

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



TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ April 13, 2017
7:00 p.m.
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 March 23, 2017 regular meeting**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. REGULAR AGENDA AND FIRST READINGS**
 - a. **Set policy for pavilion at Town Hall**
 - b. **Consider Solid Waste and Recycling Rates for FY 2017/2018**
 - c. **Receipt of Letter of Flood Hazard Determination**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - 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 13, 2017
7:00 p.m.
OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, April 13, 2017 at the Town Hall, 4585 Charlotte Street, Haverhill, Florida. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Mark C. Uptegraph, Council Member; Jo H. Plyler, Council Member and Remar M. Harvin, Council Member. Also present were John Foster, Town Attorney; Janice C. Rutan, Town Administrator and Joseph Roche, Director of Public Services.

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 in the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present.

COMMENTS FROM THE PUBLIC

George Rodriguez of 1310 Park Lane addressed the Town Council. He was interested in a voluntary annexation of his property into the Town of Haverhill. He abutted the northeast boundary of the Town on Park Lane. He explained that if approved, he would be petitioning the Town to grant him a variation to install an accessory building that would exceed to the permitted size requirements.

Discussion followed. Through general consensus, Council supported that annexation provided the property owner would be willing to change the present future land use of Palm Beach County LR2 to the Town of Haverhill Low Density and to change the current zoning designation of RH Multi Family to Town of Haverhill R-1 single family residential.

Mr. Rodriguez noted he would agree to the land use change and the rezoning and would file the necessary applications with the Town.

Mayor Foy noted his support of the annexation as it was in keeping with the residential character of the Town and would keep the property from being developed under the County's current high density designation.

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 March 23, 2017 regular meeting.

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

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Palm Beach County Sheriff's office offered the following statistics for the previous 2 week period. There had been 203 calls to which 21 case numbers had been assigned, 42 traffic stops and 116 business and residence checks.

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

SECOND READINGS AND PUBLIC HEARINGS

None.

REGULAR AGENDA AND FIRST READINGS

Set policy for pavilion at Town Hall

The Town Administrator offered staff's report. Presently the Town of Haverhill rents out its pavilion and grilling facilities at a nominal fee of \$50.00 plus \$50.00 deposit for a half day (4 hour rental); or \$100.00 plus \$100.00 deposit for a full day rental (8 hours). She explained that for the past few years, the pavilion had been used for birthday parties, baby showers, weddings, etc. and was rented mostly by Town resident. Due to the popularity of the facility, and the attractive price, it is now being rented by many non-residents and over the past several months, has been rented for at least two weekend days per month. The Town of Haverhill hosts its own events twice per year (Halloween and the annual picnic).

She explained that staff spends several hour preparing the facility for rental (power washing, bathroom cleaning, etc.), and is now spending several hours cleaning up after the renters. Lately, staff has also noticed damages to the tables and fans and has had to scrape up candy and gum from the floor. The Town Administrator reported that he amount of money collected does not cover the cost of staff.

In addition, several of the recent events have resulted in noise complaints and the interruption of the quiet enjoyment of the neighboring properties. Staff has arrived Monday morning to find broken glass, trash and half empty glasses and cans strewn about the property as well as fielding complaints by those affected by the loud music. Administrative policies have had to be put in place on how to handle complaints during the hours the Town Hall is closed and these events are taking place.

Because the rental of the facility is a policy decision set by Council, staff was asking Council for guidance in addressing the future use of the facility. Suggestions included the following:

- Increase the rental price/deposit
- Certificates of Insurance naming the Town as an additional insured
- Require the hiring of off duty police officers during the event
- Limiting the hours of use to no more than 4 hours and no later than 6:00 p.m.
- Limiting the rentals to no more than one weekend per month, on a first come first serve basis with no more than one rental per year per person

After a long discussion, a motion was made by Council Member Harvin, seconded by Council member Gordon and unanimously passed (5-0) to honor existing contracts for renting the pavilion, but to place a moratorium on any further rentals of the pavilion through December 31, 2017 and to revisit the matter after January 1, 2018.

Consider Solid Waste and Recycling Rates for FY 2017/2018

The Town Administrator offered Staff's report. She explained the report was being furnished to Council for informational purposes and their consideration in setting the non-ad valorem assessment rate for the 2017/2018 fiscal year. She noted the Town Council must adopt the preliminary assessment for TRIM purposes no later than July 1, 2017.

She reminded Council that the contract entered into with Waste Pro had raised cost for solid waste and recycling services from \$18.48 per unit, per month to \$20.07 per unit, per month. Because the 2016/2017 budget had been adopted prior to the contract award, the Town has been operating at a per unit, per month shortfall \$1.59 (\$19.08 per year) exclusive of discount and administrative charges for the current year. The current contract with Waste Pro guarantees the per unit cost of \$20.07 for the first 3 years of the contract, the annual shortfall of \$12,326 can be amortized over the remaining two years of the contract.

Per household cost:	\$240.84 (20.07 x 12)
Discount average	9.63
Administrative costs	2.32
Shortfall	9.17 (total annual shortfall per unit for the 2016/17FY was \$19.08. This can be collected over the remaining 2 years of contract)
TOTAL PER UNIT	\$261.96

672 units at an assessment of \$20.07 per unit would collect \$161,844.48, less the approximate average discount of \$6,473.77; administrative costs of approximately 1,500 and a shortfall assessment of \$6,201.60 (9.17 per unit per year) would result in a total collection of \$176,019.85. This per unit assessment of \$262.00 will result in an annual increase of \$28.00 per unit for the ensuing 2 years.

This is a Preliminary assessment that needs to be filed with Solid Waste Authority no later than July 1, 2017 for **TRIM** purposes. She reminded Council that this amount would appear on the Notice to Taxpayers sent out the first week in August and that once Council sets the preliminary it cannot increase but can only decrease at final hearing.

Town Administrator Rutan provided the proposed calendar for the adoption of the non-ad valorem assessment for TRIM purposes to be as follows:

- June 28, 2017 Town Council adopt preliminary non ad valorem assessment
- July 11, 2017 Preliminary non ad valorem assessment rate be sent to SWA
- July 23, 2017 Legal Ad to appear in Palm Beach Post (at least 20 days prior to August 24, 2017 Public Hearing)
- July 24, 2017 Mailing sent to affected property owners
- Aug. 24, 2017 Public Hearing to adopt final non ad valorem assessment
- Aug 28, 2017 Adopted rate resolution and Tax Roll certification sent to SWA

By general consensus, Council authorized the Town Administrator to prepare the necessary documents to place the item on the Council agenda for June 22, 2107.

COMMENTS FROM THE PUBLIC

Abutting neighbors from the property located at 5220 Club Road came to address the Council. The property had been posted with the sign notifying the public of the proposed subdivision to the property. The hearing date on the notice was for April 13, 2017, however, because certain documents had not yet been filed, the matter was postponed to the following matter. Once the proposed land use

changed was explained to the neighbors, and they were able to review the proposed subdivision, they raised no objection.

Receipt of Letter of Flood Hazard Determination

Mayor Foy reported on the April 5, 2017 letter from FEMA to the Town of Haverhill notifying the Town of the final flood hazard determination. The letter also informed the Town of Haverhill that the maps would be made available to the Town and that prior to October 5, 2017, the Town of Haverhill was required to adopt an ordinance that would address floodplain management so to remain eligible for participation in the National Flood Insurance Program.

REPORTS

Town Attorney

Attorney Foster reported that he would be presenting the proposed Floodplain Ordinance to Council for consideration within the next month. Regarding the request by St. Christopher's for a columbarium, Attorney Foster reported that the current code does not permit the use and a zoning text amendment would be required. He would contact the Attorney for St. Christopher's to provide proposed language.

Attorney Foster had still not heard back from Crowne Castle regarding the Town's proposed Ordinance addressing small cell telecommunication towers. Pending SB 596 will have an impact on any decision being made.

He gave a brief update on the request made by Palm Beach Habilitation to remove the unity of title that was originally required as part of the site plan approval so that they can sell a piece of the parcel of land to the property immediately to the south of them. If approved, at a minimum, Attorney Foster would require the purchaser to enter into a Unity of Title. Attorney Foster noted further deed restrictions could not be permitted.

Mayor

Mayor Foy addressed the recent rezoning inquiry made to Council by Kathy Bryant, owner of the property at 1099 Haverhill Road. He would object to rezoning the property from the R-1 zone to the R-2 zone as it is his belief that duplexes promote rentals.

He then reported on the change in billing submitted by John Foster on behalf of Foster & Fuchs. Presently the Town Attorney charges a flat fee for the monthly retainer and then a separate billing for extraordinary services. The new method of billing would increase the monthly retainer to \$5,000 but the retainer would include all other matters that were billed as extraordinary expenses. Special projects would be billed separately with Town Council approval.

The Law Firm of Foster and Fuchs (f/k/a/ Foster & Foster) has been representing the Town for over 50 years with Attorney Foster following in his father's footsteps.

It was explained that the new billing arrangement will not affect the Town's budget, but will only change the monthly billing procedures.

Although the matter was of an Administrative function, Mayor Foy wanted to bring the change to the Town Council's attention. The Council, by general consensus accepted the change in retainer and authorized the Town Administrator to proceed ahead.

Mayor Foy announced his vacation April 20-27 and extended his apologies for missing the Town picnic and the Town's sponsorship of the Palm beach County league Luncheon.

Town Administrator

The Town Administrator reminded all of the Town picnic scheduled for April 22, 2017.

She next announced the invitation to Council and Staff to the May 4, 2017 3:00 p.m. – 7:00 p.m. grand opening of Schmidt & Nichols (f/k/a Jon Schmidt & Associates) new offices at 1551 North Flagler Drive.

It was announced that t=in an effort to combat the Zica virus and the mosquito problems within the Town, staff arranged with Clarke Mosquito to have Natular DT available as a handout to the Town residents during the Town picnic. Joseph Roche, Director of Public Services provided Staff's report explaining that the tablets can be dropped in standing water to eliminate the infestation of mosquitoes yet they are safe for animals and plants.

Committee/Delegate Report

Councilman Harvin reported on the Palm Beach County League of Cities District 2 & 3 luncheon that was held at VI Assisted Living Facility ion Lantana. One of the topics of discussion was the imposition on Palm Beach County caused by the President's frequent visits.

Mayor Foy reported on the NPDES report. He next commented on the recent DEP analysis that was determined with no scientific base.

Councilman Remar Harvin had agreed to represent the Palm Beach County League of Cities on the CCAN (Airport Noise Advisory Committee). **A motion was then made by Council Member Uptegraph, seconded by Vice Mayor Gordon and unanimously passed (5-0) to recognize and support Council Member Harvin's appointment to the CCAN committee.**

The Town Administrator announced the first meeting of the Citizen's Surtax Oversight Committee scheduled for May 2, 2017 at 5:30 p.m. at the Town Hall.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

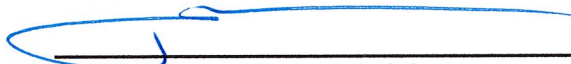
NEW BUSINESS

None.

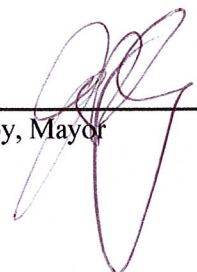
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:35 p.m.

Approved: May 25, 2017



Janice C. Rutan, Town Administrator



Jay Foy, Mayor