

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 ~ April 11, 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 March 28, 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**
  - a. ORDINANCE NO. 419**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 50, STORMWATER MANAGEMENT, BY AMENDING SECTION 50-40, DESIGN STANDARDS, BY PROHIBITING SUBSURFACE WATER DETENTION FACILITIES, FOR EQUAL COMPENSATING STORAGE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE.**
  - b. ORDINANCE NO. 420**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING SECTION 58-8, DEFINITIONS, TO DELETE "EMPLOYMENT AGENCIES" FROM THE DEFINITION OF BUSINESS AND PROFESSIONAL OFFICE, AND AMENDING SECTION 58-212, PERMITTED USES, BY DELETING "PROFESSIONAL SERVICES" AND INSERTING IN ITS PLACE AND STEAD "OFFICE, BUSINESS OR PROFESSIONAL" AS A PERMITTED USE; AMENDING SECTION 58-312 TO ADD FAST FOOD RESTAURANT TO THE LIST OF PROHIBITED USES; AND AMENDING SECTION 58-215, SPECIAL EXCEPTIONS, BY ADDING "MEDICAL OR DENTAL OFFICE OR CLINIC" AND "RESTAURANT, GENERAL" AS SPECIAL EXCEPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AUTHORITY TO CODIFY, AND AN EFFECTIVE DATE.**

**c. ORDINANCE NO. 421**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING SECTION 58-575, PLACES OF WORSHIP REGULATIONS, TO ADD THAT PLACES OF WORSHIP MUST HAVE A MINIMUM LOT SIZE OF 3 ACRES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AUTHORITY TO CODIFY, AND AN EFFECTIVE DATE.**

**X. FIRST READINGS AND REGULAR AGENDA**

**a. Consider adoption of pre application fee for land development applications**

**XI. REPORTS**

**Town Attorney**

**Mayor**

**a. Consider letter re: Lake Worth Drainage District**

**Consultants**

**Town Administrator**

**Committee/Delegate Report**

**Treasurer's Report (included in packet)**

**XII. UNFINISHED BUSINESS**

**XIII. NEW BUSINESS**

**XIV. 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 ~ April 11, 2013  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, April 11, 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 the approval of minutes be removed from the consent agenda. **A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously (5-0) passed to approve the agenda as amended.**

**APPROVAL OF THE CONSENT AGENDA**

~~Approval of the minutes for the March 28, 2013 Regular Meeting.~~

**PROCLAMATIONS AND PRESENTATION**

None.

**COMMENTS FROM THE PUBLIC**

None.

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

None.

**SECOND READINGS AND PUBLIC HEARINGS**

**ORDINANCE NO. 419**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 50, STORMWATER MANAGEMENT, BY AMENDING SECTION 50-40, DESIGN STANDARDS, BY PROHIBITING SUBSURFACE WATER DETENTION FACILITIES, FOR EQUAL COMPENSATING STORAGE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE.**

The title was read by Attorney Foster. There being no public comment, **a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to adopt Ordinance No. 419 on second reading.**

**ORDINANCE NO. 420**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING SECTION 58-8, DEFINITIONS, TO DELETE "EMPLOYMENT AGENCIES" FROM THE DEFINITION OF BUSINESS AND PROFESSIONAL OFFICE, AND AMENDING SECTION 58-212, PERMITTED USES, BY DELETING "PROFESSIONAL SERVICES" AND INSERTING IN ITS PLACE AND STEAD "OFFICE, BUSINESS OR PROFESSIONAL" AS A PERMITTED USE; AMENDING SECTION 58-312 TO ADD FAST FOOD RESTAURANT TO THE LIST OF PROHIBITED USES; AND AMENDING SECTION 58-215, SPECIAL EXCEPTIONS, BY ADDING "MEDICAL OR DENTAL OFFICE OR CLINIC" AND "RESTAURANT, GENERAL" AS SPECIAL EXCEPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AUTHORITY TO CODIFY, AND AN EFFECTIVE DATE.**

The title was read by Attorney Foster. A brief discussion followed. In response to Council Member Uptegraph's inquiry, Attorney Foster explained that Pain Management Clinics were addressed through the separation guidelines as well as in the supplemental district regulations.

With no comments from the public or further **discussion a motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to adopt Ordinance No. 420 on second reading.**

**ORDINANCE NO. 421**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING SECTION 58-575, PLACES OF WORSHIP REGULATIONS, TO ADD THAT PLACES OF WORSHIP MUST HAVE A MINIMUM LOT SIZE OF 3 ACRES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AUTHORITY TO CODIFY, AND AN EFFECTIVE DATE.**

The title was read by Attorney Foster. Attorney Foster explained that the minimum acreage requirement was based on the total acreage of present churches divided by the number of churches in the Town.

With no public comment, or further discussion, **a motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to adopt Ordinance No. 421 on second reading.**

**FIRST READINGS AND REGULAR AGENDA**

**Consider adoption of pre application fee for land development applications**

The Town Administrator presented Staff's report. She explained that presently, an applicant would first meet with the Town Administrator to discuss their project. The Town Administrator would inform them of the minimum requirements to accomplish their goals. If they wish to proceed, they would need to submit rough drawings, a written plan, etc. of their land use proposal. Once those drawings were submitted, the Town Administrator would involve the Attorney and or Planner or both to determine if the project has any merit at all. Staff would offer comments to the applicant who would respond with a resubmittal. Often times staff would meet with the applicant, or a written opinion would be requested. Once the proposal was in order, the next step would be an informal meeting with Council, which also includes staff. Often times it is at this point that the applicant realizes it does not have the support of Council and will withdraw their application after hours of staff time having been expended.

The Town Administrator had met with the Town Planner and offered the following solutions to the expending dollars and staff time prior to receipt of filing fees from the applicant.

- consider a pre application fee that would be credited to the application fee once application was made with remaining staff time being charged against escrow fees collected at the time of application;
- Council could authorize one pre application meeting not to exceed one hour staff time to meet with the applicant, allowing for no pre research of the proposal by staff;
- schedule a monthly "land development staff review meeting" perhaps immediately preceding the monthly workshop whereby applicants could meet with staff to discuss projects; applications would need to be made and an agenda set. All applicants would meet at this time which would then restrict review of all applications to once monthly.

Consideration would also need to be given to the possibility that a proposed applicant may find a pre application fee a deterrent and seek an alternative location for their development.

Discussion followed. **It was the general consensus of Council to allow for one pre application meeting not to exceed one hour staff time to meet with the applicant, allowing for no pre research of the proposal by staff.** Mayor Foy added that he did not want to deter applicants and the preapplication meeting would be the cost of doing business without excess staff time being spent.

#### **REPORTS:**

##### **Attorney**

Attorney Foster reported on the meeting between himself, the Mayor and Town Staff had with representatives from the Lake Worth Drainage District to discuss the LWDD's plans to clear their easement along the north side of the L-4 canal abutting Ivywood Road. At that meeting, the LWDD it would not notify the residents of Ivywood Road of the extent of the LWDD plans until after their Board meeting, at which time the Board would determine its course of action. He understood the Town Council's obligation to notify its residents of a possible decision that would affect their property, however, he cautioned the Council to be very careful in the wording as it was not in a position to presuppose the District's decision. He had no objection to sending a letter telling the residents that their property would be discussed at the LWDD Board meeting and depending on the District's decision, the Town would offer to host a meeting at the Town Hall so their concerns and questions could be addressed.

Discussion followed. The Town Administrator had presented a draft letter for consideration. It was agreed the Mayor would review the letter and the matter would be brought up at the next Council meeting.

##### **Mayor**

##### **Consider letter re: Lake Worth Drainage District (Discussed earlier)**

Mayor Foy announced that the Town of Haverhill would be sponsoring the April 17, 2013 meeting of the APWA at the Atlantis Country Club. The Director of Public Services, Joseph Roche arranged for the golf tournament to be followed by the dinner meeting. All Council Members were encouraged to attend.

He reported that the EPA had decided to settle with the DEP and pass the adoption of the new regulations onto the DEP.

At the meeting of the Palm Beach County League of Cities District II and II held the previous day, the City of Lake Worth led a discussion on how to make Code Enforcement an effective tool. May Foy responded that the Code of Ordinances was an ever changing document to address those issues. He added that it was very important that the Code Enforcement Officer obtain and maintain the different levels of certification required to do an effective job.

### **Consultants**

None.

### **Town Administrator**

The Town Administrator reported that on March 29, 2013, the Town's computer system crashed and data had to be restored because the hard disk that was being used had been corrupt as of March 18, 2013. In addition, the previous IT firm had neglected to notify the Town that a nightly back up was not taking place. She had spent several days with the recently contracted IT company (ENS) and other software programmers restoring the system and was confident that the system was fully restored and no data lost.

It was the recommendation of ENS, the newly hired IT company that the Town switch from AT& T as its carrier to Comcast. In research, the Town Administrator determined that not only would the internet speed increase, the Town could obtain a static IP address and when switching the telephone lines as well could save close to \$200.00 monthly.

Discussion followed as Council expressed concern about having all services provided by one company. **By general consensus, Council raised no objection to changing providers from AT&T to Comcast.**

FP&L had invited Council to attend an open house April 24, 2013 at their Juno Beach location to present their smart grid network.

### **Committee/Delegate Report**

Mayor Foy announced there would be a Code and Ordinance meeting April 16, 2013 at noon.

Council Member Beavers reported on the Palm Beach County League of Cities District II and III meeting held the previous day in Atlantis. The oversight committee recommended that the Ethics Committee not increase from 5 to 7 members. They discussed Chapter 162 and how it related to Code Enforcement issues; Ocean Ridge requested that the District II and III meetings be expanded to allow District IV to join; Richard Radcliff proposed changing the by laws to require that each district Director be required to meet with all municipalities in their District at least once annually. The newly elected Council Member from Loxahatchee Groves attended the meeting; Scott Maxwell of Lake Worth, the incoming President stated that he would like to continue the vision of the outgoing President. There was a proposed 2.5% increase in dues. The next meeting would be held at the G-Star Charter School, Congress Avenue, Palm Springs. Succession planning meetings were discussed as well as Code Enforcement problems arising from officers that did not have the proper training and/or certifications.

### **Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

Director of Public Services Joseph Roche reported that the dogs that had been left at the house on the southwest corner of Briarwood and Belvedere had been removed. He also noted that in response to the Town's concern over speeding along Belvedere Road; PBSO would be parking a decoy vehicle on the north side of Belvedere Road east of Trailaway.

**NEW BUSINESS**

Director of Public Services, Joseph Roche reported that there had been a break in the previous Friday afternoon on Parkview Place. Officer Gray arrived on the scene within minutes and arrested one suspect. Within 40 minutes, the remaining 3 suspects had been arrested and the items retrieved.

He updated Council on Mrs. Piedra's Dorchester Mews property. There had been no additional attempted break-ins or harassment as the Town was running additional patrols in Orleans Court and checking the easement that abuts her property.

Mayor Foy commented that he supports the placement of a decoy police vehicle as he wants to encourage the slow down of traffic.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:03 p.m.

Approved: April 25, 2013

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor