Staff would be on a rotating schedule to maintain safe distancing in the office. Under the emergency declaration, the Town's website would be brought up to date so to keep the public informed on how they can access information and the Town Staff for the continuation of business without interruption.

Mayor Foy stressed the need to protect and keep the people safe from the Coronavirus, especially the most vulnerable. He had heard on the news that the State of Emergency could last into July. He added this was not a pleasant situation.

Vice Mayor Gordon noted that the layout of the Town Hall would allow Staff to continue to work to maintain safe distancing while at the Town Hall but deferred an action plan to the Town Administrator. He noted that Rodrick Jones, Public Works, was on the road most of the day as was Devon Kirms, Community Services Liaison/Code Inspector. He noted the offices were set apart and it would just be the method of sanitation for the common areas. The Town Administrator reported that she had a Staff meeting earlier in the day during which a plan for sanitizing the common areas was devised and how Staff could continue to work while maintaining a safe distance. She did express concern over the Election being held the next day whereby all voters and poll workers would have access to the Town Hall making social distancing an impossibility. She had given office staff the day off over concern of exposure.

Council Member Sohn inquired if Town Council meetings would be cancelled or held via conference call. The matter was before the Governor to determine if he would grant an Executive Order allowing meetings to be held remotely.

It was the intent of the Town Administrator to have the office hours at Town Hall would remain the same (7:30 a.m. – 4:00 p.m.) unless a directive came down from the Governor.

Daniel Sohn inquired as to how the public would be able to attend meetings. Mayor Foy commented that public access would be discouraged, numbers limited and they could e-mail or call in questions.

The Town Administrator reported on how the Election would affect the Town's sanitation plans. She reported that she had commitments to use the Town Hall through Thursday (Election and Palm Beach County League of Cities interviews for scholarship applicants). After that access to the Town Hall would be limited.

Mayor Foy cautioned that the Administrator would need to document paid time off for employees due to COVID 19 for possible reimbursement from FEMA. Council may need to set policy.

Town Administrator asked about the March 26, 2020 Council Meeting during which the newly elected Council would be sworn in. She suggested an alternate swearing in either via teleconferencing or at the Town Hall.

With regard to businesses in Town, Mayor Foy would like the businesses in Town to make their own decisions as to whether they stay open.

A motion was then made by Council Member Uptegraph to approve enacting a Local State of Emergency due to the COVID 19 – Coronavirus pandemic and to grant the Mayor and Town Administrator the authority to renew said Local State of Emergency as needed, to

authorize limited access to the Town Hall and to authorize the Town Administrator to schedule Staff accordingly and to further authorize the Town's website be brought up to date so the public can be kept informed of Town Council actions and allow access the Town Staff, applications, forms, etc. for the continuation of business. The motion was seconded by Vice Mayor Gordon.

Discussion ensued.

Stacy Herrig, 5118 Club Road. She asked if the Town was to close, how the proposed Ordinances would move forward, specifically the one addressing fences and hedges. The Town Administrator noted the published dates may need to be postponed. Mayor Foy agreed adding the Ordinances were highly public items and would need to move forward when the public can participate.

The vote was called and passed unanimously (4-0).

Town Administrator

None.

Committee/Delegate Report

Vice Mayor Gordon reported on the Palm Beach County District 2 & 3 luncheon. The main topic of discussion was how cities were going to move forward under the Coronavirus pandemic. There was talk of cancelling events, parades, etc. The municipalities were trying to adjust as things moved forward. Mayor Foy added it was a lively and interesting discussion. The topic also included the effect the pandemic was having on the stock market as well as the homeless.

Mayor Foy cautioned that people should not be in contact any person who may be at risk. There are many risk factors such as COPD, heart issues, the elderly etc.

Vice Mayor Gordon noted that the Florida Black Caucus of Local Elected Officials had held its annual conference in Miramar the previous week. They continued the conference amid social distancing although some of the social events had to be postponed. The conference offered Ethics Training and pushed for the Census and the importance of casting votes in the March 17, 2020 election. Vice Mayor Gordon noted the Palm Beach County Caucus of Local Elected Officials were also running ads for the census and elections.

The Town Administrator added that the ice cream vendor that had been secured for the "Census Sundae" event (March 21, 2020) had agreed to cancel provided the Town would reschedule at a later date. The Complete Count Committee meeting scheduled for Wednesday evening had also been cancelled. Vice Mayor Gordon added that he and Council Member Uptegraph would be driving throughout Town supporting the census.

Council Member Sohn confirmed that there was a link to the US Census on the Town's website.

Discussion followed regarding the census forms and due date for filing the Census.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council Member Sohn asked Mayor Foy for a point of personal privilege in allowing him to address the Council and those present on what would be technically his last meeting if he does not win reelection. Council raised no objection.

Daniel Sohn, 920 Haverhill Road. He noted that this would be his last meeting of his first term as a Haverhill Town Council Member. The prepared statement expressed appreciation to the hard work involved in being an elected official. He addressed all candidates that were present in the Town Hall. Win or lose, he hoped all would stay involved in local politics. He thanked the public and Council and expressed his appreciation in being given the honor to serve.

Carol Newhart, 4940 Luwal Road. Ms. Newhart expressed her appreciation for the professionalism shown to her by the recently hired Community Services Liaison/Code Inspector Devon Kirms.

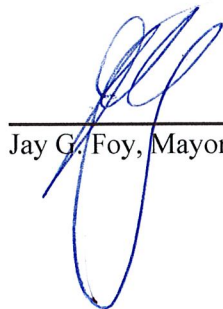
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:20 p.m.

Approved: June 11, 2020



Janice E. Rutan, Town Administrator



Jay G. Foy, Mayor

SIGN IN SHEET
TOWN OF HAVERHILL
REGULAR TOWN COUNCIL MEETING
Monday, March 16, 2020 7:00 p.m.

[illegible]