

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
THURSDAY, MARCH 28, 2024
6:00 P.M. OR IMMEDIATELY FOLLOWING THE
LOCAL PLANNING AGENCY MEETING
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, March 28, 2024, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:28 p.m.

ROLL CALL

Town Administrator Stevens called the roll and Council Members present were Mayor Jay G. Foy, Vice Mayor Lawrence Gordon, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Town Staff present included Town Attorney John Foster, Town Administrator Tracey Stevens, and Town Engineer Todd McLeod. With a quorum present in the Council Chambers, the meeting proceeded.

COMMENTS FROM THE PUBLIC

David London, 760 Palm Tree Lane, inquired as to why the street lights were out for an extended period of time. He indicated that it was challenging navigating the sidewalks while the lights were out, especially in the areas where the County's sidewalks need to be repaired. He also mentioned that the parking along his street needs to be addressed, as it is challenging for folks with mobility issues to navigate the blocked sidewalks. He implored the Council to address parking when it reviews development applications so this won't happen in future developments.

REORGANIZATION AND SWEARING IN OF TOWN COUNCIL MEMBERS

A. Swearing in of Council Members Ray Caranci & Dennis Withington

Town Attorney Foster swore in newly re-elected Council Members Ray Caranci and Dennis Withington.

B. Elect Mayor & Vice Mayor for the Ensuing Year

Council Member Withington nominated Jay Foy as Mayor for the ensuing year; seconded by Council Member Caranci.

Mayor Foy called for any other nominations, and there were none.

Mayor Foy called the vote and the motion carried 5-0.

Mayor Foy nominated Lawrence Gordon as Vice Mayor for the ensuing year; seconded by Council Member Withington.

Council Member Johnson nominated Council Member Johnson as Vice Mayor for the ensuing year. There was no second to the nomination.

Mayor Foy called the vote, which was 4-1 in favor of Vice Mayor Gordon, and 1-4 in favor of Council Member Johnson.

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APPROVAL OF THE AGENDA

Mayor Foy inquired if there were any additions, deletions, or modifications to the agenda, and there were none.

Council Member Johnson moved to approve the agenda as submitted; seconded by Vice Mayor Gordon. Motion carried 5-0.

APPROVAL OF THE CONSENT AGENDA

1. Approval of the Minutes of the February 22, 2024, Regular Meeting

Council Member Caranci moved to approve the consent agenda as submitted; seconded by Council Member Johnson. Motion carried 5-0.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations scheduled.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO)

Deputy Maldonado reported on the statistics for the last 30 days which included fraud where the victim's debit card was intercepted in the mail and used out of the county; assisting West Palm Beach Police with a stolen vehicle recovery; a verbal disturbance between acquaintances in a commercial business parking lot; 111 traffic stops; and 70 business/residence checks.

Council Member Johnson asked for clarification on an address, and Deputy Maldonado stated he would get back to staff with the answer.

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

Acting District Fire Chief Craig Spiegelhalter reported on the statistics for the month of February which included 14 medical calls, 3 motor vehicle accidents, 2 fire alarms, 2 assist/investigations for smoke in the area, and 1 hazardous situation with downed power lines, for a total of 22 events. The average response time was 7.10. He distributed the Fire Department annual reports, and described other events and initiatives that the Fire Department has recently been involved with. He mentioned that District Chief Tracey Adams will be returning to duty next week. Town Administrator Stevens thanked Chief Spiegelhalter for the seamless transition and being extremely helpful while Chief Adams was away.

PUBLIC HEARINGS & ORDINANCE READINGS

- 2. First Reading and Transmittal of Ordinance No. 522: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, PURSUANT TO AN APPLICATION FOR VOLUNTARY ANNEXATION FILED WITH THE TOWN BY MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION, AS AGENT, ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, FIVE (5) PARCELS OF REAL PROPERTY COMPRISING A TOTAL OF 12.553 ACRES, SAID REAL PROPERTY BEING LOCATED IN UNINCORPORATED PALM BEACH COUNTY APPROXIMATELY 0.22 MILES NORTH OF SOUTHERN BOULEVARD, 0.91 MILES WEST OF MILITARY TRAIL, AND 2.30 MILES EAST OF THE FLORIDA TURNPIKE, AS MORE PARTICULARLY DESCRIBED HEREIN AND AS DEPICTED ON THE SURVEY AND MAP ATTACHED HERETO; DECLARING THAT THE VOLUNTARY ANNEXATION APPLICATION BEARS THE SIGNATURES OF THE OWNERS OF THE REAL PROPERTY TO BE ANNEXED HEREBY; FINDING THAT THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN, REASONABLY COMPACT AND WILL NOT RESULT IN THE CREATION OF ANY ENCLAVES, AND IS IN ACCORDANCE WITH THE**

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VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; AMENDING APPENDIX A OF SECTION 1.02 OF ARTICLE I OF THE TOWN CHARTER BY REDEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE TOWN TO INCLUDE THE ANNEXED REAL PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE, THE PALM BEACH COUNTY CLERK OF COURT, THE COUNTY ADMINISTRATOR FOR PALM BEACH COUNTY AND OTHERS, AND PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

The Council dispensed with the reading of Ordinance No. 522 since the title was read earlier during the Local Planning Agency portion of the meeting.

Town Attorney Foster stated that the recommendation from the Local Planning Agency is to postpone/continue this hearing to the date certain of April 25, 2024, at 6:00 p.m. at Haverhill Town Hall located at 4585 Charlotte Street, Haverhill, Florida.

Council Member Withington moved to postpone/continue this hearing to the date certain of April 25, 2024 at 6:00 p.m. at Haverhill Town Hall located at 4585 Charlotte Street, Haverhill, Florida; seconded by Vice Mayor Gordon. Motion carried 5-0.

REGULAR AGENDA

3. Request from the Owners of 536 & 550 Tall Pines Rd for a Driveway Variation Pursuant to Town Code Section 53-319(i)

Town Engineer McLeod reported that the owners of 536 and 550 Tall Pines Road are proposing to construct a shared driveway which would require a driveway variation to eliminate the 5-foot side setback on the east side of 536 Tall Pines and eliminate the 5-foot side setback on the west side of 550 Tall Pines. He indicated that the 5-foot side driveway setback is intended to minimize storm runoff from one lot from flowing directly onto the neighboring property by allowing a pervious space between adjacent driveways / lots. The side driveway setback also allows pervious area to slow and reduce storm runoff from entering the Town's right-of-way and drainage systems. He stated that as the variation for a shared driveway would eliminate the pervious buffer, if the Council decides to approve the variations, he recommends the following engineering conditions of approval:

- a. The new shared driveway shall be constructed from a pervious pavement or paver system with underlying stone reservoir subbase to capture storm runoff and minimize runoff entering the adjacent lot and Town right-of-way.
- b. An engineering plan shall be submitted to the Town documenting the pervious pavement or paver system and the retained stormwater volume (retained runoff volume shall be a minimum of the 5 year – 24-hour rainfall).
- c. The submitted engineering plan shall include proposed grading and a driveway swale to prevent runoff from directly "sheet flowing" into Tall Pines Road.

Town Engineer McLeod stated that staff met with the applicants and they have requested to install a catch basin and trench drain, and pipe it to a retention system on their property, along with placing a culvert underneath the driveway. He stated he does not have an objection to that method.

Town Administrator Stevens stated that the applicants started work on the shared driveway without a permit, and staff informed them that they would need a variation approved by the

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Council prior to continuing, and if approved, would need a building permit prior to continuing the work. She also mentioned that even though the current owners of the property have no objection to sharing a driveway, future owners may not share that approach. She cautioned the Council about approving a shared driveway due to future potential ramifications.

The owners of the two properties, Greta Moya of 536 Tall Pines Rd, and Patrick Aceti of 550 Tall Pines Rd, spoke to the Council. Mr. Aceti apologized for beginning the work without a permit and indicated that they did not realize a permit was needed for a paver driveway. He mentioned the lack of drainage on Tall Pines Rd and stated that he addressed the drainage on his property.

Ms. Moya stated the pavers would not be a permanent fixture, so they were unaware they needed a permit. She stated that since the pavers are not permanent, any potential new owner could remove them if they wish. She also stated that they could construct the driveway with pervious pavers as recommended by the Town Engineer.

Mayor Foy stated he has major concerns about constructing driveways that touch. He stated he understands the request to construct a driveway on 550 Tall Pines Rd to access the covered storage area but asked for clarification as to the need to construct the driveway on 536 Tall Pines. Ms. Moya responded that they will be constructing a pool, and she would like the pool servicing company to have access to the back of the lot from that side of the property. Mayor Foy asked about the distance from the side of the house to the side lot line, and stated it appears from looking at the survey a vehicle would not be able to access the back of the lot in that area.

Council Member Caranci agrees with staff that the driveways should not abut each other due to potential drainage issues and issues with potential new owners. He prefers seeing a buffer between the two driveways such as a hedge.

Vice Mayor Gordon asked if this request was only for aesthetic purposes, or to save money. He mentioned that pool service companies usually don't have a need to drive onto the property. He stated that new owners would potentially have a large cost to remove pavers if they didn't want to share a driveway with the neighbors. He stated he can't see that it's absolutely necessary to construct a paver driveway in that area.

Town Administrator Stevens stated that the code provides that no more than 30 percent of the front yard is utilized for parking, so that figure would need to be calculated in the engineered drawings.

Council Member Johnson agrees that the major concern is when the property changes hands. She suggests that the owners work with staff to come up with a plan that may work for all involved.

Mayor Foy stated he cannot find justification for approving a variation to construct a driveway in the setbacks on 536 Tall Pines Rd. Town Attorney Foster stated that the affirmative finding the Council needs to make is that the variation is not contrary to the intent of the chapter. The Council could approve, disapprove, or approve with conditions. He stated that if the driveway is shared, there needs to be an easement. Mayor Foy mentioned that there would also need to be a removal agreement between the two owners which could potentially be a problem if there is a new owner.

Council Member Caranci stated that if the Council is going to consider approving with conditions, it may be more sustainable in the future if there is some sort of separation between the

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two, such as 2.5 feet on each side, totaling 5 feet in the middle with some sort of separation such as a hedge. The Council agreed.

Mr. Aceti asked if they could lay down rock as opposed to pavers, and Town Attorney Foster stated that the area needs to be constructed of a material that is acceptable to the Town Engineer, and rock is generally not acceptable as it washes out into the street.

Council Member Caranci mentioned that maintaining a healthy pervious area on the lot is important for drainage purposes.

Council Member Caranci moved to postpone this item to April 25, 2024 to give staff the opportunity to work with the applicants to address the Council's concerns; seconded by Council Member Withington. Motion carried 5-0.

Town Administrator Stevens cautioned the property owners not to do any more work on the property without a permit.

4. Request from the Owners of 5311 Club Rd for a Driveway Variation Pursuant to Town Code Section 53-319(i)

Town Engineer McLeod stated that the property has an existing driveway on the North side of Club Road and the request is to widen the driveway to the property line to provide access to the rear of the property where a motor home is parked. He stated that an addition to the house juts out around 13 feet which reduces their area for the driveway.

Town Administrator Stevens stated that the driveway was already constructed without a permit, and staff notified the owner that since it was constructed in the side setback, a variation would be needed from the Council prior to a building permit being issued.

Town Engineer McLeod stated that the portion of the driveway adjacent to the structure would need the variation.

Randy Salazar, the owner of 5311 Club Rd, stated that there was already an existing driveway, and they are trying to beautify the lot by installing pavers. He mentioned that he has a tall transit van that is unable to go under the roof overhang if he is not allowed to extend his driveway into the side setback. Without the variation, he will not be able to move his jet skis from the rear of the property or park the van in the rear of the property.

Mayor Foy asked if a permit was issued for the previous asphalt, and Town Administrator Stevens was unsure.

Town Administrator Stevens asked if the pavers would be going all the way to the fence which is on the property line, and Mr. Salazar confirmed. Town Administrator Stevens stated that the runoff may go onto the neighboring property if that is the case. Mayor Foy suggested curbing or a design that would keep the runoff on the property.

Town Administrator Stevens stated that staff would need to see the survey to see if no more than 30 percent of the front yard will be utilized for parking in accordance with Town Code.

Vice Mayor Gordon stated that the Council tries to work with owners so they can enjoy their property, while also making good decisions for the Town.

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Mayor Foy stated that the Council needs to see an engineering plan so they can make an informed decision. He would like to see conditions such as leaving the five feet as far back from the street as possible and providing the protective barrier from the neighbor such as a curb or drain.

Council Member Caranci moved to approve the request for variation conditioned upon limiting the area upon which the variation is granted to between the fence and the side of the house, and subject to the owner submitting an engineering plan addressing the protective barrier between the properties that is reviewed and approved by the Town Engineer upon submittal, and subject to legal review; seconded by Council Member Withington. Motion carried 5-0.

5. Request from D.R. Horton for a Bond Reduction for the Haverhill Courts Development

Town Engineer McLeod reported that D.R. Horton posted bond as required by Town Code for the Haverhill Courts development and they have requested a bond reduction since most of the infrastructure work has been completed. D.R. Horton's Engineer, Civil Design, submitted an estimate of how much work has been completed. Upon review, Town Engineer McLeod noticed that the individual sidewalks to the units need to be included in the estimate, and he recommended changing the amount from \$48,142 to \$78,142.

Mayor Foy called for public comments. Brenan Lark of Civil Design stated that the developer is willing to a reduction of any amount that the Council chooses.

Vice Mayor Gordon moved to allow a bond reduction to \$78,142 for the Haverhill Courts development; seconded by Council Member Johnson. Motion carried 5-0.

6. Request from DISH Wireless to Lease Ground and Tower Space, and to Eliminate the Minimum Height Requirement

Town Administrator Stevens stated that the representative from DISH Wireless was ill and not able to attend the meeting, so she is recommending that the Council postpone this item to the next meeting.

Mayor Foy stated that he cannot recall why the Council had set the minimum height of 67 feet and will ask staff at the next meeting.

Council Member Withington moved to postpone this item to the meeting of April 25, 2024; seconded by Council Member Caranci. Motion carried 5-0.

7. Fifth Amendment to the New Cingular Wireless PCS, LLC Tower Lease Agreement

Town Administrator Stevens stated that the representative from DISH Wireless was ill and not able to attend the meeting, so she is recommending that the Council postpone this item to the next meeting.

Council Member Johnson moved to postpone this item to the meeting of April 25, 2024; seconded by Council Member Withington. Motion carried 5-0.

8. Ratification of Expenditure of \$350 from the Executive Department Advertising Line Item for an Advertisement in the Palm Beach County Caucus of Black Elected Officials Scholarship Luncheon Pamphlet

Mayor Foy noted that this is a procedural item to make it official on the record since this was approved at the last meeting without an item listed on the advertised agenda.

Vice Mayor Gordon moved to ratify the expenditure of \$350 from the Executive Department advertising line item for an advertisement in the Palm Beach County Caucus of Black Elected Officials scholarship luncheon pamphlet; seconded by Council Member Johnon. Motion carried 5-0.

REPORTS

9. Town Attorney

Town Attorney Foster had nothing to report.

10. Mayor

Mayor Foy mentioned that the NPDES reports are due tomorrow, and the Town has already submitted its report. He mentioned that the NPDES annual training was held recently and the Town's representative, Karen Brandon, attended the training. Town Administrator Stevens stated that she attended the training as well, along with staff members Joe Petrick and Rodrick Jones.

Mayor Foy reported that he attended the PBCLOC District II/III meeting and the major focus was the extension of the infrastructure surtax. He stated that even though the majority of municipalities submitted resolutions in favor of the extension, the County voted it down, as they want to present a transportation surtax package next year. He also noted that the School Board is going to present an infrastructure surtax package of its own for the November ballot.

11. Town Administrator

Town Administrator Stevens noted that her written monthly report was submitted in the Council packages which included the following:

- a. The County has applied for a CDBG grant to install basketball court lighting at Haverhill Park. Town Administrator Stevens will update the Council regarding the grant application at a future date.
- b. Staff has noticed many cars parked on the grass and in the Town's swale areas along Charlotte & Concord which is causing damage, and staff is requesting the ability to install "No Parking" signs along those areas, along with any other areas that are deemed necessary. There was Council consensus to do so.

Mayor Foy thanked Town Administrator Stevens for following up on the street light outages in the Town. Most of the lights are now working.

Council Member Withington inquired about the replacement of the racquetball courts in Haverhill Park, and Town Administrator Stevens stated she will inquire with the County.

Town Administrator Stevens reported that she asked Town Engineer McLeod to provide a road condition/grading report so she can properly develop a capital improvements plan for road work.

Council Member Caranci inquired about the status of the traffic calming project, and Town Engineer McLeod stated that he is working on scheduling a pre-construction meeting with Wynn & Sons.

Mayor Foy stated he inquired with Town Administrator Stevens regarding the ARPA fund expenditures, and she reported back to him that the upcoming Tall Pines Rd drainage project would take up a large portion of the funds that are left.

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12. Treasurer

The Treasurer's report for February 2024 was presented by Town Administrator Stevens and accepted by the Town Council.

Council Member Johnson moved to receive and file the Treasurer's Report of February 2024; seconded by Council Member Caranci. Motion carried 5-0.

13. Committee Delegates

Vice Mayor Gordon reported that he and Council Member Johnson attended the Palm Beach County Caucus of Black Elected Officials Scholarship Luncheon which was a big success. He appreciates the Town's support for the scholarships. Council Member Johnson joined in thanking the Town.

Council Member Johnson thanked Town Administrator Stevens for following up on the basketball court lighting in Haverhill Park, and noted the park is enjoyed by many in the community.

Council Member Caranci asked about the Wellington area air control expansion and Council Member Johnson stated that the issue is regarding who regulates helicopters. Council Member Caranci noted that the airport noise has increased in Haverhill since the change was made.

UNFINISHED BUSINESS

There was no unfinished business to come before the Council at this time.

NEW BUSINESS

There was no new business to come before the Council at this time.

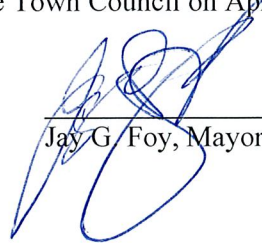
ADJOURNMENT

There being no further business to come before the Town Council, the meeting was adjourned at 7:59 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Town Council on April 25, 2024.

Approved: 

Tracey L. Stevens, Town Administrator



Jay G. Foy, Mayor



SIGN IN SHEET

TOWN OF HAVERHILL
 LOCAL PLANNING AGENCY & REGULAR TOWN COUNCIL MEETING
 Thursday, March 28, 2024
 6:00pm

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