

Jay G. Foy, Mayor
James 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 COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ October 10, 2013
7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the September 3, 2013 Workshop and September 12, 2013 Regular Meeting.**
- VI. PROCLAMATIONS AND PRESENTATION**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Status update on the following Town wide and County Projects:**
 - Park drainage improvements and wells
 - Cyprus and Park Lane Survey
 - Sunset Isles Subdivision
 - SBA Tower Decommissioning
 - Pending land development inquiries
- 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 ~ October 10, 2013
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, October 25, 2013 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Jerry Beavers, Council Member; Lawrence Gordon Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Rutan and Director of Public Services 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 Vice Mayor Woods.

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 September 3, 2013 Workshop and September 12, 2013 Regular Meeting.

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

PROCLAMATIONS AND PRESENTATION

None.

COMMENTS FROM THE PUBLIC

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Status update on the following Town wide and County Projects;

Haverhill Park drainage improvements and wells

Joseph Roche, Director of Public Services offered Staff's report. He presented photos of the work in progress at the park. He reported that the drainage project in Haverhill Park had been completed on the east side of the park. The project runs from Club Road on the south end of the Park to Belvedere Road on the north end. The drainage swale runs along the eastern boundary of the park abutting Town of Haverhill properties. The swale which was 30 feet wide on south side narrows to 10 feet at Belvedere Road and was bermed on both sides.

He explained that the asphalt walkway which runs from Club Road to Belvedere Road was completed. The walkway joined the sidewalk on Club Road and continues to meander through the trees on the southern part of the park and then continued along the west side of the drainage. The walkway veers west away from the drainage and north to the west side of the racquetball courts and then to Belvedere Road

The exercise path was still being worked on; most notably on the south east section of the park.

He added that he was impressed with the quality of the work completed.

In response to Council members, Mr. Roche reported that the lift station that had been discovered in the park had belonged to a structure that had been built in the park and since removed.

Discussion followed concerning the wells at the park, and it was believed that wells 1 & 2 were installed and a preconstruction meeting had just been held concerning wells 3 & 4. Staff would follow up for clarification.

Mr. Roche noted that the walking trail at the park had been reconfigured due to the construction of the wells and the drainage improvements.

Cyprus and Park Lane Survey

It was reported that the field work for the Cyprus and Park Lane survey had been completed. Craig Wallace of Wallace Surveying had hoped to get a PDF of the topographical survey to the Town in time for the meeting but was unable to provide drawings as there had been a problem in drafting.

Belvedere Road right hand turn lane:

Joseph Roche, Director of Public Services presented Staff's report. He presented photos to the Council and reported that the paving had been completed and the barricades had been removed. Striping still needed to be done. He added that the traffic seemed to be moving smoother. The additional lane resulted in two left hand turn lanes, two thru lanes and one right hand turn lane at the westbound intersection of Belvedere Road and Haverhill Roads.

Mayor Foy commented that the traffic may be moving smoothly, however, the result was not aesthetically pleasing. He was very disappointed in the way the road looks.

Mr. Roche had asked the County to return to sweep the road as there was asphalt debris left on Belvedere Road.

Residents were told to contact the County directly with any questions or complaints.

Briarwood Drainage:

Joseph Roche presented a report on the Briarwood Drainage project. He noted that because of the recent rain, the swales had been saturated. The contractor had to consider the conditions when installing the valley gutters. Driveways had been pulled, valley gutter laid and sodding and regrading were still left to be done. There were some sprinkling systems that had to be addressed. The residents were quite happy with work being done.

Sunset Isles Subdivision

Town Administrator Rutan presented Staff's report on the progress of the construction at Sunset Isles. There were currently seven (7) houses under construction and seven (7) homes completely constructed. There were six (6) Certificates of Occupancy issued and one temporary certificate issued for a temporary sales office.

Of the fourteen (14) proposed homes, two (2) have sold and closed and eleven (11) were currently under contract. There was one home left that was built as a spec home and was not currently under contract.

Council was impressed with the sales history of the project.

The Town Administrator reported that she had had conversation with the present owner of the property formerly known as Emerald Cove on Belvedere Road. Stellar Homes had contacted her office to determine the status of the development order and what improvements had been made to the property. They were trying to determine whether they would be building on the site or selling the property to another developer.

She explained that the problem with the property was that a plat had never been filed and as such, a bond had never been filed with the Town that would have inventoried the infrastructure of the project. They would need to have an engineer compare actual construction with the plan on file. She would have to research whether the development orders were still under viable under the original SB 360.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

The Palm Beach County Sheriff's office was present to report on statistics September 26, 2013 through October 10, 2013. Fourteen case numbers had been assigned that included motor vehicle accidents, traffic stops, thefts, vandalism, a missing person and a call for an alarm. The theft was located at 1011 Park Hill Drive. The officer present did not have all the details.

All agreed that the permit detail was working well within the Town by deterring crime.

SBA Tower Decommissioning

The Town Administrator offered Staff's report. Carrick Construction would be decommissioning the tower. They had filed the necessary paperwork for a no charge permit with the Town. The tower should be removed the following week. They would be working with the Town to gain access to the building. Summit Air conditioning would be coming in to test the A/C units in the building.

She had been in touch with SBA in an effort to obtain a Bill of Sale.

A brief discussion took place confirming that Monday was a holiday (Columbus Day) and the Town Hall would be closed.

Pending land development inquiries

The Town Administrator reported on the following land development inquiries:

Verbo Church Property: The Town Administrator reported that she was waiting for applicants (Kingdom Hall of Jehovah Witnesses) to submit formal application and had heard nothing to the contrary.

Haverhill Baptist Church property (east side of road): An interested party had come in to speak with her the previous week regarding constructing a church on the property. They took the paperwork for special exception with them.

Stalf property (5263 Belvedere Road): The Town Administrator had spoken poke with a land planner representing a potential purchaser who was interested in obtaining permission for a PRD at the site.

Emerald Cove: The Town Administrator had spoken with Stellar Homes regarding current approvals and a possible site plan amendment. (See above).

1069 North Military Trail:

Town Administrator Rutan had persons interested in purchasing the meat and produce store at 1069 N. Haverhill Road come in to meet with her. They were inquiring as to whether they could have a deli type operation where they could have a few tables for people to sit and enjoy their

food/sandwiches/pastries and coffee, etc. It would be a deli (retail food market) specializing in takeout prepared meals also with dine in tables secondary to the meat/produce/deli. She had posed the question to the Attorney and Planner as to whether this would be a permitted use or a use permitted by special exception.

Discussion followed as to whether they would be required to meet parking requirements of the use even if the other uses at the site were not required to meet specific parking requirements for their use, rather parking was approved for the entire development.

Mirabeles Tile: The Town had heard nothing further from the Charter School

Vanneck property (4753 Belvedere Road): Town Administrator Rutan reported that the property owner had hired a building contractor who will be dealing directly with the Town on all property matters. The perimeter fence was being installed. Discussion followed.

Regarding the Read for the Record, Town Administrator Rutan announced that 7,000 children had been read to county wide. The Town of Haverhill had read to a minimum of 123 children as follows:

- Haverhill Baptist Church** (Mayor Foy) 33 children (photos Readers 5 - 8)
- Rainbow Learning Center** (Councilman Beavers) 11 children (photos Readers 13 - 15)
- Whiz Kids Day Care Center** (Councilman Beavers) 33 children (photos Readers 9-12)
- Wynnebrook Elementary** (Councilman Uptegraph) 17 children (photos Readers 1-4)
- Hope Centennial Elementary** (Town Administrator Rutan) 15 - 18 children (unable to get a full head count and took no photos)
- Boys and Girls Club** (Town Administrator Rutan) 14 children (no photos)

No winners had been announced as of yet.

Trip Hazard on Haverhill Road:

Town Administrator Rutan reported that last Friday she had contacted and sent pictures to Palm Beach County Engineer, George Webb notifying him of a trip hazard that had been brought to her attention. The Palm Beach County sidewalk hazard was located approximately 20 feet north of the Haverhill Road driveway entering St. Christopher's Church. She further notified him that St. Christopher's Church was located on the northwest corner of Haverhill and Belvedere Roads.

Because there was quite a bit of pedestrian traffic along that stretch of sidewalk, the Town Administrator asked for Mr. Webb's immediate attention and asked that she be notified when the matter was repaired. She had followed up earlier in the requesting a status update and had heard nothing back.

It was agreed that the Town Administrator would contact Tanya McConnell, Deputy Engineer for a status update.

IPARC/Issues Forum:

Town Administrator Rutan explained that the Town had received an invoice from Anna Yeskey in the amount of \$900.00 with an explanation that the Executive Committee would consider a revised fee schedule as part of next year's budget as this year's budget had already been decided on. In response to the Administrator's inquiry, Ms. Yeskey explained that the IPARC/Issues Forum Executive Board had decided in June, prior to the Town's conversation with Commissioner Abrams. The Town Administrator questioned that it may have been prior to her September conversation with Commissioner Abrams and Deputy Attorney Verdenia Baker, but it was well after the he initial e-mail from the Town in January 2013 with a follow up in May.

The Town Administrator took exception to both divisions of the County ignoring the requests of the Town.

Mayor Foy thanked Staff for the update on pending matters.

REPORTS

Town Attorney

Attorney Foster had recently sold his home in Jupiter Farms to an engineer from Chicago who is employed by a company that investigates and reconstructs automobile accidents. When asked by Mr. Foster of his opinion on red light cameras, his response was that in a theoretical sense, red light cameras could have a positive impact on safety, but on application they were absolutely being misused. He used the example that the companies were wanting to fine right turn on red which clearly was not accident prevention, but a revenue generator. He went on to state that not only do investigators look at the intersection, but need to factor in the timing of the yellow light, the speed at the intersection, etc. He felt the red light camera program was not being used in the manner it should be, but only for the bottom line which was revenue.

The Town Administrator had returned from a conference and had posed questions to the Attorney regarding a class she had taken on Sunshine Law. He then reported on sunshine law and its applicability to committees being formed for information and fact finding. He reported that there were conditions that would require staff to comply with sunshine law if they were recommending action to the Council. As such, the committee became part of the decision making process and subject to the Sunshine law.

He spoke of case law that addressed issues specific and suggested that the Town err on the side of caution and be proactive regarding the Sunshine law. A lengthy discussion followed for clarification as to what would be specific to the Sunshine Law.

The Town Administrator informed Council that under new legislation, the Town would need to adopt a policy addressing public comment. The agenda would also need to be restructured to allow for public comment prior to any Council action, including approval of agenda and/or approval of consent agenda.

Mayor

Mayor Foy reported on the comment made at the Mayor's Literacy Luncheon regarding municipal involvement in schools. He was against any involvement with local schools. He reported that other states did oversee local schools.

The SFWMD C-51 Reservoir Study was underway.

With regard to the FEMA FIRM, technical data was due on November 30. FEMA was accepting data but not accepting or answering questions.

He spoke briefly on the Palm Beach County District II and District III meeting. He noted that the Town publishes the notice when Council Members attend the meeting. Discussion followed as to whether minutes would be required if the meeting were posted.

Mayor Foy commented that at the District II and III meeting held the day prior, a vote was taken as to whether a the District II or III meeting could be hosted by a private company, in this case VI, a senior living facility. (Mayor Foy voted against the issue citing his concern that the intent of the District meetings would be lost if the format changed).

He noted that at the meeting, the Executive Director of the Palm Beach County League of Cities had requested those present send a letter supporting regulation for Sober Houses as their role as

an elected official. Mayor Foy would not sign the letter without Council agreement. Attorney Foster concurred. Council Member Beavers explained what Sober Houses were and how they needed to be regulated.

A Code and Ordinance Committee had been scheduled for October 17, 2013.

Town Administrator

Town Administrator Rutan reported on a request she had received from Richard Radcliffe, Executive Director of the Palm Beach County League of Cities notifying the municipalities of a unique opportunity to develop a plan to get the 18 cities that were in contract with Palm Beach County Fire Rescue (PBCFR) a unified voice. Chief Collins and Bob Weisman had agreed to participate with the League on a committee to discuss all the issues of sustainability, staffing, level of service, millage cap, closest unit response, fire districts, and anything else that was in the best interest of our communities in terms of PBCFR. The League Board of Directors opened the structuring committee to all 38 for the chief administrator or elected official with the greatest knowledge their Town's fire service and understanding of committee structures. Besides structure, the group may discuss mission, goals, and other topics to be addressed.

After discussion and clarification, **it was agreed that the Town Administrator would represent the Town on this committee to determine whether the Town's involvement would be of benefit to the Town.**

Committee/Delegate Report

The October 17, 2013 Code and Ordinance Committee was announced.

Council Members Beavers would represent the Town at a meeting of the EOC on October 16, 2013.

Council member Beavers announced that he was serving on the Palm Beach County League of Cities Educational Committee. Government Week was being recognized in October. It was decided that educating students on local government should be a year round effort, not just during government week, and could possibly be accomplished through the Boys and Girls Club.

He discussed the mandatory adoption of the uniform Chart of Accounts and the monthly reporting requirements.

Reading for the Record was featured on the Today Show. He commented that Lake Worth Commissioner Scott Maxwell had read to the children wearing dog ears (the main character, Otis was a tractor and his friend was a calf).

He suggested a brainstorming session be conducted at the annual League of Cities conference. He also thought it could be done on a local level.

Council Member Beavers inquired if the Town issued stickers to outside contractors. The Town Administrator noted that it was a requirement for lawn services and other transient contractors doing business within the Town to register with the Town. She also reminded those hiring outside contractors to be sure they are registered with the Town.

Council Member Beavers announced there were 30 people in attendance at the District II and III meeting held the previous day.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

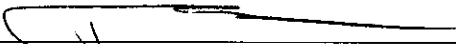
NEW BUSINESS

None.

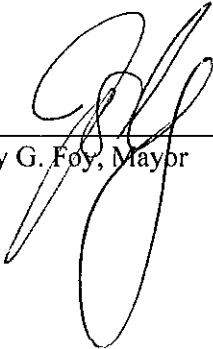
ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:00 p.m.

Approved: October 24, 2013



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor