

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



**Town Council
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Tuesday, November 13, 2012
NOON**

AGENDA

- I. Call to Order
- II. Presentations/Proclamations
 - a. Presentation for a day care center on the property located at the northwest corner of Concord and Belvedere Roads (presently zoned R-1).
 - b. Presentation for a place of worship at the existing structure located on the Haverhill Baptist east property (Pastor Noel Hollingsworth; Highway of Faith Tabernacle).
- III. Council, Attorney and Staff Reports
- IV. Old Business
 - a. Red Light Cameras
- V. New Business
 - a. Review proposed work order for Briarwood overlay (Rick Volpe, Wynn and Sons)
 - b. Consider policy for reporting wrongdoing to the Office of Inspector General
 - c. Discuss standard County-wide permit application form and Staff's recommendation regarding same.
 - d. Consider lien reduction for 930 Briarwood Drive
- VI. 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 OF HAVERHILL
Town Council Workshop
November 13, 2012
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Tuesday, November 13, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member; Mark Uptegraph, Council Member and Lawrence Gordon, Council Member. Also present were John Foster, Town Attorney; Janice C. Rutan, Town Administrator; Jessica Shepherd, Deputy Town Clerk and Joseph Roche, Director of Public Services.

I. CALL TO ORDER

Mayor Foy called the Workshop to order at 12:00 noon.

II. PRESENTATIONS/PROCLAMATIONS

a. Presentation for a place of worship

Mr. Noel passed out a plan of the proposed building (see Exhibit "A"). He thanked Council and gave them a brief explanation of his background and stated that he had studied to be an architect. He stated that he had served as an associate pastor for 35 years. He started Highway Faith Tabernacle in 1995 which is now meets at Grassy Waters Elementary school.

Administrator Rutan explained the proposed property and how it was now being used. She stated that Mr. Noel may have to apply for an underlying land use and special exception. The property was presently zoned R2.

Planner Barry and Mayor Foy discussed

Vice Mayor Woods asked how many people were in Mr. Noel's congregation.

Mr. Noel stated that there were approximately 70.

Vice-Mayor Woods asked Mr. Noel what his vision for the church was.

Pastor Noel stated that he would like the church to meet three evenings during the week and once on Sunday morning.

Vice-Mayor Woods asked if there were currently any outreaches.

Pastor Noel stated no not presently but would like to have some in the future.

He explained that the existing building could seat 150 people and that his plan was to enclose the open area.

Phase two of the plan would entail enclosing the covered patio to have a food outreach.

Administrator Rutan stated that Club Rd. has been a point of contention with residents with regards to church goers using it to enter and exit the existing church property.

She stated that there would need to be entrances to the church on Haverhill Rd.

Council Member Beavers asked what the size of the existing building was.

Pastor Noel stated that the existing building was 26ft x70ft and the existing patio was 60ft x33ft.

Mayor Foy continued to discuss the proposed church property and building with Mr. Noel.

Administrator Rutan explained that purchasing the property does not allow Pastor Noel to operate place of worship until he has a special exception approval.

III. OLD BUSINESS

Red Light Cameras

Attorney Foster explained that after lengthy discussions the Palm Beach County Sheriff's office was willing to serve as traffic enforcement officer to issue red light infraction citations and ATS would be willing to pay for them to do so. The question was whether or not the Town would consider that as a solution to the problem. He stated that it was his opinion that the statute defines the traffic enforcement officer as an employee of either the police department of a municipality or the County Sheriff's department. He stated that Haverhill did not have its own police department. He stated that Chris Sacko of Carlton Fields who represented ATS asked if the Town had an interlocal agreement with the Sheriff's office in order for them to become the Town's law enforcement agency. He indicated to Chris that the Town did not have such an agreement but that they have a permit which is a distinction from what other municipalities have with the Sheriff's office. He stated that it was recommended in the past to amend the legislation that would allow the code enforcement officer of a municipality to be the traffic enforcement officer but it had not been done. He continued to explain and discuss all the different options and issues that had been discussed and addressed in the past with regards to the red light cameras.

He stated that the exhibit to the agreement with ATS stated that there would be cameras at the intersection of Belvedere and Haverhill and Military Trail and Belvedere Rd. and that there has only been discussions regarding installation at the intersection of Belvedere and Haverhill and the Town would want to inquire as to the status of the other installation. He stated that there may be some information that Jeff the representative of ATS would not yet have since he just received the information an hour before the meeting. He introduced Jeff from ATS.

Jeff from ATS stated that ATS would still like to service the Town of Haverhill's red light cameras. He gave a presentation and explained the difference of opinion regarding having the Palm Beach County Sheriff's Office issue the citations. He stated that it was ATS' opinion that they would like to continue the program until the contract terminates in a year and a half. He continued to explain and discuss the reasons ATS would like to

continue with the contract and the issues that would need to be resolved before doing so.

Mayor Foy discussed his concerns regarding the red light cameras.

Attorney Foster explained that if the Town decided to move forward with the program, the agreement would need to be modified because it was in conflict with state law and the Town's ordinance would also need to be amended.

Rutan expressed concern with administrative issues and the possibility of changing the relationship between the Town and PBSO.

Council Member Gordon expressed his opinion and stated that he would not support the red light cameras. He stated that he was vehemently against the program.

Council Member Beavers discussed court cases regarding the red light camera program.

Attorney Foster stated that there was a court case in Pasco County where the Red Light Camera Act impermissibly shifts the burden of proof to the defendant and therefore did not afford due process and the court ruled it unconstitutional.

Discussion ensued among Council, Staff and the Attorney regarding the potential problems and concerns regarding the red light camera program.

Vice-Mayor Woods stated that right now there was an agreement between the Town and ATS that was not compliant with state law and it was up to ATS to make the changes and how to make it work.

Jeff with ATS agreed and stated that ATS would work on resolving those issues.

Discussion continued among Council & Staff regarding the Town's agreement with ATS and the red light camera program.

V. NEW BUSINESS

Briarwood Overlay

Town Engineer Jeff Renault gave a brief description of the proposed project and explained the proposal he requested from Rick Volpe of Wynn & Sons. He stated that the proposal was based on a three foot mill minus 1 inch on the edge cut to zero, three feet in. The first proposal was a one foot mill, which explained the difference in cost. He made the recommendation for the Town to proceed with the project.

He stated that it would be better to do the entire neighborhood and that the new pavement should be good for 15 to 17 years. The proposal would include re-striping and signage and would be built to DOT specs.

Mayor Foy asked how much was budgeted for the project.

Administrator Rutan stated that \$65,000 was budgeted for the Briarwood Overlay Project and \$150,000 was budgeted for Park Lane. She stated that the line item totaled \$215,000.

Mayor Foy asked if the valley gutters were completed in Briarwood.

Administrator Rutan stated that yes, they were completed. She stated that the project would be on Thursday night's agenda for action.

Mayor Foy asked what the total cost of the project would be.

Administrator Rutan stated that the total amount would be \$75,307 and that \$68,550 was contingent.

Engineer Renault asked if Council wanted him to be present at the next Council Meeting where the project would be on the agenda.

Mayor Foy stated that he did not think so because he didn't think Council would have any more questions.

Mayor Foy thanked Mr. Volpe.

Inspector General policy

Administrator Rutan reviewed the Inspector General's request for municipalities to pass a resolution or policy regarding employees reporting possible wrongdoing (see Exhibit "B"). She explained the Town's current policy regarding the reporting of wrongdoing which requires that an employee report first to their Department Head, who in turn reports to the Town Administrator and the Town Administrator after review and consideration, would report to the Inspector General. She stated that under the "Whistleblower Act" employees can report directly to the Inspector General which would protect them from retaliation but would put them in violation of Town Policy which would then be an administrative issue.

Mayor Foy recommended passing the resolution.

Town Administrator Rutan stated that the item would be on the agenda for November 15, 2012.

Universal Building Permit Application

Deputy Clerk Shepherd stated that Palm Beach County was still advising municipalities to use the universal building permit application. She stated that it was her and Building Official Cameron's opinion to continue using the Town's building permit application to keep uniformity and create less confusion (see Exhibit "C").

Mayor Foy stated that he understood the concept of keeping forms uniform within the Town and that trying to simplify forms by making them universal actually complicates the process rather than simplifies it.

Council came to consensus to continue to use the Town's current building permit application and not the Palm Beach County universal building permit application.

Lien reduction for 930 Briarwood Drive

Director of Public Services Roche explained that on June 27, 2012 the Special Magistrate ordered a \$100 per day fine for the lawn not being mowed on the vacant lot. Compliance was achieved on October 1, 2012. He stated that the lien totaled \$13,350. He stated that the property was now for sale and that he informed the realtor that they would need to submit a lien reduction request for \$6,350. He stated that the bank was willing to pay half the total lien amount.

Administrator Rutan stated that the item would be on the next meeting's agenda.

Council Member Gordon stated that the bank should have a representative present at the meeting.

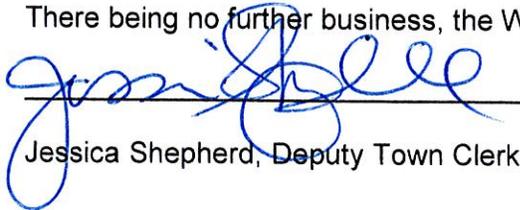
VI. COUNCIL, ATTORNEY AND STAFF REPORTS

Administrator Rutan brought up her concerns regarding ATS and the fact that they were contacting PBSO on the Town's behalf.

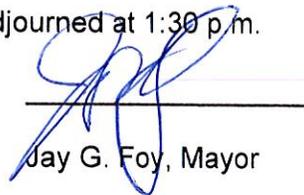
Discussion ensued among Council and Staff regarding the issues with ATS and the red light camera program.

VII. ADJOURNMENT

There being no further business, the Workshop adjourned at 1:30 p.m.



Jessica Shepherd, Deputy Town Clerk



Jay G. Foy, Mayor

Approved: January 10, 2013