

**TOWN OF HAVERHILL
PUBLIC HEARING
Thursday, June 10, 2010
6:30 P.M.
PUBLIC HEARING TO CONSIDER APPEAL OF THE BUILDING OFFICIAL
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, a Public Hearing was held at the Town Hall, 4585 Charlotte Street on Thursday, June 10, 2010 to consider an appeal to the decision of the Building Official as filed with the Town Administrator by Judy Husey, Personal Representative to the Estate of Alma Gaskins. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry E. Beavers, Council Member; Henry Lynch, Council Member, Mark Uptegraph, Council Member, John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

CALL TO ORDER

Mayor Woods called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods led the Pledge of Allegiance and offered the Invocation.

ROLL CALL

Mayor Woods called the roll. All members were present.

APPROVAL OF AGENDA

There being no additions, deletions or substitutions, the agenda stood as presented.

CONSIDER APPEAL OF THE BUILDING OFFICIAL AS FILED WITH THE TOWN ADMINISTRATOR BY JUDY HUSEY, PERSONAL REPRESENTATIVE TO THE ESTATE OF ALMA GASKINS, WHOSE PROPERTY IS LOCATED AT 5330 BELVEDERE ROAD.

Attorney Foster offered Staff's report. He explained that the potential subdivision of the property was an issue separate from the appeal to the decision of the Building Official. The matter presently before Town Council was the Appeal from the decision of the Building Official that the accessory building constructed at 5330 Belvedere Road, without permit, was unsafe and its use or occupancy had been prohibited by the Town of Haverhill Land Use and Zoning Regulations, thereby requiring the building be demolished and removed from the property.

Attorney Foster stated for the record that the matter of the Appeal had been properly advertised and that certified/return receipt requested notices of the hearing had been sent to the abutting property owners within 300 feet of the subject property.

Building Official, Joseph Iagrossi, addressed the Town Council. He added that the accessory building was constructed not as a shed but rather as a dwelling unit as it could be equipped with a water heater, toilets, etc. He stated it was not in compliance as it had been constructed without a permit. In addition, there were other accessory units on the property that would need to be removed if the use was allowed.

Rodney Husey was present representing Judy Husey, Personal Representative to the Estate of Alma Gaskins. He addressed the Town Council by giving a brief history of the building. He explained that there had been a building at the same location that had been rented out by his in laws but was in need of repair. Instead of "piece-mealing" the repairs, they removed the entire building, poured a new slab and constructed a new building without first obtaining wither a demolition or building permit. As such the pre-existing condition of the building as it existed was made null and void.

Upon discovery of the non compliant structure, the Building Official ordered the building unsafe and ordered it removed from the property. The first Public Hearing for an appeal of the decision of the Building Official was held in December 2009. When the property owners learned that the pre-existing, non-conforming use of the building had been lost by their removal of the building, and that the newly constructed building was not in compliance, they looked into the possibility of sub-dividing the property to allow for an accessory building on one of the lots, and as such requested a continuance of the first Public Hearing.

Mr. Husey looked into subdividing the property and found it to be cost prohibitive. He then offered to just take the Building down. HE expressed appreciation to the Town for allowing the contiuances.

Discussion followed as to how best to dispose of the building and materials. The Town Council informed Mr. Husey that he would need to obtain a demolition permit; however, the Town Council would waive the permit fee if the building was removed within thirty (30) days.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to uphold the decision of the Building Official to remove the accessory building constructed at 5330 Belvedere Road without permit and to waive the permit fee for the demolition permit provided the building be removed within 30 days.

Discussion followed. Mr. Husey inquired into applying for an accessory dwelling unit for the second house located on the rear of the property, confirming the premises ceased to be a pre-existing non-conforming use when they no longer rented it. It was suggested that Mr. Husey look at the Ordinance governing Accessory Dwelling Units.

ADJOURNMENT

With no further discussion, the Public Hearing adjourned at 7:00 p.m.

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, JUNE 10, 2010
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held immediately following the close of the Public Hearing. All members of the Town Council were present. The Pledge of Allegiance and invocation were delivered during the Public Hearing. Roll Call took place during the Public Hearing.

CALL TO ORDER

Mayor Woods called the regular meeting of the Town Council to order at 7:00 p.m.

APPROVAL OF AGENDA

The approval of minutes was removed from the Consent Agenda per the request of the Town Administrator.

There being no further additions, deletions and/or substitutions, the agenda was approved as amended.

APPROVAL OF THE CONSENT AGENDA

~~Approval of the May 27, 2010 regular meeting minutes (removed)~~

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Hans was present representing the Palm Beach County Sheriff's office. He did not have specific crime stats for the Town but spoke of traffic stops being made throughout the Town and explained that the amount of active patrols for a particular area was based on crime matrixes. Council Member Lynch requested that traffic stops at the corner of Pineway Drive and Belvedere Road be relocated as the bottleneaking that occurs during these stops results in unsafe conditions. The Deputy agreed to look into the matter.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS

None.

REGULAR AGENDA:

Request for Variation from Section 58-331. Storage Sheds (e) the size limitation and/or the limitation on number of accessory buildings as filed by Hernan Hernandez, 5210 Club Road.

Mr. Hernan Hernandez and his realtor Maria Elena Del Val were present to address the Town Council. They were requesting a variation from the size limitation requirements for a storage shed. The storage shed was located within the setbacks of the property. If within the setbacks of the property, the maximum size storage shed would be 144 square feet. The shed located on the property, within the setbacks was 240 square feet. Mr. Hernandez had not obtained a building permit for the shed.

The Building Official was present to answer questions.

The Town Council was unable to act on the request without having a survey of the property that clearly showed the shed to scale and its setbacks from property lines and the house. It was explained that if the shed were located on the property so that it met the required setbacks and did not exceed 5 percent of the total square feet of the lot, did not exceed 60% of the footprint of the principal building, or did not have a footprint exceeding 1500 square feet (whichever was less), a variation would not be required, provided all other requirements of Section 58-331 were

met. The minimum setbacks are as follows: ten feet side setback, fifteen feet rear setback and ten feet from house.

If the location of the storage shed did not meet the required setbacks and needed to be placed within the minimum setbacks (five feet from the side line, five feet from the rear line) Mr. Hernandez would be required to obtain a variation as the maximum storage shed permitted would be 144 square feet.

In light of hurricane season, the Town Council granted Mr. Hernandez ten days from the date of the hearing to obtain a building permit. Mr. Hernandez was informed that he would need to present a completed building permit application, product warranties and a survey of the property showing the location of the shed to scale and would need to clearly show that the minimum requirements of Section 58-331 had all been met.

Mr. Hernandez was put on notice that the building would need to be removed from the property if the requirements were not met.

Approve the request of the Criminal Justice Commission for the allocation of FY2011 JAG funds to Palm Beach County in the amount of \$581,068.

The Town Administrator reported that the Town Council was requested each year to approve the request of the Criminal Justice Commission for the allocation of FY 2011 JAG funds. If Palm Beach County did not receive 100% support from the municipalities, they would be unable to receive grant funding in the amount of \$581,068.

A motion was then made by Council Member Uptegraph, seconded by Council Member Beavers and unanimously passed (5-0) to approve the request of the Criminal Justice Commission for the allocation of FY2011 JAG funds to Palm Beach County in the amount of \$581,068 for the following projects within Palm Beach County:

SUBGRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
Palm Beach County/ Public Safety	Pre-Trial Services Program	\$48,500
Palm Beach County/ Criminal Justice Commission	Juvenile Assessment Center (JAC) Security	\$202,254
Gulfstream Goodwill	Alternatives to Secure Detention for Juveniles	\$48,151
Palm Beach County/ Criminal Justice Commission	Weed & Seed Program	\$100,000
Palm Beach County/ Criminal Justice Commission	Program Evaluation	\$65,663
City of Riviera Beach	Civil Drug Court & Family Restart	\$116,500
TOTAL		\$581,068

REPORTS

Town Attorney

Attorney Foster reported that Staff was very close to closing out the negotiations for the ground lease amendment with TowerCo and the Agreement with Clearwire. He had forwarded an amended first page of the Agreement to Clearwire for their review and was finalizing the language for the lease area with TowerCo.

Mayor

Mayor Woods reported that he, the Town Attorney and Town Administrator would be meeting with Bruce Pelly of the Airport to discuss the Airport expansion plans and other concerns about accessory uses on the airport property. He encouraged the Council to e-mail their concerns to the Town Administrator so to be discussed at the meeting.

Consultants

None.

Administrator's Report

None.

Committee and Delegate Reports

Vice Mayor Foy reported that the DEP will be requiring adoption of a fertilizer Ordinance through the local NPDES. This had been delayed as it should have been completed by the end of June.

Vice Mayor Foy reported that FEMA had still not received the funding for the (Briarwood East) drainage project. In the meantime, the final leg of the "4-legged" stool was being reevaluated and was almost ready to be resubmitted. This would redirect the drainage east to west from Woodland Avenue.

The Code and Ordinance Committee would be meeting to discuss revisions to the sign code. Although the Town had adopted a moratorium on the licensing pain clinics within the Town, it needed to adopt an Ordinance that would regulate them. The present Ordinance adopted by the County needed to close the loophole that allowed the prescription of up to 72 hours of a controlled substance.

John Kim was still waiting for the County to release the traffic models that he could use to determine capacity on Belvedere Road.

Council Member Beavers announced the Palm Beach County Impact Fee Committee, a committee that he serves on, would be updating its website to include current meeting minutes.

Council Member Beavers and Vice Mayor Foy had attended the Palm Beach County League of Cities District 2 & 3 meeting in Atlantis. There had been a discussion at the meeting about the number of staff members and the duplicity of responsibilities ongoing at the Palm Beach County Fire Rescue Department.

Mayor Woods reported on the recent dinner and movie under the stars that was held on June 4, 2010 during torrential downpours. Despite the weather, the event was well attended. The movie was eventually moved indoors. The next event scheduled would be the Halloween event.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Council discussed the intent of Section 58-331 of the Town Ordinances as it related to the placement of storage sheds on private property and the requirements of the variation procedure.

Joseph Roche had attended a webinar sponsored by the FDOT that addressed the rules for the installation and placement of red light cameras that would comply with the terms of the recently enacted legislation governing same. The Town Council considered requesting the County take over the program on behalf of the Town through an interlocal agreement. Staff would arrange a meeting with Dan Weisberg of the County Traffic division to discuss options.

NEW BUSINESS

Discuss Florida Power & Light Proposal to renew franchise agreement

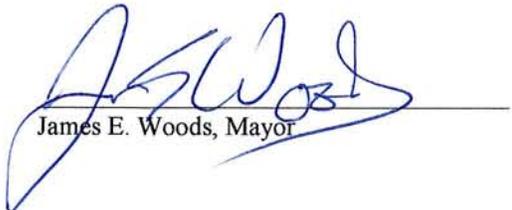
Don Kiselweski had addressed the Town Council at the June workshop about an early renewal of the present franchise agreement which was scheduled to expire in 2016. There were few benefits to the Town with the early renewal and Attorney Foster had questions concerning same. It was the general consensus of the Council to take no action at this time.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:15 p.m.

Approved: 6.24.2010
Date


Janice C. Rutan, Town Administrator


James E. Woods, Mayor