

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 ~August 22, 2019**  
**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 July 25, 2019 minutes of the Regular Meeting**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. Act on variance request of the property owner, RAKG, Inc. to allow for a minimum lot width of not less than 84' instead of the required 100' feet minimum lot width for the lot abutting Rutherford Lane and Belvedere Road which is being created by the minor subdivision of 5078 Belvedere Road.**
  - b. SECOND READING: ORDINANCE NO. 474: 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 DECEMBER 31, 2019; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**
  - c. SECOND READING: ORDINANCE 475: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE VII, PBI AIRPORT OVERLAY OF CHAPTER 58, ZONING, BY CORRECTING THE SCRIVENER'S ERROR IN SUBSECTION (2) OF SECTION 58-256 – REZONING CRITERIA, TO SUBSTITUTE HAVERHILL ROAD IN PLACE OF BELVEDERE ROAD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**d. RESOLUTION 2019-07:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT 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; APPROVING, CONFIRMING, AND ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL, INCORPORATED HEREIN AS EXHIBIT "B"; PROVIDING THAT SUCH ASSESSMENTS SHALL CONSTITUTE LEGAL, VALID, AND BINDING FIRST LIENS UPON PROPERTY AGAINST WHICH ASSESSMENTS ARE MADE UNTIL PAID; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**X. REGULAR AGENDA AND FIRST READINGS**

- a. Consider rescission of Special Exception granted to allow for an accessory dwelling unit at the property located at 5100 Belvedere Road as the conditions of approval have not been met.**
- b. Approve contractor for re-roofing of the Town Hall Maintenance Building as per quotes received**

**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 COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~August 22, 2019**  
**7:00 p.m.**

**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular monthly meeting of the Haverhill Town Council was held on August 22, 2019 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. Council Member Harvin arrived later. Also present were John Foster, Town Attorney and Janice 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 in the Pledge of Allegiance.

**ROLL CALL**

All members were present with the exception of Council Member Harvin.

**COMMENTS FROM THE PUBLIC**

None.

**APPROVAL OF AGENDA**

The Town Attorney requested the agenda be amended to move item 10.a to 9.b. **A motion was then made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (4-0) to approve the agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the July 25, 2019 minutes of the Regular Council Meeting.**

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

**PROCLAMATIONS AND PRESENTATIONS**

None.

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

A member of the Palm Beach County Community Policing Unit was present to report on the crime statistics for the previous two-week period. There had been several calls for alarms and suspicious persons. There had been three domestic reports, several business and resident checks, 3 motor vehicle accidents and a vandalism at 4560 Belvedere Road. The Town Council expressed their appreciation to the PBSO for their support.

**SECOND READINGS AND PUBLIC HEARINGS**

**Act on variance request of the property owner, RAKG, Inc. to allow for a minimum lot width of not less than 84' instead of the required 100' feet minimum lot width for the lot abutting Rutherford Lane and Belvedere Road which is being created by the minor subdivision of 5078 Belvedere Road.**

Attorney Foster explained that this would be a quasi-judicial hearing and that all persons wishing to testify would need to be sworn in. There would be testimony, cross examination and disclosure of ex-parte communications. He added that under the rules of procedure quasi-judicial proceedings could be waived.

**A motion was then made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (4-0) to waive quasi-judicial proceedings based on the consent of the applicant and those persons wishing to participate in the Public Hearing.**

Vice Mayor Gordon did disclose that he had visited the site.

Attorney Foster offered staff's report along with Town Planner Josh Nichols. It was explained that the applicants, RAKG, Inc. had requested a subdivision of the property located at 5078 Belvedere Road. Mr. Nichols reported it was Staff's recommendation that the variance be granted for only the lot that abuts both Rutherford Lane and Belvedere Road. The interior lot would meet the minimum lot frontage requirement of 100'. Staff's reasoning behind the recommendation was as follows:

- The variance granted would be the minimum variance that will make possible the reasonable use of the land. Creating two lots that would not meet the minimum standards would be excessive.
- The literal interpretation of Section 54-13(d) (2) would prohibit access to the lot abutting Belvedere Road as that section of the Ordinance prohibits ingress/egress of the lot directly to a major street. The access must be from Rutherford Lane (local street) thereby making the frontage of the lot on Rutherford Lane by definition, resulting in a reduction of the required 100' lot width.

**Nicholas Zevarino, 944 Rutherford Lane:** He was against the subdivision of the lot. He does not want any more traffic on Rutherford Lane. Would prefer the ingress/egress from Belvedere Road.

**Peter Parcels, Rutherford Lane:** He stated that several years ago he had inquired about subdividing the same parcel of land and was told he couldn't do it. He did not want to see two houses on the lot. Wants it to remain a single-family lot. Does not want access of Rutherford Lane.

Katia Gil was present representing the applicant, RAKG. She reported that they had received a variance from the Department of Health to allow for a septic system on each lot. Water would be supplied by Palm Beach County.

Again, it was explained that the applicant was present before the Town Council because the Town ordinances do not allow for ingress/egress off Belvedere Road. If that had been allowed, the applicant would have met all their requirements of a minor subdivision by meeting the 100' frontage on Rutherford Lane for the interior parcel, and the 100' frontage on Belvedere Road for the northern parcel.

Both Mr. Parcels and Mr. Zevarino reiterated their objections to the approval. Mr. Parcels suggested the lots should match those across the street and granting this subdivision would be detrimental to the Town of Haverhill.

It was noted for the record that the previous single family residence that was on the property had used Rutherford Lane as their main means of ingress/egress.

Staff further recommended that a time certain deadline be established for the filing of the Plat.

It was clearly demonstrated that the applicants had met all of the required standards for the granting of the variance.

**A motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the minor subdivision and variance in accordance with the survey dated 7-19-19 signed by Doug Walker, Professional Land Surveyor and Mapper, Florida Certificate No. 7211 of Principal Meridian Surveying, Inc. (copy attached), with the proviso that the Plat be filed with the Town of Haverhill within 6 months of the Approval date of August 22, 2019.**

## **REGULAR AGENDA AND FIRST READINGS**

**Consider rescission of Special Exception granted to allow for an accessory dwelling unit at the property located at 5100 Belvedere Road as the conditions of approval have not been met.**

The Town Attorney offered Staff's report. The conditions of the Special Exception granted to allow for an Accessory Dwelling Unit for the shed located at the rear of the property cannot be met as the shed does not meet the minimum required rear yard setbacks. As such it was staff's recommendation that the Special Exception granted on March 14, 2019 be rescinded.

Discussion followed. The Pena's have the property for sale and confirmed that the building could be referred to as a shed, but could no longer be considered an ADU.

A brief exchange took place between the Mrs. Pena and Mr. Zevarino who is their neighbor and was still in the audience.

**A motion was then made by Council member Uptegraph, seconded by Council member Sohn and unanimously voted (4-0) to rescind the March 14, 2019 Special Exception granted to the Pena's to allow for an accessory dwelling unit in the existing shed located at 5100 Belvedere Road.**

**SECOND READING: ORDINANCE NO. 474: 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 DECEMBER 31, 2019; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

The title was read by Attorney Foster. **A motion was made by Council Member Sohn, to approve the adoption of Ordinance No. 474 on second reading. The motion seconded by Vice Mayor Gordon and the vote passed 3-1, with Council Member Uptegraph voting against the continuation of a moratorium.**

**SECOND READING: ORDINANCE 475: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE VII, PBI AIRPORT OVERLAY OF CHAPTER 58, ZONING, BY CORRECTING THE SCRIVENER'S ERROR IN SUBSECTION (2) OF SECTION 58-256 – REZONING CRITERIA, TO SUBSTITUTE HAVERHILL ROAD IN PLACE OF BELVEDERE ROAD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. **A motion was made by Council member Sohn, seconded by Vice Mayor Gordon and unanimously passed (4-0) to approve Ordinance 475 on second reading.**

### **RESOLUTION 2019-07:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT 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; APPROVING, CONFIRMING, AND ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL, INCORPORATED HEREIN AS EXHIBIT "B"; PROVIDING THAT SUCH ASSESSMENTS SHALL CONSTITUTE LEGAL, VALID, AND BINDING FIRST LIENS UPON PROPERTY AGAINST WHICH ASSESSMENTS ARE MADE UNTIL PAID; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster.

The Town Administrator presented Staff's report.

The Mayor opened the Public Hearing.

**A motion was made by Council Member Uptegraph to approve Resolution 2019-07 as presented. The motion was seconded by Vice Mayor Gordon.**

**Nick Zevarino, 944 Rutherford Lane.** Mr. Zevarino stated that he took exception to the comment directed at him made earlier by the property owner of 5100 Rutherford Lane.

**Randy Adams, 975 Briarwood Drive.** He complained about the inconsistency in the garbage pick-up. His trash is often left curbside and not picked up. His cans are thrown and left in the middle of the street if they are emptied and picked-up. Often times his trash is picked through with items left behind.

The Town Administrator would contact Waste Pro to get the matter corrected.

The property owner at **1284 Park Lane** complained that the assessment was too high and wondered why she was receiving two assessments. She revealed there was an apartment in the garage.

**The vote was called and passed unanimously 4-0.**

**Approve contractor for re-roofing of the Town Hall Maintenance Building as per quotes received**

The Director of Public Services presented Staff's report. He had received four proposals for the re-roof of the maintenance building.

Rich Moore Roofing	\$5,000.
Campany Roof Maintenance	\$7,337.
American Roofing Contractor	\$8,500.
Bossler Roofing	\$6,984

**A motion was made by Vice Mayor Gordon, seconded by Council Member Sohn and unanimously passed (4-0) to award the contract for the re-roof of the maintenance building to Rich Moore Roofing in the amount of \$5,000.**

## **REPORTS**

### **Town Attorney**

Attorney Foster reported on a lawsuit filed by the City of Pensacola declaring the newly enacted tree legislation unconstitutional as the statute is very vague and does not define what is to be considered a danger.

**Mayor**

The Mayor reported on a meeting he had attended that addressed lowering the level of Lake Okeechobee. He reminded all that the lake had been lowered 2 feet in 2008.

**Town Administrator**

The Town Administrator reported that she had received a request from the City of Miami for support in Proclamations regarding mitigating coral reef diseases; anti-abortion legislation; Conservation Goals. No Council action was taken.

**Committee/Delegate Report**

Council Member Sohn requested a letter of appointment to the 2020 Census Complete Count Committee be sent to his appointee, Davilyn Whims. It was agreed to wait until the entire complete count committee is appointed.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

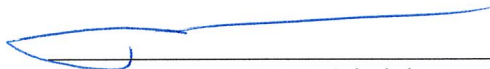
The Mayor's Literacy luncheon would be held on September 12, 2019 at the Flagler Steakhouse at the Breakers. Vice Mayor Gordon and Council Member Uptegraph would be attending.

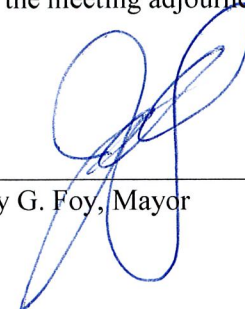
In response to the Council members keeping the iPads that had been replaced, the Town Council would need to declare them surplus property. The Town Administrator would look into what the going resale rate would be.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:35 p.m.

Approved: October 10, 2019

  
\_\_\_\_\_  
Janice C. Rutan, Town Administrator

  
\_\_\_\_\_  
Jay G. Foy, Mayor

**PROCLAMATION OF THE  
TOWN OF HAVERHILL, FLORIDA  
DECLARING NOVEMBER 17-23 AS  
NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK**

**WHEREAS**, the State of Florida ranks third in the Nation for the highest homeless population and one in seven of the state's population struggles with hunger, and;

**WHEREAS**, the Palm Beach County 2019 Homeless Point-In-Time Count identified 1,397 individuals and families experiencing homelessness, and the Palm Beach County Hunger Relief Plan indicates that more than 200,000 residents struggle with hunger, and;

**WHEREAS**, the purpose of Hunger and Homelessness Awareness Month is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Palm Beach County for very low-income residents, and to encourage support for homeless assistance service providers, as well as community service opportunities for students and school service organizations; and,

**WHEREAS**, the Palm Beach County Homeless Advisory Board has developed *Leading the Way Home*, a robust ten-year plan, designed as the next phase of ending homelessness in Palm Beach County,

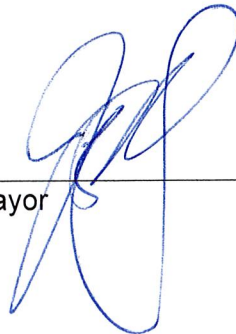
**WHEREAS**, the intent of Hunger and Homelessness Awareness Week is consistent with the activities of the Homeless Advisory Board, Homeless Coalition, Homeless and Housing Alliance, Palm Beach County Food Bank, The Lord's Place, Gulfstream Goodwill Industries, Adopt-A-Family, and other service providers in Palm Beach County.

**NOW, THEREFORE, I**, Jay G. Foy, Mayor of Haverhill, do hereby proclaim this 10 day of OCT., 2019 that the week of November 17-23, 2019 in Palm Beach County is hereby declared:


*National Hunger & Homelessness Awareness Week*

**IN WITNESS WHEREOF**, I have here unto set my hand and caused the official seal of the Haverhill Florida to be affixed this, 2019.

Jay G. Foy, Mayor



Attest:

  
Janice C. Rutan, Town Administrator



**PROCLAMATION**

**Town of Haverhill**

**Mediation Week**

**Whereas**, mediation is an informal and non-adversarial process in which a neutral and impartial third party aims to facilitate communication and negotiation between the disputing parties, and to help them reach a mutually acceptable and voluntary agreement, without prescribing what it should be; and

**Whereas**, mediation and other voluntary collaborative dispute resolution processes provide effective alternatives to litigation and court trials; and

**Whereas**, alternative dispute resolution (ADR), including mediation, has been utilized by the Florida court system to resolve disputes for over 30 years, offering litigants court-connected opportunities to resolve their disputes without judicial intervention; and

**Whereas**, the state of Florida is nationally recognized as a leader in the growing ADR field, with one of the most comprehensive court-connected mediation programs in the country; and

**Whereas**, mediators and other dispute resolution practitioners, through their concentrated expertise in helping parties find lasting solutions to complex problems, have continually demonstrated the value of alternative dispute resolution; and

**Whereas**, the Palm Beach County Bar Association through its Alternative Dispute Resolution Committee, seeks to promote the use and value of ADR processes to lawyers, the judiciary, and the public, and considers that these processes help parties resolve disputes without a trial in a less costly and more timely and satisfying manner; and

**Whereas**, the American Bar Association has declared the third week in October as Mediation Week in celebration of the strides made in institutionalizing mediation as one of several appropriate dispute resolution processes; and

**Whereas**, mediation along with the principles and practices it embodies--like self-determination as to process and outcome, open communication, and collaborative problem solving--can be a crucial tool for peacemaking between and among individuals, groups, units, neighborhoods, and governments, as well as in workplaces; and

**Whereas**, The **Town of Haverhill** expresses its appreciation to the Palm Beach County Bar Association, and especially to the members of its ADR Committee, for their efforts in promoting alternative dispute resolution throughout Palm Beach County.

**Now Therefore**, on behalf of the **Town of Haverhill**, we do hereby proclaim **October 13, 2019 through October 19, 2019** as:

**Mediation Week**

**In Witness Whereof**, I hereunto set my hand and seal this 10<sup>th</sup> day of **October, 2019**.

**ATTEST:**

  
\_\_\_\_\_  
**Janice C. Rutan, Town Administrator**

  
\_\_\_\_\_  
**Jay G. Foy, Mayor**

