

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, February 12, 2015
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 January 22, 2015 Regular Meeting minutes.
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.
- VIII. PRESENTATIONS AND PROCLAMATIONS
 - A. Presentation and discussion relating to DR Horton proposed site plan – Haverhill Road.
- IX. PUBLIC HEARINGS AND SECOND READINGS
- X. FIRST READINGS AND REGULAR AGENDA
 - a. Receive and file Palm Beach County Fire Rescue's Annual Report for the Town of Haverhill October 1, 2013 – September 30, 2014
 - c. Approve Amendment No. 1 to Lease Agreement between the Town of Haverhill and Sprint Spectrum Realty Company LP and authorize the Mayor to execute same on behalf of the Town of Haverhill
 - b. Approve replacement of Town Hall roof and award bid per the proposals received
 - b. **ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 IN REGARD TO ANIMAL AND CONSUMER PROTECTION AND REGULATING CERTAIN ANIMAL SALE PRACTICES WITHIN THE TOWN REGARDING DISCLOSURES TO PURCHASERS AND REQUIREMENTS OF ISSUANCE OF A BUSINESS TAX RECEIPT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 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, February 12, 2015
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, February 12, 2015 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, Councilmember 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

The Town Administrator requested approval of the minutes be removed from the agenda. A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to approve the agenda as amended.

APPROVAL OF THE CONSENT AGENDA

~~Approval of the minutes of the January 22, 2015 Regular Meeting Minutes~~

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.

The only reported statistic for the prior two weeks was a narcotic issue on Cheryl Road.

PRESENTATIONS AND PROCLAMATIONS

Presentation and discussion relating to DR Horton proposed site plan – Haverhill Road.

Mayor Foy recused himself from discussion, passed the gavel to the Vice Mayor Woods and completed a Form 8B, Memorandum of Voting Conflict for the record.

Attorney Foster presented Staff's report. Staff had met with the representatives of DRHorton prior to the Council meeting to discuss DRHorton's proposal for a subdivision to be constructed on the property owned by the Haverhill Baptist Church located on the east side of Haverhill Road. DRHorton is performing due diligence and has not yet purchased the property.

Although the right of way along Club Road east needed to be addressed, Mr. Foster went on to say that the proposed lot sizes would dictate a rezoning of the property from R-2 to R-3. The property is located next to light industrial to the south, R-2 on the north and west, is under the PBIA flight path and backs up to high density development to the east.

Although the applicants may still need to request variations, it would be better suited to the R-3 zoning and the rezoning would not require an underlying LUPA. Although the project was still in its preliminary fact finding stage of development, Staff would recommend the rezoning.

Julian Bryan of Julian Bryan Associates, representing DRHorton addressed the Town Council. He explained DRHorton was looking at building 22 single family residences on the property with each lot being 5271 sf a number that was right in the middle of lot sizes required by R-2 and R-3.

They were proposing dry retention on the south side as the east side has issues. Club Road, on the south side of the property, would remain dirt, and access to the development would be from Haverhill Road.

James Bogaert, 4965 Club Road East. Mr. Bogaert addressed the Town Council. He had presented DRHorton with copies of his deed and the ingress and egress easements for Club Road earlier in the evening. He explained to Council that his father had constructed the six houses on the east side of Club Road and he would like the developer to do away with the dirt road and pave the road. He asked the Town Council to consider everything when considering the proposed development.

Discussion followed as to the location of the easements along Club Road east and how improvements could be made that would be part of the DRHorton site and the ensuing maintenance and ownership issues. Vice Mayor Woods expressed his preference would be to see the road improved for the residents.

It was agreed that DRHorton would continue to research the deeds and the easements for their consideration in developing the site and the road.

PUBLIC HEARINGS AND SECOND READINGS

None.

FIRST READINGS AND REGULAR AGENDA

Receive and file Palm Beach County Fire Rescue's Annual Report for the Town of Haverhill October 1, 2013 – September 30, 2014

A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to receive and file Palm Beach County Fire Rescue's Annual Report for the Town of Haverhill October 1, 2013 – September 30, 2014

Approve Amendment No. 1 to Lease Agreement between the Town of Haverhill and Sprint Spectrum Realty Company LP and authorize the Mayor to execute same on behalf of the Town of Haverhill

A motion was then made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Amendment No. 1 to Lease Agreement between the Town of Haverhill and Sprint Spectrum Realty Company LP and authorize the Mayor to execute same on behalf of the Town of Haverhill.

Approve replacement of Town Hall roof and award bid per the proposals received

Joseph Roche, Director of Public Services presented Staff's report. He explained that he was still waiting to receive additional information and would not be ready to make a recommendation this evening.

Mayor Foy presented Council with a sample of an asphalt shingle and a piece of metal roofing. He showed how the asphalt shingle was brittle and broken. He questioned the Building Official's recommendation that a shingle roof would hold up longer than a metal roof and that a metal roof would rust.

A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to table action on reroofing the Town Hall until February 26, 2015.

ORDINANCE NO. 425: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 IN REGARD TO ANIMAL AND CONSUMER PROTECTION AND REGULATING CERTAIN ANIMAL SALE PRACTICES WITHIN THE TOWN REGARDING DISCLOSURES TO PURCHASERS AND REQUIREMENTS OF ISSUANCE OF A BUSINESS TAX RECEIPT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Foster gave Staff's recommendation to take no action on the proposed Ordinance as there were still so many questions and pending litigation concerning limitation on free trade that he would prefer to look at other municipalities actions before moving forward. He would like to look at the Ordinance adopted by the City of Palm Beach Gardens.

He reiterated that Staff was not 100% satisfied with the proposed Ordinance to make a recommendation to Council.

Don Anthony, Communications Director of the Animal Rights Foundation of Florida: Mr. Antony addressed the Town Council. He commented that the Ordinance that was being suggested did nothing to control the inhumane overbreeding of animals. He explained that the puppy mills would still be permitted to sell to the pet store. The Ordinances adopted needed to stop the overbreeding and inbreeding of puppies and kittens.

Michelle Lazaro, City Commissioner, City of Hallandale Beach. Commissioner Lazarow addressed the Town Council. She requested the Town Council to reconsider the initial Ordinance that was put before them. She opined that the Town would not face litigation as presently there were no retail stores in the Town that would be affected by a ban if adopted.

She noted the only case law is for those municipalities that had business operating at the time of adoption that were in effect put out of business because of the enactment of an Ordinance.

Sarah Andrews, Big Dog Ranch Rescue. Ms. Andrews addressed the Town Council. She operates a rescue facility and stressed to the Town Council that there was no room for commercially bred puppies.

In response to Attorney Foster, Commissioner Lazarow responded that it would be her preference the state not get involved in regulating puppy mills and allowed the Town's to home rule their own government.

Attorney Foster once again requested the matter be postponed to allow for him to complete his research. He added the Town does not have the financial resources to become involved in a lawsuit.

Commissioner Lazarow once again requested the Town Council to adopt an Ordinance that would ban the commercial retail sales of dogs and cats within the Town. She added this would not limit the back yard breeder, it would only affect brick and mortar storefronts.

A motion as then made by Council Member Gordon, seconded by Council Member Uptegraph and unanimously passed to table action on Ordinance 425 until February 26, 2015.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy commented on his wife's recent diagnosis of Bell's palsy. Although she was improving he shared that this was the third case he had heard of in the Town of this rare ailment.

With regard to the request for passing a Resolution in support of the C-51 Reservoir at 20 mile bend, Mayor Foy explained that it would benefit Broward and Dade Counties.

Administrator's Report

The Town Administrator reported that a drainage pipe on Woodland Avenue was sinking and in need of repair. Joseph Roche, Director of Public Services had been in contact with Wynn and Sons for a repair estimate and received a price of \$5,900.

Discussion ensued. It was suggested Mr. Roche look into lining the pipes in lieu of replacing. Mr. Roche explained that the pipe had "collapsed" thereby causing the dip in the road.

The Town Administrator explained that Mr. Roche was working with the Engineer and the Contractor to determine the best course of action. In the meantime, because they may need to replace the entire pipe, the estimate may change. She was requesting Town Council approval for an amount not to exceed \$6,500.

Discussion followed regarding the Town Administrator spending limit being capped at \$3,500.00. Repairs such as this could not be authorized without Council approval. A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (5-0) to increase the Town Administrator's spending limit to \$7,500 for expenditures provided said expenditures are within the budget approved by Council.

Lastly, the Town Administrator explained to the Town Council that the day care operating in St. Christopher's Episcopal Church had filed a special exception request with her office to increase the enrollment of students from 24 to 52. They had not finalized their justification statement in time for the matter to be advertised and heard by Council on the 12th of March. If the applicant had to wait until the Council's regular meeting of March 26, 2015, it would delay their submittal to the Department of Health, which in turn would further delay their acceptance of VPK applications. The Town Administrator asked the Town Council if they would entertain holding a special meeting on March 17, 2015 to consider the request for special exception.

Council took no action on the request.

Committee/Delegate Report

Mayor Foy reported on the Code and Ordinance Committee meeting and suggested Staff schedule a follow up meeting.

Vice Mayor Woods reported on the special Events meeting held earlier in the week and the planning for the April 11, 2015 annual picnic.

Council Member Beavers reported on the general membership meeting of the Palm Beach County League of Cities. He spoke of the proposed regulation for the UBER mode of transportation in Palm Beach County.

He reported on the Florida House located in Washington DC. It serves as an embassy for Floridians in Washington DC.

Council Member Beavers then reported on the Palm Beach County League of Cities District 2 and 3 luncheon that was hosted by Vin Boynton Beach. 18 people had attended. Topics of discussion included:

- An alternative venue for the District 2 and 3 luncheons
- Train horns
- Bonnie Fisher, South Palm Beach was now running for Mayor of South Palm Beach
- Required background checks for elected officials
- Executive Director's update
- The estimated cost of \$380,000 to litigate the lawsuit filed by Donald Trump against the Palm Beach County International Airport

Treasurer's Report

Included in packet

UNFINISHED BUSINESS

Mayor Foy expressed his appreciation to Attorney Foster for the many years of service he and his firm had given to the Town.

Discussion ensued regarding the construction of roads, right of ways and roadways construction.


NEW BUSINESS

None.

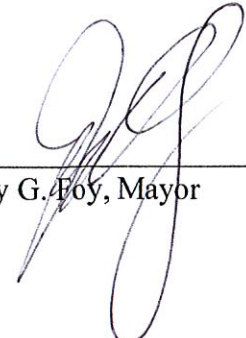
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:50 p.m.

Approved: February 26, 2015



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 G	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL
MAILING ADDRESS 1094 TRAILWAY	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 HAVERHILL	COUNTY PALM BEACH
DATE ON WHICH VOTE OCCURRED 2/12/2015	NAME OF POLITICAL SUBDIVISION: TOWN OF HAVERHILL
	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 G. Fay, hereby disclose that on 2/12, 20 15:


(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:

DR HORTON IS A CLIENT OF THE COMPANY WHICH I OWN & AM PRESIDENT

2/12/15
Date Filed


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.

