

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 OF HAVERHILL
Regular Town Council Meeting
Thursday, May 8, 2014
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. COMMENTS FROM THE PUBLIC
- V. APPROVAL OF AGENDA
- VI. APPROVAL OF THE CONSENT AGENDA
 - a. Approval of the minutes of the February 13, 2014, March 27, 2014, and April 10, 2014 Regular Meetings
- VII. PRESENTATIONS AND PROCLAMATIONS
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- IX. SECOND READINGS AND PUBLIC HEARINGS
 - a. **ORDINANCE NO. 422**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10, ANIMALS, BY ADDING NEW SECTIONS TO PROVIDE FOR DEFINITIONS, BIRD SANCTUARY, NUMBER OF HOUSEHOLD PETS, WASTE REMOVAL, ANIMAL NUISANCES, PROHIBITION OF CERTAIN ANIMALS AND LIVESTOCK WITHIN THE TOWN, AND RUNNING AT LARGE; 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. Act on request for a six month extension as filed by Manny Serria on behalf of Planet Kids (R2009-05/2009-06)
 - b. Act on request for variation from side interior setbacks for two story homes from 10.0' to 7.5' as filed by Julian Bryan III, Principal, on behalf of DR Horton (Emerald Cove).
 - c. Consider proposal from Wynn & Sons, per Palm Beach County Annual Contract 2013-051, for Woodland Avenue Drainage Project
 - d. Amend Town of Haverhill Land Use Application Fees as adopted on July 13, 2006 to include Application for Unity of Title (\$250.00 application fee/\$250.00 escrow deposit)
- XI. REPORTS
 - Town Attorney
 - Mayor
 - Consultants
 - Administrator's Report
 - 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

**TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, May 8, 2014
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, May 8, 2014 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 Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Janice Rutan and Director of Public Services Joseph Roche.

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.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the February 13, 2014, March 27, 2014, and April 10, 2014 Regular Meetings

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

PRESENTATIONS AND PROCLAMATIONS

None.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 422: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10, ANIMALS, BY ADDING NEW SECTIONS TO PROVIDE FOR DEFINITIONS, BIRD SANCTUARY, NUMBER OF HOUSEHOLD PETS, WASTE REMOVAL, ANIMAL NUISANCES, PROHIBITION OF CERTAIN ANIMALS AND LIVESTOCK WITHIN THE TOWN, AND RUNNING AT LARGE; 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 motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to pass Ordinance No. 422 on second reading. He noted that the changes resulting from the Code and Ordinance Committee meeting and the Town Council workshop regarding the change from Code Enforcement Board and to Special Magistrate in Section 10.16 and the addition of the romanettes in Section 10.7 had been incorporated in proposed Ordinance. He confirmed that two affidavits of complaint, signed by two residents would need to be filed with the Town prior to declaring a public nuisance.

Vice Mayor Woods requested Section 10.4 be amended by removing “in an aquarium” from the exclusion of fish. Council Member Gordon accepted the amendment to the motion.

The vote to pass Ordinance No. 422, as amended, on second and final reading passed unanimously (5-0).

FIRST READINGS AND REGULAR AGENDA

Act on request for a six month extension as filed by Manny Serria on behalf of Planet Kids (R2009-05/2009-06)

The Town Administrator presented Staff’s report. She explained that the original approval order through the adoption of Resolution 2009-05 and 2009-06 was granted on April 9, 2009 and would have expired October 2009. A six month extension through the Town’s code was granted to May of 2010. A 2 year extension was granted through SB 360 and an additional 2 year through SB 7207. As such, Planet Kids was entitled to another two (2) six month extensions.

Manny Sarria, owner of Planet Kids VII, was requesting Town Council consideration in granting a six month extension to the development order in accordance with Section 58-129 of the Town’s Code of Ordinances.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to grant a six month extension for the development order granted Planet Kids VII, expiring November 14, 2014.

Act on request for variation from side interior setbacks for two story homes from 10.0’ to 7.5’ as filed by Julian Bryan III, Principal, on behalf of DR Horton (Emerald Cove).

Mayor Foy passed the gavel to Vice Mayor Woods and abstained from participation due to a business relationship with the applicant, DR Horton.

The Town Administrator presented Staff’s report. Julian Bryan was present representing DR Horton. There was a request before the Town Council to allow for a side interior setback reduction from 10.0’ to 7.5’ for two story homes.

Discussion followed. It was agreed that the variation request should not be generic, but tied to a specific site plan. **A motion was then made by Council Member Beavers, seconded by Council Member Gordon to approve the request to allow for a 7.5 ’interior side set back as shown on the attached final site plan submitted by JBA (Julian Bryan & Associates) dated 3/18/14 as attached hereto. The motion passed 4-0, with Mayor Foy abstaining.**

PALM BEACH COUNTY SHERIFF’S OFFICE

Statistics for the previous 2 week period were reported on. There had been several calls to Haverhill Court for disturbances, domestic issues and assault. There had been several business and residential checks and vehicle stops.

The Town Council extended their appreciation to the Palm Beach County Sheriff’s Office.

Consider proposal from Wynn & Sons, per Palm Beach County Annual Contract 2013-051, for Woodland Avenue Drainage Project

Town Engineer Jeff Renault presented Staff’s report. He explained that based on Council’s direction, he met with Wynn and Sons to review the scope of the Woodland Avenue Drainage project. Wynn and Sons presented a proposal (based PBC Annual Contract 2013-051).

Based on the recommendation of the Town Engineer, a motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to reduce the

contingency of the proposal to \$4,000 and to award the contract for the Woodland Avenue Drainage project to Wynn and Sons in the amount of \$80,433.

A brief discussion followed about the construction of the concrete valley gutter for positive flow. It was noted that the Council would need to revisit the drainage improvement project for Park and Cyprus Lanes.

Amend Town of Haverhill Land Use Application Fees as adopted on July 13, 2006 to include Application for Unity of Title (\$250.00 application fee/\$250.00 escrow deposit)

The Town Administrator presented Staff's report. She explained that the Town Council had never adopted a fee for a Unity of Title when it adopted its land use fee schedule. She had developed an application for completion and was seeking Council approval for a fee to be charged. Because a Unity of Title would require legal review, title work and review of same by the Town Planner and Staff, it was her recommendation that the Town Council approve an application fee of \$250., with an additional fee of \$250., to be collected as an escrow deposit to be used for costs related to professional review. Should those fees exceed the escrow balance, the applicant will be billed accordingly; if the fees are less than the escrow balance, the difference will be returned to the applicant.

A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve an application fee of \$250., with an additional fee of \$250., to be collected as an escrow deposit to be used for costs related to professional review. Should those fees exceed the escrow balance, the applicant will be billed accordingly; if the fees are less than the escrow balance, the difference will be returned to the applicant.

REPORTS:

Town Attorney

None.

Mayor

Mayor Foy reported that he had learned that the six-laning was still on the County's 2040 desires plan. The County's Metropolitan Planning Organization (MPO) would be deciding, at the next month's meeting, whether they would be considering the cost feasibility of the project. He received the support from Council to attend the next month's MPO meeting representing the Town of Haverhill.

Mayor Foy then reported that the Town had received notification from FEMA that they would not be using the Town's FFE's to create the boundaries shown on FIRMs. They would be using ground elevations rather than internal floor elevations. Mayor Foy took exception with the decision stating that the criteria being used is what is needed for an amendment to the maps, not for determination. FEMA did agree to use the 10 foot DEM for the Town on the revised FIRMs.

He had conversation with Ken Todd of Palm Beach County concerning the inaccuracy of the maps for Palm Beach County. The Town may want to participate with the County in designing our own maps and as such would have to budget accordingly.

Consultants

None.

Administrator's Report

Administrator Rutan reported on an incident within town concerning ATV's running down the canal behind the park and trespassing on private property. The Director of Public Services and the Sheriff's office were following up.

The Town Administrator reminded all that the Palm Beach County League of Cities annual gala would be held on May 21, 2014.

Committee/Delegate Report

Council Member Beavers suggested that Loxahatchee Groves be invited to the joint meeting of the PBC EOC and the smaller municipalities.

He reported that there would be a Board meeting held immediately prior to the Palm Beach County League of Cities District II and III meeting. A brief discussion followed.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Mayor Foy reported on a conversation he had with former Councilman Jadu concerning the wells being drilled in the park and the possible affect they could have on the Tow's water tables. He expressed his concern about possible sink holes. Mayor Foy assured him that the Town had addressed those matters with Palm Beach County during preliminary meetings.

NEW BUSINESS

None.

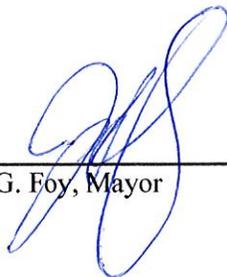
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:45 p.m.

Approved: June 12, 2014



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME FOY - JAY - GRITH	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN OF HAVENHILL COUNCIL
MAILING ADDRESS 1094 TRAILWAY ROAD, Palm Beach	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY HAVENHILL	COUNTY Palm Beach
DATE ON WHICH VOTE OCCURRED 5/8/14	NAME OF POLITICAL SUBDIVISION: TOWN OF HAVENHILL
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jay G. Foy, hereby disclose that on MAY 8, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____ by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

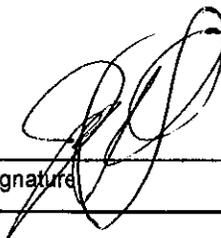
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*CONTRACT BETWEEN DR HOUSTON AND STORMWATER ENGINEERS
FOR WHICH JAY G. FOY IS PRESIDENT.*

Date Filed

5/8/14

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

