

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



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ March 14, 2019
7:00 p.m.
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- IV. SWEARING IN OF COUNCIL MEMBER**
 - a. Oath of Office – Seat 3 – Jay G. Foy
Seat 4 – Lawrence Gordon
Seat 5 – Mark C. Uptegraph
- V. ROLL CALL**
- VI. REORGANIZATION OF TOWN COUNCIL**
 - a. Appointment of Mayor and Vice Mayor
- VII. APPROVAL OF AGENDA**
- VIII. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the February 14 and February 28, 2019 regular meetings
- IX. PROCLAMATIONS AND PRESENTATION**
- X. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- XI. SECOND READINGS AND PUBLIC HEARINGS**
- XII. REGULAR AGENDA AND FIRST READINGS**
 - a. Act on Special Exception Request of Michael Toll Mena, property owner at 5100 Belvedere Road to allow for an accessory dwelling unit in accordance with Division 11, Section 58-511 of the Town of Haverhill Code of Ordinances.
 - b. Act on Variation Request of Evelio and Alina Santiago to allow for a driveway to be constructed into the required setback of at least five feet from the property line (Sec. 58-319 (g) and (h) of the town of Haverhill Code of Ordinances.
 - c. Consider extension of Solid Waste and Recycling Agreement between the Town of Haverhill and Waste Pro per Sec. 2-66 of the Town of Haverhill Code of Ordinances.
 - d. First Reading of Ordinance No. 470
An Ordinance of the Town of Haverhill Amending Chapter 58 – Zoning, of the Town's Code of Ordinances by amending Article 1 General to amend Section 58-8 Definitions, by amending the definition of Dwelling Unit, and adding definitions for Duplex, Dwelling, Single-Family, Two Family and Multiple Family Dwellings; providing for the Codification; providing for the Severability; providing for the Repeal of laws in Conflict; and Providing for an Effective Date
- XIII. REPORTS**

Town Attorney
Mayor
Town Administrator
Committee/Delegate Report
Treasurer's Report (included in packet)

XIV. UNFINISHED BUSINESS

XV. NEW BUSINESS

XVI. ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ March 14, 2019
7:00 p.m.
OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, March 14, 2019 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member and Remar M. Harvin, Council Member. Also present were John Foster, Town Attorney; Janice C. Rutan, Town Administrator and Joseph Roche, Director of Public Services.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation and led in the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present with the exception of Council Member Harvin.

COMMENTS FROM THE PUBLIC:

None.

SWEARING IN OF COUNCIL MEMBERS

Attorney John Foster administered the Oath of Office to returning Council Member Jay G. Foy (Seat 3), Lawrence Gordon (Seat 4) and Mark C. Uptegraph (Seat 5) for the ensuing two year term.

REORGANIZATION OF THE TOWN COUNCIL

Nomination for Mayor

Council Member Gordon nominated Jay Foy to serve as Mayor for ensuing one year term. Council Member Sohn seconded the nomination. There being no further nominations from the floor, Jay G. Foy would serve as Mayor for a one year term by unanimous vote (4-0) of the Town Council.

Nomination for Vice Mayor

Council Member Sohn nominated Lawrence Gordon to serve as Vice Mayor for ensuing one year term. Council Member Uptegraph seconded the nomination. There being no further nominations from the floor, Lawrence Gordon would serve as Vice Mayor for the ensuing one year term by unanimous vote (4-0) of the Town Council.

APPROVAL OF AGENDA

The Town Administrator requested approval of the minutes of the February 28, 2019 meeting be removed from the Consent Agenda. **A motion was then made by Vice Mayor Gordon and seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the Agenda as emended.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the February 14 and ~~February 28, 2019~~ regular meetings

The Town Administrator informed the applicants that In addition to the above conditions, a requirement of the existing Ordinance is that that the owner of the property shall provide the name, address and relationship of the person or persons intending to occupy the ADU, along with documentation supporting same. *The owner of the property shall attest and affirm on an annual basis, along with the family member occupying the ADU, of their continued residency on the owner's property. They agreed.*

Act on Variation Request of Evelio and Alina Santiago to allow for a driveway to be constructed into the required setback of at least five feet from the property line (Sec. 58-319 (g) and (h) of the town of Haverhill Code of Ordinances.

Mr. and Mrs. Santiago, property owners at 842 Briarwood Drive were present to address the Town Council.

The Town Administrator explained that the Santiago's had applied for a permit to enlarge their driveway to accommodate additional cars in their driveway Review of the permit confirmed that the enlargement encroached into both the rear and side setbacks. The Ordinance did contain a variation provision and staff was bringing the matter before Council to determine if a variation could be considered or if the Santiago's would need to request a variance.

The Town Attorney addressed Town Council and reported that he, the Town Administrator and the Town Planner had met earlier in the week and through their findings had determined that the driveway and additional cement pad being shown on the proposed plan, located to the side of the house, should be considered a structure and as such would have to meet the setbacks.

Vice Mayor Gordon suggested Mr. Santiago consider cement strips as a driveway in lieu of paving the entire front yard in front of the garage. A discussion of pervious vs. non pervious ensued.

The Town Attorney reported that he had done research on the request and that the Town Council should also consider storm water management practices; the original POA docs for the Briarwood subdivision; Ordinance 228; and the calculation for the required sod coverage and that no more than 30% of the area could be set aside for parking, especially since it was the property owner's intent to remove the grass on the west side of his property. Further, he questioned the survey that was presented as part of the package as it appeared that some of the structures were not to scale or had been moved since the survey was drawn.

The applicants addressed the Town Council. They explained that their children have moved back home with them and they often have to park their cars in the road as there was no room in the driveway for the additional cars. They live on a curve in the road which then makes it very dangerous for cars and emergency vehicles to get around the parked cars causing a safety hazard. They have been cited by the Town's Code Enforcement in the past.

Director of Public Services Joseph Roche concurred adding that he had tagged the vehicle's in the public R-O-W on numerous occasions and it was becoming a life, safety and welfare issue.

Discussion followed. The Santiagos then explained that they would be using the area, immediately adjacent to the garage, behind the front of the house to park their Recreational Vehicle. Mayor Foy suggested a second ingress /egress could be added to the east of the lamp post.

A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph 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 Sam Rosenfeld was present to present the crime statistics from February 28 – March 14, 2019. He reported on the alarm calls and the service calls to homes and businesses. All agreed that the permit detail was working to deter crime in the area. Council expressed their appreciation to PBSO.

SECOND READINGS AND PUBLIC HEARINGS

None.

REGULAR AGENDA AND FIRST READINGS

Act on Special Exception Request of Michael Toll Mena, property owner at 5100 Belvedere Road to allow for an accessory dwelling unit in accordance with Division 11, Section 58-551 of the Town of Haverhill Code of Ordinances.

Mr. and Mrs. Mena were present at the meeting. The Town Administrator offered Staff's report, recommending approval with conditions as per the Staff meeting held between herself, the Town Attorney and Town Planner.

Mr. and Mrs. Mena explained that the shed would be converted into an ADU and Mrs. Mena's mother, who is also their nanny, would live there. The survey they provided did not call out the specific measurements of the shed or the distance of the shed from the rear lot line. At a minimum Council would request an updated survey showing measurements, a letter from the Department of Health that the existing septic and drain fields

The Mena's did state for the record that the shed already had plumbing. Council was still requiring the ADU be permitted by the Building Official and meet the current Florida Building Code.

A motion was then made by Council Member Sohn and seconded by Vice Mayor to grant approval provided the following conditions were met prior to the issuance of a building permit:

- **The survey will need to be revised to show the exact measurements of the existing accessory building and the setbacks from the side and rear lot lines and separation from the main house of the existing accessory building;**
- **A letter from the PBC Health Department certifying that the existing septic system and drain fields are adequate to handle the additional bedroom and bathroom**

The applicants were to meet Building Official's conditions to be sure the conversion of the existing building will meet current Florida State building codes, as well as any conditions consistent with the Code of Ordinances for the Town.

The motion was voted and passed unanimously (4-0).

Discussion continues and addressed such items as the drainage on the area; crossing the Town's swale and valley gutter, etc. The Director of Public Services reported that there were at least 7 driveways in Briarwood that are on the property line. Mayor Foy commented that the Town could not consider existing non-conformities as a means to justify granting a non-conformity.

It was agreed that with so many unanswered questions the Council would be unable to take action on the request. If they were to act on the request, it would be denied and they further cautioned about moving forward with a variance request as approval would be difficult as the applicant was causing their own hardship.

By general consensus of the Town Council, it was agreed to request the Town Administrator schedule a meeting with the Santiagos and pertinent staff to have the outstanding items addressed so when the matter came back before Council it would be accompanied by a staff report with a solid recommendation.

At a minimum, the following matters would need to be addressed and clarified:

- Discuss dividing the request into (i) driveway expansion, for which a variation can be granted; and (ii) paver stone installation on the side of the house which will necessitate a variance request.
- Provide Mr. Santiago copies of all code provisions relative to the parking of a recreational vehicle ("RV") on the side of his house so that he has enough room to park the RV beside the house without it protruding past the front of the house.
- Reference was made to a "drainage easement" being on the side of the Property where the RV will be stored. Staff would like an updated surveying showing existing conditions and locating any easements (recorded or not), sheds, driveways currently on the property. Once that is done, Mr. Santiago can draw the driveway expansion on the survey in compliance with Sec. 58-319. The Town drainage system maps will need to be reviewed.
- The Surveyor should make a calculation of the amount of area that will be used for parking in the front yard with respect to Sec. 58-363(c) which prohibits "*the use of more than 30 percent of the front yard for parking.*"
- Review of Ch. 50 (Stormwater) and Ch. 44 (Floodplain Management) to see if applicable to Property.
- Confirm that Property complies with Sec. 58-391 which provides in pertinent part: "*No existing property or lot within the town shall be permitted to reduce or remove its tree, shrub and/or sod plantings to less than what is required in [section 58-411](#), unless such plantings shall be replaced, or if the tree, shrub and/or sod plantings are already less than required in [section 58-411](#), to further reduce or remove the plantings.*"

Consider extension of Solid Waste and Recycling Agreement between the Town of Haverhill and Waste Pro per Sec. 2-66 of the Town of Haverhill Code of Ordinances.

The Town Administrator reported that she had met with Chris Schulle of Waste Pro and Waste Pro would like to extend the contract with the Town of Haverhill for an additional 3 years under the following rates:

FY 2019/2020 at a 15% increase, resulting in a per unit per month cost of \$23.08

FY 2020/2021 an increase based on the CPI, not to exceed 3%

FY 2021/2022 an increase based in the CPI, not to exceed 3%

The hurricane debris rates would remain the same at \$10.00 per cubic yard.

The Town Administrator explained that Mr. Schulle was out of Town and was unable to attend this evening's Council meeting but would be at the March 28, 2019 meeting.

Discussion followed and although the Town Council were all in agreement that they were happy with the services that Waste Pro provided, they felt there was room for negotiation with the rate increase being proposed.

A motion was then made by Council Member Sohn, seconded by Vice Mayor Gordon and unanimously passed (4-0) to authorize the Town Administrator to negotiate with Waste Pro and place the matter on the March 28, 2019 Town Council meeting for final determination.

First Reading of Ordinance No. 470

An Ordinance of the Town of Haverhill Amending Chapter 58 – Zoning, of the Town's Code of Ordinances by amending Article 1 General to amend Section 58-8 Definitions, by amending the definition of Dwelling Unit, and adding definitions for Duplex, Dwelling, Single-Family, Two Family and Multiple Family Dwellings; providing for the Codification; providing for the Severability; providing for the Repeal of laws in Conflict; and Providing for an Effective Date

The Title was read by Attorney Foster.

A motion was then made by Council Member Uptegraph, seconded by Council Member Sohn and unanimously passed (4-0) to approve Ordinance No. 470 on First Reading.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy, in response to Council Member Sohn's comments at the March workshop regarding an amnesty type program for pre-existing non conformities in Town, suggested that Council Member Sohn research how the Town could convert those uses into legal uses without breaking their own rules.

Mayor Foy next reported on the League of Cities District 2 and 3 lunch and the success of the new location at El Sabor restaurant.

Town Administrator

The Town Administrator reported on the revenue audit being conducted by the Inspector General's office.

Committee/Delegate Report

Council Member Sohn disclosed that he would be traveling to Tallahassee for Legislative days.

He reminded all that he had been serving on the Town Council for 1 year and thanked the Town Council for their courtesy and patience over the past year. He has enjoyed working together.

Vice Mayor Gordon announced that the Palm Beach County League of Cities Scholarship Committee had awarded 5 scholarships to students. He commented that the decision was extremely difficult as there were so many talented students.

Treasurer’s Report

Included in packet.

UNFINISHED BUSINESS

None

NEW BUSINESS


Vice Mayor Gordon reported that he had attended a meeting at the City of Greenacres City Hall and noticed that they were serving as a passport issuance office. In speaking with the Mayor, he learned that the office had generated over \$130,000 in revenue in its first year of operation. He suggested the Town look into becoming a passport office as well.

By general consensus the Town Administrator was requested to write a letter to the Passport office expressing the Town’s interest in serving as a passport issuing office.

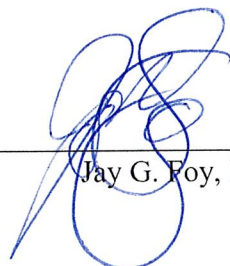
ADJOURNMENT

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

Approved: April 11, 2019

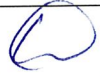



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

SIGN IN SHEET
TOWN OF HAVERHILL
REGULAR TOWN COUNCIL MEETING
Thursday, March 14, 2019 7:00 p.m.

Name	Address	Signature
Michael Toll	5100 Belvedere Rd Haverhill, FL	
Maria Martinez	"	Martinez
Carol Levy	278 Piedmont F Delray Beach FL	Carol Levy
BURRE	227 Piedmont F Delray Beach FL	
Alina Santiago	842 Beauvoir	Alina Santiago
Evelio Santiago	Drive	Evelio Santiago
Harley Vaughan	1256 Palmetto Rd Haverhill, FL 33417	