

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, August 14, 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**
- VI. APPROVAL OF AGENDA**
- VII. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the July Regular Meeting
- VIII. PRESENTATIONS AND PROCLAMATIONS**
- IX. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- X. SECOND READINGS AND PUBLIC HEARINGS**
  - a. **RESOLUTION 2014-06**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA APPROVING THE APPLICATION FOR VARIANCE FROM SEC. 58-170 (6) OF THE ORDINANCES OF THE TOWN OF HAVERHILL TO ALLOW FOR THE CURRENT 15 FOOT REAR SETBACK BE LOWERED TO A MINIMUM OF 2 FEET FOR THE INSTALLATION OF A POOL WITHIN THE ACCESSORY STRUCTURE REAR SETBACK. THE TOWN CODE REQUIRES POOLS TO MEET THE PRINCIPAL STRUCTURE SETBACK OF 15 FEET. AS FILED CIARAN MATTHEW CUPPLES, OWNER OF THE PROPERTY LOCATED AT 941 SIESTA DRIVE, HAVERHILL, FLORIDA, ALSO KNOWN AS SUNSET ISLES REPLAT, LOT 5, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE(S) 175 – 176, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**
- XI. FIRST READINGS AND REGULAR AGENDA**
  - a. Act on request for variation under Sec. 58-319 as filed by Randolph Adams, to allow for a 6' wood fence erected at 975 Briarwood Drive
  - b. Approve site plan amendment for Emerald Cove (Public Roads)
  - c. Discuss drainage improvement project for Park lane and Cyprus Lane
  - d. Approve the distribution of \$341,227 of Federal Fiscal Year 2014 (2015) Edward Byrne Memorial Justice Assistance Grant (JAG) funds.
  - e. Consider budget line transfers from 001-1200-512.1301 Election Workers in the amount of \$5,800.00 to 001-1200-512.6400 Machinery and Equipment and 001-1200-512.5201 Committee Meeting and Supplies for the purchase of new pc tower for Administrative Assistant; new audio equipment for recording of meetings and chairs for Council dais
  - f. Discuss Building Official Services
- XII. REPORTS**

**Town Attorney**  
**Mayor**  
**Consultants**  
**Administrator's Report**  
**Committee/Delegate Report**  
**Treasurer's Report (included in packet)**

**XIII. UNFINISHED BUSINESS**

**XIV. NEW BUSINESS**

**XV. 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, CMC, 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 ~ August 14, 2014  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, August 14, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James Woods, Vice Mayor; 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 with the exception of Council member Beavers who was attending the Florida League of Cities Annual Conference.

**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 for the July 24, 2014 regular meeting**

**A motion was made by Voce Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to approve the consent agenda as presented.**

**PROCLAMATIONS AND PRESENTATION**

None.

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

Deputy Greg Meehan was present representing the Palm Beach County Sheriff's office. He reported on the stats for the period July 24, 2014 through August 14, 2014. There had been two residential burglaries (5300 block of Belvedere Road and Grove Street) in Town. The suspects had broken in through the window at the Grove Street burglary and it is believed that a delivery person may have been responsible for that burglary.

The Town Council expressed their appreciation to the Palm Beach County Sheriff's office.

**SECOND READINGS AND PUBLIC HEARINGS**

**RESOLUTION 2014-06**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA APPROVING THE APPLICATION FOR VARIANCE FROM SEC. 58-170 (6) OF THE ORDINANCES OF THE TOWN OF HAVERHILL TO ALLOW FOR THE CURRENT 15 FOOT REAR SETBACK BE LOWERED TO A MINIMUM OF 2 FEET FOR THE INSTALLATION OF A POOL WITHIN THE ACCESSORY STRUCTURE REAR SETBACK. THE TOWN CODE REQUIRES POOLS TO MEET THE PRINCIPAL STRUCTURE SETBACK OF 15 FEET.AS FILED CIARAN MATTHEW CUPPLES,**

**OWNER OF THE PROPERTY LOCATED AT 941 SIESTA DRIVE, HAVERHILL, FLORIDA, ALSO KNOWN AS SUNSET ISLES REPLAT, LOT 5, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE(S) 175 – 176, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

The title was read by Attorney Foster. Attorney Foster presented the staff report submitted by the Town Planner, Josh Nichols. Mr. Cupples was present.

**A motion was then made by Vice Mayor and Council Member Gordon and unanimously approved (4-0) to approve Resolution 2014-06 granting approval of a variance for 13 feet for the rear yard setback (reducing the rear yard setback from 15 feet to 2 feet) with the Condition of Approval to be that the Applicant obtain written approval from the Sunset Isles Homeowners Association for the proposed rear yard setback relating to the installation of the pool within 60 days of the adoption of Resolution 2014-06.**

#### **FIRST READINGS AND REGULAR AGENDA**

**Act on request for variation under Sec. 58-319 as filed by Randolph Adams, to allow for a 6' wood fence erected at 975 Briarwood Drive**

The Town Administrator offered Staff's report. She explained that Mr. Adams, a property owner since April 2014, had installed a 6' front yard fence at his property at 975 Briarwood Drive as a weekend project. Mr. Adams did not realize that not only did he need a permit to install the fence, he needed a variation from the height restriction of 4'.

Staff notified Mr. Adams of the Town's permit requirements as well as the process to request a variation.

She presented Council with copies of Mr. Adams permit application and his request for a variation from the 4' height requirement explaining that it was installed for safety and privacy reasons as well as per his insurance company's preference. She added that only a portion of the installed fence encroaches the front yard.

Staff was recommending Town Council approval of the request for a height variation.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the variation as requested allowing for the installation of the 6' front yard fence.**

#### **Approve site plan amendment for Emerald Cove (Public Roads)**

Mayor Foy handed the gavel to Vice Mayor Foy recusing himself from discussion and consideration of the request of DR Horton for a site plan amendment. Mayor Foy filed his memorandum of voting conflict and explained that his company, Stormwater J was under contract with DR Horton.

Julian Bryan was present representing DR Horton. He explained the only change on the site plan was adding the word "public" to the roads within the subdivision.

Discussion followed. DR Horton would be applying for fence permits to replace perimeter fencing as part of the overall site construction. It was not necessary to include with site plan.

**A motion was then made by Council Member Gordon to approve the amended site plan as presented by DR Horton. The motion was seconded by Council Member Uptegraph and passed 3-0, with Mayor Foy abstaining.**

**Discuss drainage improvement project for Park lane and Cyprus Lane**

Mayor Foy addressed the Town Council. He explained that he and the Town Engineer, Jeff Renault had met to review the proposed drainage improvements for Park and Cyprus Lanes. He would like Council to authorize the Town Engineer to draw up the construction plans in phases. His preference would be to install the valley gutters and then pave afterwards. Mayor Foy stated that his review of the Town's codes allowed exfiltration trenches for water quality however, they were not permitted if used to meet equal compensating storage. With that said, the installation of a valley gutter might be the preferred way to proceed.

It would be Council's decision on how to proceed.

**Approve the distribution of \$341,227 of Federal Fiscal Year 2014 (2015) Edward Byrne Memorial Justice Assistance Grant (JAG) funds.**

The Town Administrator reported that the Town Council was requested each year to approve the request of the Criminal Justice Commission for the allocation of FY 2015 (Federal Fiscal Year 2014) JAG funds. If Palm Beach County did not receive 51% support from the municipalities, representing 51% of the county's population, they would be unable to receive grant funding in the amount of \$341,227.

**A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the request of the Criminal Justice Commission for the allocation of FY2015 JAG funds to Palm Beach County in the amount of \$341,227 for the specified projects within Palm Beach County.**

**Consider budget line transfers from 001-1200-512.1301 Election Workers in the amount of \$5,800.00 to 001-1200-512.6400 Machinery and Equipment and 001-1200-512.5201 Committee Meeting and Supplies for the purchase of new pc tower for Administrative Assistant; new audio equipment for recording of meetings and chairs for Council dais.**

The Town Administrator offered Staff's report. She explained that there was \$5,800 remaining in the Elections line item because there had not been a municipal election during the fiscal year. She was requesting line item transfers within Administration as follows:

From:	001-1200-512.1301	Election Workers	(-5,800.00)
To:	001-1200-512.6400	New PC Tower	\$1,300.00
	001-1200-512.6400	Audio Equipment	\$950.00
	001-1200-512.6400	Cover shortfall	\$2,500.00***
	01-1200-512.5201	Council chairs	\$1,050.00

**A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to authorize line item transfers as requested by the Town Administrator.**

**Discuss Building Official Services**

The Town Administrator updated the Town Council on the status of the Building Official. She explained that Wayne Cameron was no longer serving in that position. MT Causley had sent David Wilcox to fill the position on an "as needed" basis until MT Causley hired someone to provide 12 -15 hours a week to the Town.

Council made it clear that their "as needed" basis was the 12 -15 hours per week and the needs of the residents were being taken care of.

The Town Administrator introduced David Wilcox to the Town Council.

Mr. Wilcox addressed the Council and gave them a brief update of his accomplishments with the office since he had been there. He commented that all Building Officials operate under FS468.629 giving only the Building Official the authority to oversee job sites, etc.

Council was in agreement that they would prefer set hours and that requirement would need to be met. They want consistency in the department so that Haverhill's reputation as the nice place to do business with remains intact. The residents expect that and it should be provided.

**Reports:**

**Town Attorney:**

Attorney Foster reported that prior to the meeting he and the Town Administrator had met with Jason Sawyer who was representing Verizon wireless. He commented that cell towers were being heavily regulated through the FCC and state law and that Council would need to adhere to fair equity in lease negotiations, explaining that each lessee must be treated substantially the same way by the Town with regard to the terms and the amount of the lease. He added that Verizon was committed to going forward with a 2015 construction date.

**Mayor:**

Mayor Foy reported that the Mayor's Literacy Luncheon, sponsored by the Palm Beach County Literacy Coalition, was being held on September 17, 2014. The invitation was for the Mayor and two elected officials from the Town to attend. Vice Mayor Woods would plan to attend. Council Member Uptegraph would confirm his schedule.

**Committee Delegate Reports:**

Vice Mayor Woods reported that the Halloween Event would be held on the evening of October 31, 2014. Council Member Uptegraph had agreed to drive the truck with the announcement the week prior to the event.

Mayor Foy reported on the Palm Beach League of Cities District II & III lunch held the day prior. The main topic of conversation was about the "All Aboard Florida" rail's quiet zones that will cost much less than originally anticipated.

The FEMA maps have not yet been rolled out. The Town Administrator reported that she had received notification of a final outreach coordination call from AECOM regarding the Public Open House meeting to introduce the flood maps to the public. The open house scheduled for Haverhill was being held on September 9, 2014. She reminded Council she would be out of Town on vacation on September 9, 2014. It was felt that the conference call and the informational meeting were just procedure and not necessary for Town of Haverhill officials to participate in. FEMA would be on site at the meetings.

The Town would not need to participate in the **Coastal** Flood program.

**Town Administrator**

The Town Administrator reported that Mayor Foy would be receiving recognition for this twenty years of elected service at the Florida League of Cities conference being held in Hollywood.

She had received notification from Land Design South that they were proposing a rezoning and conditional use application for the development of 33 zero lot line single family homes on property located on Jog Road, between Southern Boulevard and Belvedere Road which was in the Town's future annexation area. Council agreed to take no action.

She had received word from the University of Florida Bureau of Economic and Business Research – BEBR) that the Town’s preliminary estimate of permanent residents had risen from 1,873 to 1,969.

Palm Beach County’s Department of Economic Sustainability had informed the Town that it had identified an area within the Town that met the income and size requirements to be proposed as a Community Development Block Grant Target (CDBG) area. The area included all properties west of Belvedere Road.

**OLD BUSINESS:**

Mayor Foy commented that at the PBC League District II and III meeting he had posed the question to the other municipalities if they had considered tying ad valorem millage rates to the cost of living and adjusting millage rates in accordance with the COLA. None had, however, Mayor Foy suggested the Town Council think about doing that as a justifiable logistical way to determine what the millage rate should be set at.

It was noted that the red light cameras had been removed from the intersection of Belvedere and Haverhill Roads. Discussion followed and it was revealed that although the cameras had been removed, the meter and the signage was still up. The meter was located in an unsafe location on the sidewalk. Attorney Foster would write to ATS and ask them to remove any and all equipment.

**NEW BUSINESS:**

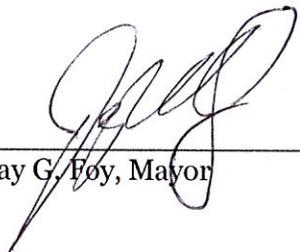
**Due to the Labor Day Holiday and the travel schedules of Council Members, it was the general consensus of Council to reschedule the September workshop from September 2, 2014 at noon to September 9, 2014 at noon.**

**ADJOURNMENT:**

With no further business to come before the Town Council, the meeting adjourned at 8:40 p.m.

**Approved: August 28, 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 B	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HAVORAH COUNCIL
MAILING ADDRESS 1094 TRAILWAY LANE	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 HAVORAH FL	COUNTY PALM BEACH
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION: TOWN OF HAVORAH
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## 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.

**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 B. Fox, hereby disclose that on 8/14, 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:

*THE DEVELOPER IS A CLIENT OF MY FIRM, THIS PROJECT IS NOT BEING DONE BY MY FIRM.*

8/14/14  
Date Filed

[Signature]  
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.