

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
THURSDAY, SEPTEMBER 28, 2023
6:30 P.M.
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held on Thursday, September 28, 2023, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

COMMENTS FROM THE PUBLIC

Rick Woodman, 791 Mimosa Ct, asked if using a camper as a rental unit in a backyard is allowed, and Mayor Foy responded that it is not allowed by Town Code.

APPROVAL OF THE AGENDA

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

Council Member Withington moved to approve the agenda as amended; seconded by Council Member Johnson. Motion carried 4-0.

APPROVAL OF THE CONSENT AGENDA

1. **Approval of the Minutes of the September 14, 2023, Special Meeting**
2. **Approval of a Contract Extension for Town Auditing Services for FY23 in the amount of \$22,000 and FY24 in the amount of \$22,500 with Grau & Associates, and Acceptance of the Annual Engagement Letter**

Council Member Johnson asked for clarification on the amount, and Town Administrator Stevens noted that \$22,000 is the cost for one year, to complete the audit for FY23. The FY24 audit will cost \$22,500.

Council Member Caranci moved to approve the consent agenda as submitted; seconded by Council Member Withington. Motion carried 4-0.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations scheduled.

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

Deputy Kayla Schnell of PBSO reported on the statistics for the last 30 days which included three unknown subjects with a backpack near Rutherford Lane, fire of a downed power line, a solicitor on Palm Tree Lane, and six work trucks were burglarized at Sansone Air Conditioning. There were 104 traffic stops, a DUI arrest, and 169 business and resident checks.

COMMENTS FROM PALM BEACH COUNTY FIRE RESCUE

District Fire Chief Ricky Rodriguez reported that they added an additional rescue truck at station 33 on Kirk Road to service this area. He noted that there will be another interim Fire Chief assigned to Haverhill around mid-October, and he will let us know who that is as soon as possible.

PUBLIC HEARING ON THE FY24 FINAL BUDGET

3. Final Budget Hearing for FY24

a. Town Administrator's Presentation of the Final Budget & Final Millage Rate for the FY2023/2024 Budget

Town Administrator Stevens presented the FY24 final budget with a mil rate of 4.05 which is a decrease from last year's mil rate of 4.35. There were no changes to this budget since the adoption of the tentative budget on September 14, 2023. She noted it is Management's recommendation that the Town Council adopt the balanced final operating budget in the amount of \$1,429,205; the Special Revenue Infrastructure Surtax Fund budget in the amount of \$279,000; the Special Revenue Building Department Fund budget in the amount of \$136,915; and the Special Revenue American Rescue Plan Act (ARPA) Fund budget in the amount of \$709,888 for the fiscal year October 1, 2023, through September 30, 2024.

b. Town Administrator Stevens announced the Town of Haverhill Computed Millage Rate is Higher Than the Rolled Back Rate of 3.6834 by 9.95%. The millage to be levied is 4.0500.

c. Public Comment & Comments from Town Council Members

Mayor Foy called for public comment, and there was none.

d. Resolution No. 2023-06: Adoption of Final Millage Rate for FY2023/2024

Town Attorney Foster read Resolution No. 2023-06 into the record by title only.

Mayor Foy called for public comment, and there was none.

Council Member Withington moved to adopt Resolution No. 2023-06 @ 6:11 p.m.; seconded by Council Member Johnson. Motion carried 4-0.

e. Resolution No. 2023-07: Adoption of Final Budget for FY2023/2024

Town Attorney Foster read Resolution No. 2023-07 into the record by title only.

Mayor Foy called for public comment, and there was none.

Council Member Caranci moved to adopt Resolution No. 2023-07 @ 6:12 p.m.; seconded by Council Member Withington. Motion carried 4-0.

Mayor Foy thanked Town Administrator Stevens for her hard work in crafting the budget. Council Member Johnson asked how long the Town has to spend the ARPA funds, and Town Administrator Stevens responded that the funds need to be encumbered by December 31, 2024, and fully spent by December 31, 2026.

PUBLIC HEARINGS & ORDINANCE READINGS

- 4. Variance Request for 5465 Club Circle - An application submitted pursuant to Town Code, Chapter 58, Zoning, Article II, Variances, Section 58-56, by Winsor Charles, as owner, for a parcel of property located at 5465 Club Circle, Haverhill, FL 33415, is requesting a variance from the provisions of the Town Code, Chapter 58, Zoning; Article VI, District Regulations; Division 2, R-1 Single-Family Residential District; to permit the construction of a cement slab, a canopy extending from the dwelling along with a screen porch enclosure with a solid roof in the rear and side setbacks. The structures would be constructed 11 feet into the rear setback of 15 feet and 7 feet into the side setback of 10 feet. The property is located at 5465 Club Circle, Haverhill, FL, 33415, property control number 22-42-43-35-22-000-0100 and legally described as CLUB ROAD ESTATES PL LT 10 (exact legal description located at Town Hall).**

Town Planner Josh Nichols presented the staff report for the variance request for 5465 Club Circle and answered questions of the Council.

Town Attorney Foster noted that the irregular shaped lot, and the lot being adjacent to the water management tract make this request more palatable. He mentioned that the HOA letter needs to be updated to reflect that the encroachment would be in the side and rear setbacks. Town Administrator Stevens stated that it would be the recommendation of staff to condition the approval on the updated HOA approval. Town Attorney Foster recommended a time limitation for beginning the project and completing the project.

The applicant, Winsor Charles, addressed the Council and mentioned that the slab was already existing, and he is requesting the variance for the enclosure over the slab.

Town Administrator Stevens stated that Town Code requires that an applicant must prove a hardship for a variance to be granted by the Council. She stated that the applicant submitted the hardship justification statements in writing, and those are included in the meeting packages for the Council's review.

Mayor Foy called for public comments, and there were none.

Council Member Withington moved to approve the variance request for 5465 Club Circle for a screen enclosure as submitted with the conditions as follows: 1. The HOA approval letter be updated to reflect the encroachment into the side and rear setbacks; 2. Construction must commence within six months of September 28, 2023; and 3. Construction must be completed within 12 months of September 28, 2023; seconded by Council Member Johnson. Motion carried 4-0.

- 5. Second Reading and Adoption of Ordinance No. 518 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 14, PROPERTY MAINTENANCE STANDARDS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, CHAPTER 58, ZONING, OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, BY ADDING A NEW SECTION CREATING NEW STANDARDS FOR THE NUMBERING OF BUILDINGS AND HOMES IN THE TOWN, INCLUDING STANDARDS REGARDING THE LOCATION, SIZE AND TYPE OF NUMBERING AND THE MAINTENANCE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.**

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Town Attorney Foster read Ordinance No. 518 into the record by title only.

Mayor Foy called for public comments, and there were none.

Council Member Caranci noted that this will be a challenge for staff to enforce since there will be a lot of non-conforming properties with no numbers on the house. Town Administrator Stevens stated that staff would be educating the public regarding the new requirements well before any enforcement action could be taken.

Council Member Johnson moved to adopt Ordinance No. 518 on second reading; seconded by Council Member Withington. Motion carried 4-0.

6. **Second Reading and Adoption of Ordinance No. 519 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 6, LANDSCAPING REQUIREMENTS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, CHAPTER 58, ZONING, OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, BY AMENDING SECTION 58-419, EXOTIC VEGETATION REMOVAL, TO ADOPT THE LIST OF PROHIBITED PLANT SPECIES IN RULE 5b-57.007, F.A.C. AND THE NOXIOUS WEED LIST PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.**

Town Attorney Foster read Ordinance No. 518 into the record by title only and noted that the changes were incorporated into the final version as discussed by the Council at the last meeting.

Mayor Foy called for public comments, and there were none.

Council Member Caranci moved to adopt Ordinance No. 519 on second reading; seconded by Council Member Withington. Motion carried 4-0.

7. **Second Reading and Adoption of Ordinance No. 520 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-3, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, TO CLARIFY THAT THE HOUSING CODE FOR THE CITY OF WEST PALM BEACH IS ADOPTED AS THE HOUSING CODE FOR THE TOWN OF HAVERHILL, AND AMENDING CHAPTER 16, BUSINESSES, OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, BY ADDING A NEW ARTICLE REQUIRING RENTAL DWELLING UNITS IN THE TOWN TO OBTAIN LICENSES, BE SUBJECT TO PROPERTY INSPECTION AS A CONDITION OF THE ISSUANCE OF THE LICENSE, AND DESIGNATE A RESIDENT AGENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.**

Town Attorney Foster read Ordinance No. 520 into the record by title only.

Mayor Foy called for public comments, and there were none.

Council Member Withington moved to adopt Ordinance No. 520 on second reading; seconded by Council Member Johnson. Motion carried 4-0.

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REGULAR AGENDA

8. Approval of Quote from Primestar Digital Network not to exceed \$23,700 for Council Chamber Audio/Visual Upgrades Utilizing ARPA Funds

Town Administrator Stevens gave an overview of the project and noted she contacted three separate companies for price proposals. One company declined to provide a proposal, and two companies came out to Town Hall to discuss the project, with only one of those companies ultimately providing a proposal. Primestar Digital Network provided a quote in the amount of \$23,700, and Town Administrator Stevens mentioned that this company contracts with other municipalities in the area and they come highly recommended. She stated that she was very impressed with Darrian Dority's knowledge and experience, as well as the level of attention he has given to the Town. She introduced Mr. Dority of Primestar Digital Network who spoke to the Council regarding the specifics of the project. He noted that he works with multiple municipalities including Lake Worth Beach, Delray Beach, South Bay, Clewiston, Boynton Beach, and Palm Beach Shores.

Discussion ensued, and Mr. Dority and Town Administrator Stevens answered questions of the Council.

Mayor Foy called for public comments, and there were none.

Council Member Withington moved to approve audio/visual upgrades in the Council Chambers not to exceed \$26,000 to be performed by Primestar Digital Network subject to contract approval by the Town Administrator and Town Attorney, to be signed by the Mayor; seconded by Council Member Johnson. Motion carried 4-0.

9. Discussion with Traffic Engineer Regarding Possible Traffic Calming Expansion on Mimosa Court, Ponderosa Lane and Paloverde Place

Traffic Engineer John Kim of Bowman Consulting Group presented a plan for traffic calming on Mimosa Court, Ponderosa Lane, and Paloverde Place which is an expansion of traffic calming that was recently placed in this neighborhood. He explained that traffic is now bypassing the recent speed hump installations on Paloverde Place and Woodland Ave and speeding through the other parts of the neighborhood. He mentioned that he did not perform complex traffic analysis, as this is more of a response to complaints from residents. He stated that he visited the site to see if extra speed hump installations would fit around the driveways in the area. He explained the plan and answered questions from the Council.

Discussion ensued between Mr. Kim and the Council, and Council Member Caranci suggested that the speed hump proposed on Paloverde Place be removed, striping be added on Paloverde Place where it was missing from the last plan, and the speed hump on Mimosa be pushed far enough North to ensure vehicles backing out of the driveways will not be impacted by the speed hump. He also asked about the width of the speed humps to ensure they will be the smaller ones.

Mayor Foy called for public comments, and there were none.

There was consensus of the Council to approve the traffic calming plan submitted by Mr. Kim with the changes as suggested by Council Member Caranci.

The next step will be for the updated plan to be submitted to the Town Administrator, who will work with the Town Engineer on contractor pricing for the construction phase.

10. Approval of Piggyback Contract with Wynn & Sons for the Club Rd West Drainage Project and Engineering/Surveying by Town Engineer McLeod, McCarthy & Associates with a Total Project Cost not to Exceed \$142,959 Utilizing ARPA Funds

Town Engineer Todd McLeod presented the Club Rd West drainage plan to the Council and explained the project. He noted that there will be an increase in pipe size, metal culverts will be replaced, and roadside swales and driveway aprons will be reconstructed. All the work will be constructed in the Club Road West right of way and town easements, and staff will work with neighbors on the driveway apron reconstruction. Town Engineer McLeod stated that staff recommends piggybacking on the County's minor pathways construction contract with Wynn & Sons, and the Town Engineer will perform engineering, surveying and materials testing which is also included in the project. He stated that the project amount is within budgeted amounts utilizing ARPA funds.

Council Member Johnson stated that this is money well spent, as there has been recent flooding in the area. Town Engineer McLeod stated that although the pipe size will be increasing, the whole ditch is regulated by a structure behind Haverhill Courts which restricts the speed of water flow into the Lake Worth Drainage District system. The speed will increase; however, residents may still see water backing up in the area until it drains properly.

Mayor Foy called for public comment, and there was none.

Council Member Caranci moved to piggyback on Palm Beach County's contract with Wynn & Sons for the Club Rd West drainage project and authorize the Mayor to sign the contract, and approve engineering/surveying by the Town Engineer, for a total project amount of up to \$142,959; seconded by Council Member Johnson. Motion carried 4-0.

Council Member Caranci asked about the drainage system in his neighborhood due to some recent flooding and suggested that a water conveyance project be considered such as valley gutters. Council Member Withington suggested that valley gutters or curbing in the cul-de-sac areas of Briarwood also be considered to help with drainage.

REPORTS

11. Town Attorney

Town Attorney Foster did not have a report.

12. Mayor

Mayor Foy reported that the NPDES reporting period ends on 9/30, and we are still waiting for the new requirements to be issued by the state Department of Environmental protection.

13. Town Administrator

Town Administrator Stevens reported that the next Municipal Election will be held on March 19, 2024, and the qualifying period opens at Noon on November 14, 2023, and ends at Noon on November 28, 2023, for seats 1 and 2 currently held by Council Member Withington and Council Member Caranci. Qualifying packages will be ready in the Town Administrator's office soon. She also reported that newsletters were mailed this week. Read for the Record will be held on October 26th, and books are available for anyone who wishes to participate. Town Administrator Stevens reported that the infrastructure surtax sunsets in 2026, and the County is currently weighing its options on whether to do a transportation surtax or infrastructure surtax. Some municipalities have already passed resolutions in support of continuing the infrastructure surtax, as it benefits municipalities more than a transportation surtax would. Palm Beach County League of Cities held a meeting recently to discuss this and the meeting was contentious with no decision

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yet to support one surtax over the other. Town Administrator Stevens mentioned that it is unclear as to whether a transportation surtax would benefit Haverhill as it may be used mainly for transit as opposed to roadway and stormwater improvements.

14. Treasurer

The Treasurer's Report was presented for August 2023. Town Administrator Stevens noted that the Town is on track with revenues and expenditures.

Council Member Johnson moved to accept the Treasurer's Report for August 2023; seconded by Council Member Withington. Motion carried 4-0.

15. Committee Delegates

Council Member Johnson reported on the Re-Entry Task Force strategic plan. She also reported that the Black Elected Officials group is planning a gala in January to support college scholarships. She mentioned that she recently toured The Lord's Place new site on Australian Ave and stated they have some great programs such as employment, housing, and food assistance. She stated they are looking for volunteers.

Mayor Foy reported on the Water Resources Task Force and noted that he missed the PBCLOC District II/III meeting this month. He reported that he attended the NPDES Steering Committee meeting.

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 7:25 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Town Council on October 12, 2023.

Approved: _____


Tracey L. Stevens, Town Administrator


Jay G. Foy, Mayor

