

Jay G. Foy, Mayor
James E. Woods, Vice Mayor
Jerry E. Beavers, Council Member
Lawrence Gordon, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ June 14, 2012
7:00 p.m.
AGENDA

- I. **CALL TO ORDER**
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF THE CONSENT AGENDA**
 - a. **Approve Minutes of the May 10, 2012 and May 24, 2012 Regular Meetings**
- VI. **PROCLAMATIONS AND PRESENTATIONS**
- VII. **COMMENTS FROM THE PUBLIC**
- VIII. **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. **PUBLIC HEARING (SECOND READINGS) Continued from May 24, 2012 to a date certain - June 14, 2012 at 7:00 p.m.)**
 - a. **Act on request of Applicant to postpone second reading of Ordinance No. 405 to June 28, 2012.**
 - b. **ORDINANCE NO. 405: An Ordinance of the Town Council of the Town of Haverhill amending its Comprehensive Plan , and modifying the future land use map by changing an approximate 1.44 acre parcel from the Town's Low Density Residential Land Use designation to Other Public Facilities as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.**
 - c. **Act on request of Applicant to postpone second reading of Ordinance No. 406 to June 28, 2012.**
 - d. **ORDINANCE NO. 406: An Ordinance of the Town Council of the Town of Haverhill amending its Official Zoning Map, as amended, by redesignating an approximate 1.44 acre parcel from the Town's EXISTING R-1 single-family residential zoning district to the Town's R-2 Two-Family RESIDENTIAL district as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.**

e. Resolution 2012-01: A Resolution of the Town of Haverhill approving the Variation request from the Building Requirements in an R-2 Residential District as follows:

- **Minimum lot size (minimum required is 5,500 square feet and minimum provided is 5,275 square feet);**
- **Maximum lot coverage (maximum allowed is 40% and maximum provided is 43%);**
- **Minimum front setback (minimum required is 25 feet with 100 foot separation and minimum provided is 22.5 feet with 95 foot separation); and**
- **Minimum side setback (minimum required is 10 feet and minimum provided is 5 feet);**

and approving the request for an amendment from the originally approved development order for Sunset Isles as Approved through 2006-04 adopted March 23, 2006 and as amended through Resolution 2011-10 adopted October 13, 2011.

X. FIRST READINGS AND REGULAR AGENDA:

a. Approve the request of the Criminal Justice Commission for the allocation of FY2013 (Federal Fiscal Year 2012) JAG funds to Palm Beach County in the amount of \$358,801.

b. Appoint Voting Delegate for the Florida League of Cities Annual Conference August 23 - 25, 2012.

c. Discuss preliminary TRIM for non ad valorem assessment for solid waste and recycling

XI. REPORTS:

Town Attorney

Mayor

Consultants

Town Administrator

XII. Committee/Delegate Report

XIII. 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 ~ June 14, 2012
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, June 14, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member, and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, and Town Administrator, Janice C. Rutan.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

The Town Administrator recorded all members were present with the exception of Council Member Lawrence Gordon.

APPROVAL OF AGENDA

A motion was made by Vice Mayor Woods, seconded Council Member Uptegraph and unanimously passed to approve the agenda as amended by removing the approval of the consent agenda.

~~**APPROVAL OF THE CONSENT AGENDA**~~

~~Approve Minutes of the May 10, 2012 and May 24, 2012 Regular Meetings~~

PROCLAMATIONS AND PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Sergeant Craig Howard addressed Town Council. He offered the crime statistics for the previous two week period. He reported that on June 5, 2012 there had been five car burglaries that took place on Belvedere Road, in the Briarwood subdivision and on Luwal Drive. He reminded all to be sure to lock their vehicles and to keep items of value hidden. There had been a stolen car from Park Lane that was recovered in the Wal-Mart parking lot. There was a battery on a person reported at Haverhill Court. Several business and residence alarm checks were conducted.

Palm Beach County Fire Rescue was also in attendance.

IX. PUBLIC HEARING (SECOND READINGS) Continued from May 24, 2012 to a date certain - June 14, 2012 at 7:00 p.m.)

a. Act on request of Applicant to postpone second reading of Ordinance No. 405 to June 28, 2012.

b. ORDINANCE NO. 405: An Ordinance of the Town Council of the Town of Haverhill amending its Comprehensive Plan , and modifying the future land use map by changing an approximate 1.44 acre parcel from the Town's Low Density Residential Land Use designation to Other Public Facilities as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for

inclusion in the Comprehensive Plan; providing for an effective date and other purposes.

c. Act on request of Applicant to postpone second reading of Ordinance No. 406 to June 28, 2012.

d. ORDINANCE NO. 406: An Ordinance of the Town Council of the Town of Haverhill amending its Official Zoning Map, as amended, by redesignating an approximate 1.44 acre parcel from the Town's EXISTING R-1 single-family residential zoning district to the Town's R-2 Two-Family RESIDENTIAL district as requested by Clauduis Zetrenne, owner, and Shiloh Seventh Day Adventist (SDA) Church, through its agents, Kevin McGinley, Land Research Management, Inc. and Robert Kuoppala , Kuoppala & Associates, which parcel is located at 4968 Cyprus Lane, Haverhill, FL on the east side of Haverhill Road approximately .5 miles north of Belvedere Road; providing for severability; providing for repeal of laws in conflict; providing for the transmittal to the State of Florida Land Planning Agency, providing for inclusion in the Comprehensive Plan; providing for an effective date and other purposes.

Attorney Foster reported that a letter had been received from Kevin McGinley, agent on behalf of the Shiloh SDA Church, requesting a postponement from the June 14, 2012 meeting to the June 28, 2012 meeting for the second reading of Ordinances 405 and 406.

A brief discussion ensued. A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to continue to June 28, 2012 the second readings of Ordinance Number 405 and Ordinance Number 406.

e. RESOLUTION 2012-01: A RESOLUTION OF THE TOWN OF HAVERHILL APPROVING THE VARIATION REQUEST FROM THE BUILDING REQUIREMENTS IN AN R-2 RESIDENTIAL DISTRICT AS FOLLOWS:

- Minimum lot size (minimum required is 5,500 square feet and minimum provided is 5,275 square feet);**
- Maximum lot coverage (maximum allowed is 40% and maximum provided is 43%);**
- Minimum front setback (minimum required is 25 feet with 100 foot separation and minimum provided is 22.5 feet with 95 foot separation); and**
- Minimum side setback (minimum required is 10 feet and minimum provided is 5 feet);**

and approving the request for an amendment from the originally approved development order for Sunset Isles as Approved through 2006-04 adopted March 23, 2006 and as amended through Resolution 2011-10 adopted October 13, 2011.

Julian Bryan, Architect and Paul Horton were present representing DR Horton and the Sunset Isles property. John Foster, Town Attorney and Chris Barry, Town Planner offered Staff's report. Chris Barry confirmed that Staff's comments had been addressed. Jeff Renault, Town Engineer concurred.

It was explained that the difference in acreage of the site resulted from the road being dedicated to the Town of Haverhill. The Resolution would be amended to reflect the correct acreage. DR Horton would be filing a construction bond in favor of the Town to replace the bond that had been filed by Bank Atlantic.

Mayor Foy expressed his concerns about variations being permitted as part of the sub division process when the issues deal with zoning matters would normally require a variance. He would like to bring this matter up before the Code and Ordinance Committee for consideration.

Specific to Sunset Isles, he was not in favor of the request for front yard setback reduction. Discussion followed and the lots requiring setback variations were discussed and it was Council's preference to call out the specific lots being granted the variation in the body of the Resolution. It was then agreed to add the language, "as shown on site plan".

There had been two parallel spaces added for overflow parking. Additional spaces would have encroached into the slope. Landscaping, perimeter hedges and fences were discussed in detail.

Paul Herman reported that DR Horton hoped to close on the property by mid to late July and the site plan approval was one of the last hurdles in the process.

Mr. Herman raised no objections to the modifications made to the conditions of approval.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (4-0) to approve Resolution 2012-01, as amended.

FIRST READINGS AND REGULAR AGENDA:

APPROVE THE REQUEST OF THE CRIMINAL JUSTICE COMMISSION FOR THE ALLOCATION OF FY2013 (FEDERAL FISCAL YEAR 2012) JAG FUNDS TO PALM BEACH COUNTY IN THE AMOUNT OF \$358,801.

The Town Administrator offered Staff's report. She explained that the Town Council was requested each year to act on the request of the Criminal Justice Commission for the allocation of FY 2013 (Federal Fiscal Year 2012) JAG funds. If Palm Beach County did not receive 51% support from the municipalities, representing 51% of the county's population, they would be unable to receive grant funding in the amount of \$358,801.

Based on Staff's recommendation, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the request of the Criminal Justice Commission for the allocation of FY2013 JAG funds to Palm Beach County in the amount of \$358,801 for the specified projects within Palm Beach County.

APPOINT VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE AUGUST 23 - 25, 2012.

A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to appoint Council Member Jerry Beavers Voting Delegate for the Florida League of Cities Annual Conference August 23 - 25, 2012.

DISCUSS PRELIMINARY TRIM FOR NON AD VALOREM ASSESSMENT FOR SOLID WASTE AND RECYCLING

The Town Administrator offered Staff's report for consideration in setting the non ad valorem assessment rate for the 2012/2013 fiscal year. She explained that the Town Council must adopt the preliminary assessment for TRIM purposes no later than July 13, 2012.

The Town Administrator reported that the first year of the Town's Non Ad Valorem Assessment program for Solid Waste and Recycling would most likely be underfunded by approximately 3.5%. She explained that the program costs the Town of Haverhill \$92,269 annually (exclusive of administrative fees). That figure represents a monthly fee of \$13.28 per household. The actual cost per household was \$159.36 and the Town had assessed each household \$160.00. The difference of .64 did not cover the administrative costs or collection decreases that actually occurred. The shortage in revenue resulted from the discount being applied to not only the property tax, but to the non ad valorem assessment as well. Property owners that paid promptly were able to realize up to a 4% discount. 75% of the Town's assessments were collected in the period that allowed for the 4% discount.

Based on Staff's recommendation, Council concurred that the preliminary non ad valorem for TRIM purposes should be set at \$171.00 per year, per unit for all single family residential units and \$171.00 per year per unit for all multi family <5 units.

It was explained that this was the Preliminary assessment that needed to be filed with Solid Waste Authority no later than July 13, 2012 for **TRIM** purposes. This amount would appear on the Notice to Taxpayers sent out the first week in August. Once the preliminary rate was adopted, Council could not increase but could only decrease at final hearing. The preliminary rate would be scheduled for vote at the Town Council's July 12, 2012 meeting.

REPORTS:

Town Attorney

None

Mayor

Mayor Foy reported that the North County Plan had been sacrificed to a multi million dollar plan to improve Everglades's water quality in an effort to filter phosphorous. The plan had been approved by the EPA.

Consultants

None.

Town Administrator

The Town Administrator had been asked to present Council with a Resolution in opposition to the FP&L rate increase. It was the general consensus of the Town Council to take no action.

The Town Administrator asked for Council interest in joining the Central Communities Chamber of Commerce.

She asked for Council consideration in rescheduling the July 3, 2012 workshop as there was nothing on the agenda. The matter would be revisited on June 28, 2012.

She reminded all that she would be on vacation June 28 through July 3rd, 2012.

Committee/Delegate Report

Mayor Foy reported that a Belvedere Road Committee meeting had been scheduled for 11:00 a.m. on June 20, 2012 and would be followed by a meeting of the Code and Ordinance Committee starting at noon.

Council Member Beavers reported on an Impact Fee Committee meeting scheduled for June 22, 2012. He announced that Carmine Priore, former President of the Florida League of Cities and former Wellington Council Member had expressed an interest in being appointed to the Palm Beach County Ethics Commission.

Council Member Beavers reported on the Palm Beach County District II and II luncheon that had been held the previous day.

**Treasurer's Report
Included in packet.****UNFINISHED BUSINESS**

None.

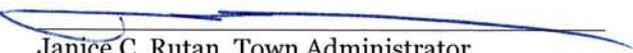
NEW BUSINESS

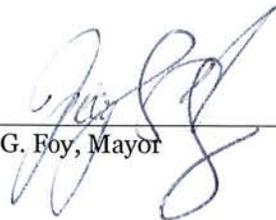
None.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:00 p.m.

Approved: July 26, 2012


Janice C. Rutan, Town Administrator


Jay G. Foy, Mayor