

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Jo Plyler, Council Member
Mark C. Uptegraph, Council Member
Remar M. Harvin, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, May 26, 2016
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 May 12, 2016 Regular Meetings
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**
- IX. PRESENTATIONS AND PROCLAMATIONS**
 - a. Palm Beach County Commission on Ethics
- X. PUBLIC HEARINGS AND SECOND READINGS**
 - a. Consider Request for Variance from Section 58-185 (5) (6) to allow for the current 15 foot rear setback to be lowered to a minimum of 2 feet and to eliminate the 7.5 foot side line setback for the installation of a pool and deck as requested by Sherri J. Gerris, 4920 Luwal Drive
 - b. **ORDINANCE No. 438**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-319, WALLS FENCES AND SHRUBBERY, BY ALLOWING FOR FENCES TO BE PLACED ON THE PROPERTY LINE AND CLARIFYING THAT THE SETBACK REQUIREMENTS ARE APPLICABLE TO DRIVEWAYS EXCEPT WHERE SUCH DRIVE ACCESSES A STREET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider request for lien reduction by US Bank and Trust through their agent for property located at 5459 Toronto Road
 - b. Approve the Interlocal Agreement with Palm Beach County and the School District of Palm Beach County and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax

b. Discuss the Terms and Conditions of the Request for Proposal for Solid Waste collection and disposal service including Yard Waste, Bulk Waste and Recycling collection

XI. REPORTS

Town Attorney

Mayor

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 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 OF HAVERHILL
Regular Town Council Meeting
Thursday, May 26, 2016
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, May 26, 2016 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Remar M. Harvin, Council Member; Jo Plyler, Council Member and Mark Uptegraph, Council Member. Town Attorney Foster participated. Director of Public Services Joseph Roche and Town Administrator Janice C. Rutan was also present.

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. Mayor Foy then led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members were present.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

A motion was made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve the agenda as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the May 12, 2016 Regular Meetings

A motion was made by Council Member Uptegraph, seconded by Council Member Harvin and unanimously passed (5-0) to approve the Consent Agenda as presented.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.

It was reported that during the previous two-week period, there had been one reported burglary to a vehicle on Pineway Drive. The Town Council expressed their appreciation to the PBSO.

PRESENTATIONS AND PROCLAMATIONS

Palm Beach County Commission on Ethics

Mark Bannon, Executive Director and Gina Levesque, Community Liaison and Intake Coordinator were present to address the Town Council. They explained that they have been visiting the Palm Beach County municipalities introducing themselves to better explain to the Towns the services that the Commission on Ethics provides.

There was discussion that followed with Mr. Bannon giving clarification as to the responsibilities of the Ethics Commission verses those of the Office of Attorney General. Specific questions regarding gifts and reporting of gifts in excess of \$100. Were

answered. They suggested that all visit their website that has many specific legal opinions posted so they could get answers to specific questions.

Mr. Bannon noted that their office is located in the old Courthouse, downtown.

PUBLIC HEARINGS AND SECOND READINGS

Consider Request for Variance from Section 58-185 (5) (6) to allow for the current 15-foot rear setback to be lowered to a minimum of 2 feet and to eliminate the 7.5-foot side line setback for the installation of a pool and deck as requested by Sherri J. Gerris, 4920 Luwal Drive

Josh Nichols, Town Planner, provided Staff's report. He gave a brief history of the project and his staff report contained photographs of the already constructed above ground pool and decking. It was the recommendation of the Town Planner the Town deny the request for variance based on the applicant's display of hardship, excessive setback encroachments and the Town Council's recent text amendments relating to setbacks for driveways to avoid impervious surfaces built directly on property lines.

The applicant and property owner, Sherri Gerris was present and addressed the Town Council. She had been misinformed by her contractor that permits were not required. Although there was a utility easement along the property line, and she was able to receive permission for the placement of the fence and decking into the easement, she explained the easement had been abandoned years ago. The work had been completed last summer. The pool was therapeutic for her Rheumatoid Arthritis.

Mayor Foy analyzed whether Council would approve the request for variance if the applicant would have come to them prior to construction. His concerns was with the impervious materials that were not conducive to allow for water quality and would not compensate for water run-off. It would be his recommendation that should be a condition of approval if approved.

Discussion followed. A motion was then made by Vice Mayor Gordon, seconded by Council member Plyler and unanimously passed (5-0) to approve the variance from Section 58-185 (5) (6) to allow for the current 15-foot rear setback to be lowered to a minimum of 2 feet and to eliminate the 7.5-foot side line setback for the installation of a pool and deck as requested by Sherri J. Gerris, 4920 Luwal Drive under the following conditions:

- **an executed removal and indemnification declaration must be recorded within 90 days from the approval of the variance. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries;**
- **the deck shall always remain as a slated platform made of wood or man-made wood substitute to maintain storm water runoff on-site so not too cause any future drainage issues**
- **an opaque privacy fence shall remain installed around the perimeter of the pool to ensure privacy for abutting neighbors**

Noting that this matter has been before the Council on several occasions, and no further discussion of same needed, a motion was made by Council Member Harvin, seconded by Council Member Plyler and unanimously passed (5-0) to enter into the Interlocal Agreement with Palm Beach County and the School District of Palm Beach County and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax

Discuss the Terms and Conditions of the Request for Proposal for Solid Waste collection and disposal service including Yard Waste, Bulk Waste and Recycling collection

Council Member Gordon requested consideration to encourage the participation of minority bidders for the upcoming solid waste and recycling bid. Discussion followed. Vice Mayor Foy was adamant that the document should be let out as an “Invitation to Bid” and not a “Request for Proposal”. Again discussion followed.

The Town Administrator reported that she would be attending the Florida Association of City Clerks conference the following week and would reach out to the Professor from Florida Atlantic University who would be teaching a session on Government Procurement and Contract Processes. She was hoping Professor McCue could review the proposed document and advise accordingly. Attorney Foster commented that the document would also need to adhere to Section 2-66 of the Town Codes of Ordinances.

Approve Communications Services Tax (CST) Confidentiality Agreement with the Florida Department of Revenue

A motion was made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (5-0) to enter into a Communications Services Tax Confidentiality Agreement with the Florida Department of Revenue and to appoint the Mayor and Town Administrator representatives of the Town.

REPORTS

Town Attorney

None.

Mayor

The Mayor had forwarded the most recent FEMA maps to the Town Administrator.

Administrator’s Report

Council Member Uptegraph reported that the clam truck had dug holes in the swale on Ivory Lane while picking up vegetation and requested that Waste Management b fill the holes.

The Town Administrator reported the audit had been completed. She reminded all that she would be out of the office June 5 – 8 attending the Florida Association of City Clerks conference.

Committee/Delegate Report

A proposed annexation for property at the corner of Grove Street and Military Trail would be discussed at the upcoming June 7, 2016 workshop.

Treasurer’s Report

Included in packet.

UNFINISHED BUSINESS

None.

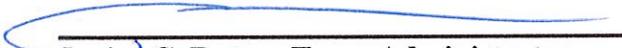
NEW BUSINESS

Council Member Uptegraph inquired as to the reasons the Town returned the Linear Park to the County. Discussion followed. Staff responded that the upkeep was extremely costly to the Town for maintenance and staff time. Attorney Foster reminded all that the property could not have been sold as per the Agreement with the County.

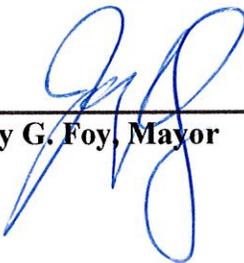
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 9:10 a.m.

Approved: June 23, 2016



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor