

Jay G. Foy, Mayor
James 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 ~ January 24, 2013
7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the January 10, 2013 Regular Meeting.**
- VI. PROCLAMATIONS AND PRESENTATION**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider Request for reduction in building permit fees as requested by Mr. and Mrs. Knisley, 5311 Club Road.**
 - b. Approve Communications Services tax Confidential State Tax Information Agreement between the Town of Haverhill and the Florida Department of Revenue and designate the Town Administrator as their person to receive password and user identification information for accessing the Communications Services tax website.**
- IX. REPORTS**
 - Town Attorney**
 - Mayor**
 - Consultants**
 - Town Administrator**
 - Committee/Delegate Report**
 - Treasurer's Report (included in packet)**
- X. UNFINISHED BUSINESS**
- XI. NEW BUSINESS**
- XII. 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 ~ January 24, 2013
Official Minutes

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 24, 2013 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James Woods, Vice Mayor; Jerry Beavers, Council Member; Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Fenn Foster 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 present.

APPROVAL OF AGENDA

The Town Administrator requested that approval of minutes be removed from the Consent Agenda. **A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

~~Approval of the minutes for the January 10, 2013 Regular Meeting.~~

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputies working the detail for Haverhill were proactive by deterring crime. For the previous two week period there had been 15 calls requiring case numbers, six of which were actual crimes including stolen tag, drug arrest, vandalism, civil matter, rent and a domestic battery at the trailer park.

The Town Council expressed their appreciation to the PBSO.

COMMENTS FROM THE PUBLIC

Eulysses Perry, 787 Briarwood Drive. Mr. Perry addressed the Town Council, expressing his concern about the access to the Briarwood subdivision from the west side of his property (Orleans Court). He reported that someone had tried to break into the screen room at 777 Briarwood Drive and that youngsters were accessing the Briarwood subdivision through the fence as a shortcut. The Palm Beach County Sheriff's office responded to Mr. Perry explaining that there was a PBSO detail specifically assigned to Orleans Court and they were addressing those specific issues. He encouraged Mr. Perry to call the police when there was suspicious activity. As a result of complaints from residents on Luwal, the easement between the two subdivisions had recently been mowed by Palm Beach County and as such exposed a hole in the fence that was being

used as access. PBSO was in the process to trying to close it up. The Town Council and Mr. Perry appreciated the update and effort of the PBSO.

Robert Roessler, 1010 Pineway. Mr. Roessler asked the Town Council if the test wells being drilled at the Haverhill Park were affecting the water table. He had noticed that his house had sunk and that his driveway, patio and addition had cracked. He is afraid that the wells at the park will continue to reduce the water table and he will incur more cracking and sinking at his home. He has had contractors look at his property and was told by them that his only form of remedy was to install pilings which would be an undue expense.

Mayor Foy explained that the well field was permitted by SFWMD and a condition of the permit was that the project could not cause harm to adjacent properties. It was suggested that Mr. Roessler notify Palm Beach County Water Utility that his house was sinking, possibly due to water table fluctuation in the area. It was also suggested that he come in to the Town Hall to speak with the Building Official.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Consider Request for reduction in building permit fees as requested by Mr. and Mrs. Knisley, 5311 Club Road.

Staff's report was reviewed. It was explained that the Knisley's had installed a roof with the help of their Church without a permit. Policy set by Council requires that all work performed without a permit was charged four times the regular permit fee. The remedy for appeal of the decision of the Building Official would be before the Town Council.

Mrs. Knisley made an emotional plea to the Town Council explaining in detail the many hardships she and her family had endured over the past years. Knowing they could not afford a new roof, they accepted the offer of the Church. She was asking the Town Council to waive the four times fee of \$947.60. They would be able to pay the regular permit fee of \$236.90.

The Town Attorney confirmed that the Council would review all requests on a case by case basis and whatever action taken this evening specific to the Knisley's would not set a precedent for future cases.

A motion was then made by Lawrence Gordon to grant the request of the Knisley's to pay the regular permit fee of \$236.90. Vice Mayor Woods seconded the motion. The motion passed unanimously 5-0.

Approve Communications Services tax Confidential State Tax Information Agreement between the Town of Haverhill and the Florida Department of Revenue and designate the Town Administrator as the person to receive password and user identification information for accessing the Communications Services tax website.

The Town Administrator explained that the Department of Revenue had changed the process for access to Confidential State tax information. All agreements would now expire at the end of three years.

A motion as then made by Vice Mayor Woods, seconded by Lawrence Gordon and unanimously passed 5-0) to approve Communications Services tax Confidential State Tax Information Agreement between the Town of Haverhill and the Florida Department of Revenue and designate the Town

Administrator, Mayor and Town Attorney as the persons to receive password and user identification information for accessing the Communications Services tax website.

REPORTS

Town Attorney

Attorney Foster reported on the meeting held with Greg Kino, legal counsel for Sandra Vanneck, contract purchaser for 4753 Belvedere Road. The Town Administrator and Town Planner were also present. Sandra Vanneck, owner of Mis Fit Rescues intended to purchase the property and board her rescue dogs at the property that is zoned R-1. Attorney Foster explained to Attorney Kino that Ms. Vanneck's intended use of the property was secondary in nature to a single family residence. Palm Beach County Animal Rescue ordinance allows any person with over 2.5 acres to house up to 30 animals. Ms. Vanneck was also looking to obtain an excess animal habitat which would allow for more than 30 dogs/cats. Attorney Foster made it quite clear to Attorney Kino that there could be no adoptions, boarders or any business transactions at the single family residence. Mr. Kino noted that his client was very well aware of the Town's regulations.

Mayor Foy expressed his concern that although there was a provision in the ordinance regarding nuisances, the noise ordinance would be extremely difficult to prove. Attorney Foster agreed.

Attorney Foster would be drafting a letter in response to Mr. Kino's letter that would confirm the Town's understanding of Ms. Vanneck's intended use of the R-1 property as a single family residence.

Mayor

The Mayor presented to Council a letter he had written on behalf of the Town to Adam Putnam, Commissioner of the Florida Department of Agriculture regarding the Energy Efficiency and Conservation Block Grant. The Mayor was requesting the Commissioner's immediate attention to the town's request for reimbursement in the amount of \$96,379.15.

By general consensus of the Town Council, it was agreed authorize the Mayor to send the letter to Commissioner Putnam.

Consultants

None.

Town Administrator

The Town Administrator reported that she was still in contact with possible lessees for the SBA Tower should the Town be formally notified that SBA would be cancelling their lease agreement with the Town.

The Town would be issuing a temporary permit for a sales office/model at Sunset Isles.

As a professional courtesy, the Town waived the permit fees for the well installation at Haverhill Park, however, they have asked the County to file a permit application and keep the Town informed of the jobs progress.

Committee/Delegate Report

Vice Mayor Woods reported on the Special Events meeting held earlier in the day. The annual picnic and third annual classic car show would be held on March 16, 2013 from

11:00 a.m. to 3:00 p.m. Exhibits by the Palm Beach Zoo, Steam Engines and Bingo games were also planned for the event.

Mayor Foy reported on the Code and Ordinance Committee meeting held on January 22, 2013. There were several items addressed, however, he still expressed concern over outstanding items such as land use changes being allowed to revert back to underlying zoning. The Town Planner had recommended that language be included that would preclude density being gained because of a land use change.

He reported on the NPDES Steering Committee meeting. The EPA is promulgating its own rules and regulations and the DEP is adopting its own stringent water quality requirements.

Mayor Foy also reported on the Water Resources Task Force meeting where it was learned that the C-51 reservoir could become a water source for Palm Beach, Dade and Broward Counties. Council Member Beavers added that at the District II and II meeting, the idea was not met favorably.

Council Member Beavers then reported on the Palm Beach County League of Cities District II and III meeting that was held the previous day. He noted that Corbett and White would be updating the Americus Brief, revising what was already on the books regarding municipal comprehensive plans.

Council Member Beaver reported that Commissioner Priscilla Taylor would no longer be serving on the Water Resources Task Force.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Council Member Uptegraph confirmed with Staff that the Building Official had inspected and passed the roof at 5311 Club Road.

NEW BUSINESS

None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned @ 7:55 p.m.

Approved: February 14, 2013


Janice C. Rutan, Town Administrator


Jay G. Foy, Mayor