

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 ~ June 13, 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 May 9, 2013, May 23, 2012 Regular Meeting and the May 7, 2013 Workshop and June 4, 2013 Workshop**
- VI. PROCLAMATIONS AND PRESENTATION**
 - a. Representative Mark Pafford**
- 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. Appoint Voting Delegate for the 87th Annual Florida League of Cities Conference, August 15-17, 2013 Orlando, Florida**
 - b. Schedule FY 2013/2014 Budget Workshops; Announce Palm Beach County Public Hearing Dates; Discuss 2013/2014 Preliminary Non Ad Valorem Assessment**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - a. Update on FEMA Flood Maps and Public Outreach Program**
 - Town Administrator**
 - a. Confirm expiration date of April 10, 2014 for extension of Development Order granted to Florida Tropic Ltd. (Haverhill Safe and Secure Storage).**
 - 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.

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TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ June 13, 2013
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, June 13, 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 and Town Administrator Janice C. Rutan.

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 and/or substitutions, the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the May 9, 2013, May 23, 2012 Regular Meeting and the May 7, 2013 Workshop and June 4, 2013 Workshop

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

PROCLAMATIONS AND PRESENTATION

Representative Mark Pafford was present and addressed the Town Council on the recent legislative session. He noted that he often uses Haverhill as an example during the budget proceedings, commending the Town in its detail to budgeting.

Mayor Foy expressed his support of the passage of the bill that delegated the monitoring of the nutrient numeric standards to the State of Florida instead of the Environmental Protection Agency.

A very lengthy conversation ensued concerning the recent publication of the draft FEMA flood maps and the many errors included in those maps. Mayor Foy explained that the maps as published may cause Haverhill residences to purchase flood insurance as in the past, Haverhill did not have a published map. The draft maps place Haverhill in a flood zone.

It was noted that although FEMA is open to comment, they are not receptive to the technical comments being made. Representative Pafford and Mayor Foy discussed the changes in elevations as well as lakes being omitted from the flood plain. Both were very familiar with the maps and the inaccuracies depicted on the maps.

Mayor Foy noted that he will be serving on the technical committee formed through the League of Cities that will address the parallel technical issues of the maps.

Representative Pafford commented that he was Chairman of the legislative delegation and there had been over 15 million dollars spent by the South Florida Water Management District tooling

their structures and he was afraid FEMA had no idea that Florida had made these efforts. That and the rise in sea water were real issues that needed to be addressed.

Council Member Gordon asked if there had been any progress made in getting a claims bills passed. Representative Pafford responded that there had been none filed in the most recent session and he supported a change as some of the stories were so tragic. Council Member Gordon agreed and hoped there could be some balance to the limits of settlement.

Representative Pafford gave an extensive explanation of the Governor's veto of the "divorce" bill. He noted that the legislative leaders realized that the bill did contain some problems including retroactive language that could possibly prove to be unconstitutional.

Council thanked Representative Pafford for his update on the legislative session.

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

There was no one present from the Palm Beach County Sheriff's office. Director of Public Services, Joseph Roche reported that Officer Adam Lin had been on duty in the Town the previous day and was able to apprehend 4 youths that had been stealing packages from mailboxes in the Towner Park area. None of those arrested were residents of the Town.

Council expressed appreciation to the PBSO and commented that once again it was proven that the Town's PBSO detail was working.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Appoint Voting Delegate for the 87th Annual Florida League of Cities Conference, August 15-17, 2013 Orlando, Florida

Council Member Beavers would be the only Council Member attending the Florida League of Cities annual conference.

A motion was then made by Mark Uptegraph and seconded by Lawrence Gordon and unanimously passed (4-0) to appoint Council Member Jerry Beavers the Town Council's Voting Delegate for the 87th Annual Florida League of Cities Conference, August 15-17, 2013 Orlando, Florida

Schedule FY 2013/2014 Budget Workshops; Announce Palm Beach County Public Hearing Dates; Discuss 2013/2014 Preliminary Non Ad Valorem Assessment

The Town Administrator presented the following schedule for the upcoming budget season:

June 27, 2013	6:30 p.m.	Budget Workshop
July 11, 2013	7:00 p.m.	Set preliminary millage rate Set preliminary non ad valorem assessment
July 25, 2013	6:30 p.m.	Budget Workshop
August 8, 2013	7:00 p.m.	Levy non ad valorem assessment
August 22, 2013	:30 p.m.	Budget Workshop (if needed)

September 12, 2013 **7:00 p.m.** **1st Public Hearing to set millage and adopt FY 2013/14 Budget**

September 26, 2013 **7:00 p.m.** **Final Public Hearing to set millage and adopt FY 2013/2014 Budget**

She noted that Palm Beach County will hold Public hearings on September 9, 2013 and September 23, 2013.

The Town Administrator also reported that it would be her recommendation to maintain the present non ad valorem assessment rate at \$171.00 per residential unit.

REPORTS

Town Attorney

None.

Mayor

Update on FEMA Flood Maps and Public Outreach Program

Mayor Foy noted that the proposed FEMA flood maps had been discussed earlier and he had no further update.

Mayor Foy had still not heard back from Lake Worth Drainage District regarding the meeting with the Town, Palm Beach County and LWDD to discuss sidewalks on the south side of Belvedere Road.

Mayor Foy updated the Town Council on the proposed subdivision that had been filed with the Town for 1211 N. Haverhill Road. The Town Code was specific in allowing only 2 lots to share a driveway. The applicant, Tibor Bucko, will be requesting a variation from that provision to allow for access to three lots. The ordinance requires the Mayor to make recommendation to the Town Council regarding the variation and he would be working with the Town Administrator to ensure certain standards were met prior to making any recommendation.

Mr. Bucko would be attending the July 2, 2013 workshop.

Mayor Foy reported on a meeting held between the Town of Haverhill and representatives from American Traffic Solutions. Greg Parks and Geoff Sluggett from ATS had informed the Mayor, Town Attorney and Town Administrator that recent changes in the legislation would now allow those persons fighting a red light camera infraction to do so at the local level through a special magistrate. He offered that this was an additional way to increase revenue from the program. The Town could assess its own fee to perform this service, however, the average cost per infraction being charged by other municipalities was \$100.00. They also noted that there was a program called S.T.E.P. that would make it possible for the Code Enforcement officer of the Town to act as the Traffic Infraction Enforcement officer.

When asked why Palm Beach County was not making enough revenue to pay for the per camera price, it was explained to the Town that the County had placed a delay on their cameras.

Mayor Foy explained that in the past, ATS was unable to obtain an easement for placement of the cameras at the Belvedere Road and Military Trail intersection. Recent changes have allowed a blanket easement on FDOT roadways.

Attorney Foster expressed his concern that ATS still had not addressed the indemnification of the Town, explaining that should the Town get into litigation, there would be no defense coverage and the Town would have to bear the expense.

A very lengthy conversation ensued. Council Member Gordon was adamant that he did not support the program.

Mayor Foy commented that he did not see how the program could be self funding and would operate at a loss.

Town Administrator Rutan commented that if the program were to move forward, government as it operates today would be forever altered. Staff would be bogged down with the review and administration of the program. The indirect costs to staff would need to be considered.

Mayor Foy commented that if safety were not enhanced with the Town's participation in the program, there should be no reason to continue with the program.

In closing, it was noted that ATS would be forwarding the recent legislation to the Town as well as information on the S.T.E.P. program.

Town Administrator

Confirm expiration date of April 10, 2014 for extension of Development Order granted to Florida Tropic Ltd. (Haverhill Safe and Secure Storage). The Town Administrator wanted to include in the record an update regarding the extension of the approved land use for Florida Tropic Ltd. (Haverhill Safe and Secure Storage). She had explained that there had been some confusion as to the expiration of extensions approved for this development, whether through the Town's actions or state law, so she offered the following for clarification. No formal Town Council action was required although she would like the record to reflect the history of the extensions and the expiration of same.

The Resolution 2008-04, passed by the Town Council on February 28, 2008, became effective April 10, 2008 and expired on October 10, 2008 per Section 14 of the adopted Resolution.

On November 13, 2008 Council voted to grant a six month extension to April 10, 2009 (1st extension)

On April 9, 2009, Council voted to grant a six month extension to October 10, 2009 (2nd extension)

On October 8, 2009 Council voted to grant a six month extension expiring April 10, 2010 (3rd extension)

Provisions of SB360 2 year extension expiring April 10, 2012

Provisions of HB7207 2 year extension granted to April 10, 2014

Town Administrator Rutan explained due to staffing changes at Florida Tropic, Mr. Pugliese was unaware that the Town Council took action on October 8, 2009 and he filed his first notification of extension under SB360 with the belief that his development order had expired with the Town on October 10, 2009; hence granting the 2 year extension to October 10, 2011. It was with the same understanding that he filed his second notice of the statutory two (2) year extension of the Development Order through HB7207 to expire on October 10, 2013.

After review of the minutes of Town Council action, the approvals granted to Florida Tropic Ltd

(Haverhill Safe and Secure Storage) through the Town's approval of Resolution 2008-04 and subsequent statutory provisions of State Law will expire and be rescinded on April 10, 2014. She explained that should a building permit not issue by that date, any further extensions of time shall require a new application to be processed as a new petition.

The Town Administrator reported that LWDD would be hosting an informational meeting for the property owners affected by LWDD right of way reclamation project the week of July 8th at the Town Hall.

She invited the Town Council to review the plans for the construction of the Belvedere Road Raw Water Main. Town Engineer Jeff Renault had attended a preconstruction meeting on behalf of the Town.

Committee/Delegate Report

Jay Foy would be the Town's delegate attending the technical meeting scheduled for Monday, June 16, 2013 at the Government Center to address the flaws and inaccuracies of the proposed FEMA maps.

- Council Member Beavers reported on the Palm Beach County League District 2 & 3 meeting held the previous day.
- The Town of South Palm Beach would be hosting a drop off box for expired prescription drugs. The Town Administrator expressed her concern over the liability to the Town but she would invite Walgreens and/or CVS to host an event such as that at the Town Hall.
- There had been discussion on providing listening devices to the public during open meetings.
- The use of dash cams was addressed.
- Council Member Beavers spoke on the benefits of courses being offered online through KahnAcademy.com
- He discussed the financial burdens affecting municipalities along the rails and the costs of the installation of quiet zones and the impact of same on the Towns.

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 8:25 p.m.

Approved: June 27, 2013



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor