

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 28, 2012**  
**7:00 p.m.**  
**REVISED 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. FIRST READINGS AND REGULAR AGENDA**
  - a. Receive and File the Audited Financial Statements for the Fiscal Year Ending September 30, 2012
- X. PUBLIC HEARING (SECOND READINGS) Postponed from June 14, 2012 to June 28, 2012 at 7:00 p.m.)**
  - a. Act on request of Applicant to postpone second reading of Ordinance No. 405
  - 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.
  - 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.

**XI. REPORTS:**

**Town Attorney: Mayor's Letter to Palm Beach County Re: Proposed Belvedere Road Project**

**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 28, 2012**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, June 28, 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, Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, and Deputy Town Clerk Jessica Shepherd.

**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 the Pledge of Allegiance.

**ROLL CALL**

The Deputy Town Clerk recorded all members were present.

**APPROVAL OF AGENDA**

There being no substitutions, additions or deletions, the agenda stood as presented.

**APPROVAL OF THE CONSENT AGENDA**

**Approve Minutes of the May 10, 2012 and the May 24, 2012 Regular Meeting.**

Vice-Mayor Woods stated that there were two typos in the May 10, 2012. Deputy Town Clerk Shepherd noted the typos and stated that she would make the corrections

**A motion was made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to approve the Consent Agenda as amended.**

**PROCLAMATIONS AND PRESENTATIONS**

None.

**COMMENTS FROM THE PUBLIC**

None.

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

None

**FIRST READINGS AND REGULAR AGENDA**

**Receive and File the Audited Financial Statements for the Fiscal Year Ending September 30, 2012**

**A motion was made by Vice-Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve to receive and file the audited financial statements for the fiscal year ending September 30, 2012.**

**PUBLIC HEARINGS (SECOND READING) Postponed from June 14, 2012 to June 28, 2012**

a. Act on request of applicant to postpone second reading of Ordinance No. 405  
**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.**

**b. Act on request of applicant to postpone second reading of Ordinance No. 406 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 stated that Kevin McGinley, representative for the applicants submitted a request for postponement. He recommended a date certain for the postponement in which time the applicants may withdraw their application or Council would vote on 2<sup>nd</sup> reading at the July 26, 2012 Meeting.

Mr. McGinley explained the request for postponement. He stated that the applicants reported back to him after the last Council Meeting and stated that it would be an uphill battle as they go into their site plan and special exception and that they may not be able to build what their architect had led them to believe they could build on the 1.4 acre site. He gave a brief history of the project and his dealings with the applicants. He stated that they have contacted him and asked him to inspect two other properties that they found. He stated that one of the sites seemed to be a perfect fit and that it was outside the corporate limits of Haverhill. He explained that the church was in discussion with realtors for both properties. He stated that the pastor was out of Town and could not make it there that night. He explained that decisions made by the church were made by committee. He stated that an up or down vote could take place or the Council could let them evaluate the sites and they could make their offer and get an acceptance hopefully by the end of July in which they would then withdraw their application

Attorney Foster stated that Planner Chris Barry was in agreement with the postponement and his only condition would be to postpone the hearings to the second meeting in July and for a vote to be taken at that meeting if the application was not withdrawn by then.

Mayor Foy expressed his opinions and discussed his evaluations regarding the issue. He stated that if the vote came up that night he would vote against the zoning but would vote for the land use.

Vice-Mayor Woods stated that he wanted to hear from the surrounding neighbors of the proposed church property as to whether or not they agreed with the postponement. He asked how much longer the property would be used for a church.

Attorney Foster explained that a Code Enforcement action was pending and if they find another site and withdraw their application, they would have to stop the use very quickly because then the matter would be brought to the next Special Magistrate Hearing and the Town would recommend that an Order be entered requiring them to cease the use.

Council Member Beavers stated that with all of the improvements that would need to be made to the property it would become one of the most expensive pieces of real estate in Palm Beach County.

Council Member Gordon stated that he did not have an issue with the postponement.

Council Member Uptegraph stated that he was in agreement with the postponement.

Mayor Foy asked if any Council members had any contact with anyone regarding the Shiloh Church property since the last time they declared their contacts.

**A motion was made by Vice-Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to postpone the 2<sup>nd</sup> readings of Ordinances 405 and 406 to the date certain of the July 26, 2012 Regular Council Meeting.**

Attorney Foster stated that all comments, signed petitions, and the letter received on July 25, 2012 against the Shiloh Church on Cyprus Road were entered into the record (see Exhibit "A").

**FIRST READINGS AND REGULAR AGENDA:**

None.

**REPORTS:**

**Town Attorney: Mayor's Letter to Palm Beach County Re: Proposed Belvedere Road Project.**

Attorney Foster explained that he drafted a letter to Mr. Bashir Kahn, Palm Beach County Project Engineer regarding the proposed Belvedere Road project. He discussed the key points of the letter and asked Council for their input and if there was anything they would like to add or omit from the letter.

Mayor Foy stated that one of the issues that he had with the report was that they referred to a variance of the next property to the north having a zero setback as if it were a justification. He asked if they should make reference to it in the letter.

Attorney Foster stated that he already made reference to it in the second to last paragraph where it states that the Town will not waive the requirement of the 25 foot landscape buffer for the 7-11 Store irrespective of what may or may not have been done with other properties in Town.

Mayor Foy asked if the buffer was the variance they were referring to in the report.

Attorney Foster explained that they were not specific in the report but his understanding was that it was a special exception situation and if they were referring to the Trail Realty property on Military Trail, the fact is that there was a buffer between the residential area and the parking lot that was substantially over 25 feet. He stated that he wanted to make it clear that regardless of what's been done on any other property in Haverhill; they were not backing off of the 25 feet.

**The Council came to consensus to approve the Mayor's Letter to Mr. Bashir Kahn, Palm Beach County Project Engineer regarding the proposed Belvedere Road project.**

**Mayor**

Mayor Foy stated that he attended the Ethics Forum and that the two things that were discussed were compliance and the culture of ethics. He stated that he was encouraged by the meeting.

**Consultants**

None.

**Town Administrator**

Absent

**Deputy Town Clerk**

Deputy Town Clerk Jessica Shepherd announced that Town Hall would be closing at 3 p.m. on Tuesday, July 3, 2012 and would be closed all day on Wednesday, July 4, 2012 in observance of Independence Day. She asked Council if they wanted to cancel the Town's Workshop that was scheduled for July 3, 2012 since there were no items for the Agenda.

**A motion was made by Vice-Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to cancel the July 3, 2012 Workshop and for the next Workshop to take place on August 7, 2012.**

**Committee/Delegate Report**

None

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Council Member Beavers stated that he attended an Impact Fee Meeting where it was announced that there would be a substantial increase in impact fees, but the fees would not increase for fire stations throughout the County. He stated that they also discussed Scripps Research Center and what the topics they were currently researching.

Council Member Uptegraph stated that there was no code in the Town's Code of Ordinances regarding the feeding of stray cats. He stated that a woman has been feeding stray cats at the new Palm Beach Habilitation Center property on Ivory Lane. She has been told several times to stop but has continued despite the warnings.

Public Services Director Roche stated that it was illegal for her to feed the stray cats and that she had been informed that she was trespassing on private property.

Attorney Foster recommended that the property owner place a "No Trespassing" sign on the property.

Public Services Director Roche stated that property has been posted.

Mayor Foy asked if plans had been submitted for the Sunset Isles project.

Public Services Director Roche stated that DR Horton closed on the property that day.

Attorney Foster stated that they were one step closer and to getting the Sunset Isles property developed and it was great news for the Town.

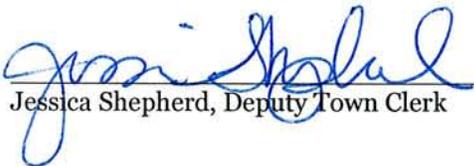
Council Member Gordon asked if there was any news on the Emerald Cove property.

Public Services Director Roche stated that PNC Bank currently owned the property and they were maintaining it.

**ADJOURNMENT**

**With no further business to come before the Town Council, the meeting adjourned at 7:53 p.m.**

**Approved:** July 26, 2012

  
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Jessica Shepherd, Deputy Town Clerk

  
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Jay G. Foy, Mayor