

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 ~ July 12, 2012**  
**AGENDA**  
**7:00 p.m.**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF THE CONSENT AGENDA**
  - a. Approve Minutes of the June 5, 2012 Workshop**
- IV. PROCLAMATIONS AND PRESENTATIONS**
- V. COMMENTS FROM THE PUBLIC**
- VI. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- VII. PUBLIC HEARINGS**
  - a. Resolution 2012-02 - A Resolution of the Town Council of the Town of Haverhill adopting a preliminary non ad valorem assessment for residential properties lying within the municipal boundaries of the Town of Haverhill for the 2012-2013 FY.**
- VII. FIRST READINGS AND REGULAR AGENDA**
  - a. Resolution 2012-03: Set preliminary millage rate for FY 2012/2013 and set Public Hearing dates for September 13, 2012 and September 27, 2012 at 7:00 p.m.**
  - b. Authorize the Town Administrator to release Amendment (4) to the Irrevocable Standby letter of credit through Bank Atlantic and to replace it with the Letter of Credit through DR Horton in the amount of \$46,602.03.**
- VIII. REPORTS**
  - Town Attorney**
  - Mayor**
  - Consultants**
  - Town Administrator**
- IX. Committee/Delegate Report**
- X. Treasurer's Report (included in packet)**
- XI. UNFINISHED BUSINESS**
- XII. NEW BUSINESS**
- XIII. 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 ~ July 12, 2012  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, July 12, 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 Lance Fuchs, and Town Administrator, Janice C. Rutan.

**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 Town Administrator recorded all members were present.

**APPROVAL OF AGENDA**

**A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to amend to agenda as follows:**

- VII. c. Consider Site Plan Amendment as filed by DR Horton for the Sunset Isles property**

**APPROVAL OF THE CONSENT AGENDA**

**Approve Minutes of the June 5, 2012 Workshop**

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

**PROCLAMATIONS AND PRESENTATIONS**

None.

**COMMENTS FROM THE PUBLIC**

None.

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

The permit deputy on duty was introduced to the Town Council. The deputy offering the crimes stats had not yet arrived.

**PUBLIC HEARINGS**

**RESOLUTION 2012-12: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING A PRELIMINARY 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 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 AN EFFECTIVE DATE.**

The title was read by Attorney Fuchs. The Town Administrator offered Staff's report. It was explained that Council needed to set the preliminary rate for the non ad valorem special assessment for the collection and disposal of solid waste services. Once the rate was set, it could not be increased, only reduced. This was the rate to be used for TRIM purposes. It was the intent of Council that the special assessment would cover all costs related to the collection and disposal of solid waste.

**Based on Staff's recommendation, and in order to properly fund the solid waste collection and disposal program, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Resolution 2012-02, setting the non ad valorem special assessment as follows:**

<b>Single Family Homes</b>	<b>\$ 171.00</b>
<b>Multi-Family Homes (&lt; 5 units)</b>	<b>\$ 171.00</b>

**FIRST READINGS AND REGULAR AGENDA**

**Resolution 2012-03: Set preliminary millage rate for FY 2012/2013 and set Public Hearing dates for September 13, 2012 and September 27, 2012 at 7:00 p.m.**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2012 -2013 FISCAL YEAR; SETTING THE REQUIRED PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE**

The title was read by Attorney Fuchs. The Town Administrator offered Staff's report. Again it was explained that the tentative millage rate set this evening could only be reduced at Public Hearing. Historically the Council set the tentative rate higher than the adopted rate to prepare for emergency budgetary planning. The current millage rate is 4.0000.

The Town Administrator explained that there had been a slight increase in property values and the development of the Sunset isles property would also generate additional funds for the 2012-2013 fiscal year.

**A motion was then made by Lawrence Gordon, seconded by Vice Mayor Woods and unanimously passed to adopt Resolution 2012-03 and to set the tentative millage rate at 4.2500 for the 2012-2013 fiscal year for TRIM purposes.**

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

Officer Putnik reported that a theft had taken place in Haverhill Park. There had also been a break in at 1254 Palmetto Road.

**AUTHORIZE THE TOWN ADMINISTRATOR TO RELEASE AMENDMENT (4) TO THE IRREVOCABLE STANDBY LETTER OF CREDIT THROUGH BANK ATLANTIC AND TO REPLACE IT WITH THE LETTER OF CREDIT THROUGH DR HORTON IN THE AMOUNT OF \$46,602.03.**

The Town Administrator presented Staff's report. The Town had received a request to release the Letter of Credit on file for Sunset Isles as originally filed with the Town by Bank Atlantic.

**A motion was then made by Vice Mayor Woods and seconded by Council Member Uptegraph to approve the request and to authorize the Town Administrator to release Amendment (4) to the Irrevocable Standby Letter of Credit issued to the Town of Haverhill for the account of Sunset Isles, LLC through Bank Atlantic in the amount of \$50,921.00 and replace with the Irrevocable Standby Letter of Credit for the Account of Sunset Isles issued by**

**DR Horton favoring the Town of Haverhill in the amount of \$46,602.03, or 115% of the Cost Estimate of Remaining Site Development items equaling \$40,523.50. The motion passed unanimously.**

#### **CONSIDER REQUEST OF D.R. HORTON FOR A SUNSET ISLES SITE PLAN AMENDMENT**

The Town Administrator presented Staff's report. Mayor Foy explained the need for the relocation of the fence on the south side of the property. Palm Beach County had asked the fence west of the on site road be relocated five feet to the north as it was shown to be within one foot of the force main, thereby causing a potential maintenance problem and gates were needed for access and for repairs, etc.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the request of DRHorton for a site plan amendment to allow for the addition of a 14' wide double swing gate over the force main along the southern portion of the property; to allow for the addition of a 14' wide double swing gate over the water main along the southern portion of the property and to allow DRHorton to offset the wood fence 5' to the north along the southwest portion of the property so to provide additional spacing for the 6" PVC force main, as required by Palm Beach County Water Utilities, provided that:**

- the maintenance obligation of the property to the south of the relocated wood fence will be borne solely by the Homeowner's Association as part of the common ground maintenance requirements, and**
- the 14' swing gates will remain locked at all times other than for required access to the force main and water main by Palm Beach County Water Utilities.**

#### **REPORTS**

##### **Town Attorney**

None.

##### **Mayor**

Mayor Foy reported that he had noticed sediment washing into the storm drains from the area in front of St. Christopher's Church and he had also noticed grass clippings being left on the sidewalk along Belvedere Road, west of Haverhill Road. He commented that this should be regulated for NPDES reasons. He also noted that the Town cannot enforce clean up without an ordinance to address the problem. This would be a requirement for the Town if it discharged directly into impaired waters. He was requesting clarification from the Town's NPDES liaison to determine if the EPA would require the Town adopt an Ordinance regulating and enforcing discharge when it does not discharge directly into the C-51 canal as the C-51 is considered an impaired waterway by the EPA but not the State. The Town's discharge first flows through the Lake Worth Drainage district before it dumps into the C-51.

The Town Administrator would schedule a Code and Ordinance Committee meeting in consideration of Mayor Foy's concerns.

##### **Consultants**

None.

##### **Town Administrator**

The Town Administrator reported that notification had been received from the FAA regarding the **Palm Beach International Airport's Airfield Improvement Project**. The FAA had determined that the final Near-Term Airport Layout Plan would

proceed and that the Long Term Airport Layout Plan that included the Runway 10R/28L Airfield Capacity Enhancement Project was not ripe for decision at this time.

The Town Administrator reported that earlier in June, the **Commission on Ethics** had audited the Town's compliance with ethics training for members of its Town Council appointed Boards and Committees. The audit found that several members of the Town's Beautification Committee and Special Events Committee had not completed the ethics training. As such, the Town was non compliant. After the findings, on June 26, 2012 the Town had sent letters to those persons and asked that they take the online ethics training course and send the Certificate of Completion to the Town for filing with the Ethics Commission.

The Town Administrator stated that when the Town offered the training class to its employees, consultants and committee members, she was unaware that members of the Special Events Committee and Beautification Committee had to attend as they were advisory in nature.

She asked Town Council consider setting a compliance date and if ethics training were not completed by that date, the member would be removed from serving on the Committee.

Discussion followed. Council asked if volunteers were required to take the training.

It was agreed that a meeting of the Special Events Committee would be scheduled and the first item of business on the agenda would be the online training course. If members did not attend the meeting, they would be removed from the Committee. Vice Mayor Woods would contact those persons not in compliance via phone.

The Town Administrator would notify Mr. Poag at the Commission of Ethics of Council decision.

### **Committee/Delegate Report**

Council Member Beavers reported on the District II and III luncheon held in Lake Worth the previous day. He commented that the Village of Wellington's meeting had been running between 4-6 hours.

Scott Maxwell, Vice Mayor of the City of Lake Worth had sponsored an intercoastal raft race on the 4th of July. He would like to open the competition for other municipalities to participate.

Palm Beach County League of Cities Executive Director, Richard Ratcliff had appealed to all municipalities to pass a Resolution strongly supporting the County's continued allocation of the \$12.50 from traffic citations to the Municipalities to help cover expenses for all Municipalities that have radio systems that are functionally interoperable with the county's radio system.

The Town Administrator explained the Town was not a beneficiary of the funds as it does not have its own police department. She agreed to forward a copy of Mr. Ratcliff's letter and the proposed Resolution to Council for their consideration.

Council Member Beavers would be attending a meeting next week at the Emergency Operations Center.

He repeated that the Town of Lake Clarke Shores calls a certain group of residents "cave people". He explained that "cave people" was the acronym for Citizens Against Virtually Everything.

**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 7:45 p.m.

Approved:

July 26, 2012



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor