

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



TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, March 23, 2017
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. COMMENTS FROM THE PUBLIC**
- IV. SWEARING IN OF COUNCIL MEMBERS**
- V. ROLL CALL**
- VI. REORGANIZATION OF THE TOWN COUNCIL**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the March 9, 2017 Regular Meeting**
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**
- VIII. PRESENTATIONS AND PROCLAMATIONS**
 - a. Presentation of the Town of Haverhill Annual Report October 1, 2015 – September 30, 2016 by Matt Gaffney, Palm Beach County Fire Rescue District Chief**
- IX. PUBLIC HEARINGS AND SECOND READINGS**
 - a. Request for a variance from Sections 58-183 (2) and 58-185 (5)(6) of the Ordinances of the Town of Haverhill to allow for a 13 foot reduction in the rear setback for a minimum setback of 2 feet for the installation of a pool and deck within the accessory structure rear setback as filed for by Yisell Pantaleon Arencibia, Pedro M. Medina and Isabel C. Arencibia Guitierrez owners of the property located at 5212 Bethany Lane.**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider Permit Application of AT&T to install additional cabinet on Town owned Right-of-Way to be located across the street from 5051 Club Road.**
 - b. Consider request of Omar Zraouli, property owner at 5333 Belvedere Road to allow for a 6' chain link fence to be installed in the front yard lot line.**
- 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**

TOWN COUNCIL REGULAR MEETING

Town Hall Council Chambers

Thursday ~ March 23, 2017

7:00 p.m.

OFFICIAL MINUTES

The regular monthly meeting of the Haverhill Town Council was held on Thursday, March 23, 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 and Remar M. Harvin, Council Member. Also present were John Foster, Town Attorney; Jean Wible, Administrative Assistant 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 Administrative Assistant called the roll. All members were present with the exception of Council Member Plyler.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Palm Beach County Sheriff's office reported on a March 9, 2017 burglary of a generator at 940 Rutherford Lane, Haverhill. There was no video no suspect apprehended at this time. There had been one fire related call to Haverhill Park with no case number issued, which typically means there was no merit. There was a reported hit and run accident on Military Trail and Belvedere Road with injuries. Of the three trespassing calls, two were at 7-Eleven and the other at the BP gas station. There had been nineteen related traffic stops. Mayor Foy asked for an update on the recent burglaries at the Haverhill Point construction site. The Officer stated they were monitoring it closely and to his knowledge there had been no recent incidents. Discussion followed

PROCLAMATIONS AND PRESENTATION

Palm Beach County Fire Rescue District Chief Matt Gaffney presented the Town of Haverhill Annual Report October 1, 2015 – September 30, 2016. Discussion with a brief question and answer period followed.

COMMENTS FROM THE PUBLIC

None.

SWEARING IN OF COUNCIL MEMBERS

Attorney John Foster administered the Oath of Office to returning Council Member Jay G. Foy (Seat 3), Council Member Lawrence Gordon, Seat 4 and Council Member Mark C. Uptegraph, (Seat 5), for the ensuing two year term.

REORGANIZATION OF THE TOWN COUNCIL

Nomination for Mayor

Council Member Lawrence Gordon nominated Jay Foy to serve as Mayor for ensuing one year term. Council Member Uptegraph seconded the nomination. There being no further nominations from the floor, Jay G. Foy would serve as Mayor for a one year term by unanimous vote of the Town Council.

Nomination for Vice Mayor

Council Member Harvin nominated Lawrence Gordon to serve as Vice Mayor for ensuing one year term. Council Member Uptegraph seconded the nomination. There being no further nominations from the floor, Lawrence Gordon would serve as Vice Mayor for the ensuing one year term by unanimous vote of the Town Council.

APPROVAL OF AGENDA AS REORGANIZED

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

PUBLIC HEARINGS AND SECOND READINGS

Request for a variance from Sections 58-183 (2) and 58-185 (5)(6) of the Ordinances of the Town of Haverhill to allow for a 13 foot reduction in the rear setback for a minimum setback of 2 feet for the installation of a pool and deck within the accessory structure rear setback as filed for by Yisell Pantaleon Arencibia, Pedro M. Medina and Isabel C. Arencibia Gutierrez owners of the property located at 5212 Bethany Lane.

Josh Nichols, Town Planner offered a staff report and recommendation. The Town Planner stated in staff's analysis the applicant was proposing to add a roof or covered structure which would extend 10ft off the rear roof of the current thus pushing the proposed pool into the 15ft setback. He explained that if the applicant did not install the proposed over hang and deck, the 15ft rear setback could be met. Staff needed to confirm with the applicant if there was a deck being proposed as he was uncertain by the application paperwork filed. At this time, it was staff's recommendation to deny the application as it was a self-created hardship and they have not proven that they themselves had created the hardship. Discussion ensued.

The applicant was present to address Council questions. Yisell Pantaleon, owner explained that it would be too expensive to move the septic to accommodate a pool. She wants the roof overhang for protection from the sun. She explained that they were trying to improve her property. She added that no neighbors would be affected as the rear property was on a canal. , she is hoping for Council approval.

A motion was made by Vice Mayor Gordon, seconded by Council Member Harvin and unanimously passed (4-0) to grant a variance from Sections 58-183 (2) and 58-185 (5)(6) of the Ordinances of the Town of Haverhill to allow for 7 ½ft rear yard setback to Yisell Pantaleon Arencibia, Pedro M. Medina and Isabel C. Arencibia Gutierrez, owners, for the property located at 5212 Bethany Lane, to install a pool and overhang with the understanding that construction must start within six (6) months of permit approval. Vice Mayor Gordon explained that because the property backed up to a canal, he considered it a special situation.

FIRST READINGS AND REGULAR AGENDA

Consider Permit Application of AT&T to install additional cabinet on Town owned Right-of-Way to be located across the street from 5051 Club Road.

Mayor Foy stated that if the permit was granted, the Town would request AT&T install shrubbery around the boxes.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the permit as filed by AT&T to install additional cabinet on Town owned Right-of-Way to be located across the street from 5051 Club Road with the request the applicant make an effort to screen the cabinet from view through landscaping.

Consider request of Omar Zraouli, property owner at 5333 Belvedere Road to allow for a 6' chain link fence to be installed in the front yard lot line.

The applicant was present to address Council questions. Omar Zraouli owner, explained he had safety and privacy concerns because the home was located on Belvedere Road across from Haverhill Park. He then asked if the entrance way must be 15ft wide and could he install a 6ft fence with a clear opening see through gate (ex: chain link). Town Attorney Foster responded in the affirmative provided variation from 4ft to 6ft was approved by Council. Town Attorney Foster noted concerns with this request that included the road easement on the east side of the property and Town Attorney Foster was not sure if it was appropriate to put a fence in the easement area or for the Town to permit a fence to go in that easement area because it is an access way that was reserved as a part of the plat or individual deeds. Mayor Foy stated they were individual deeds. Another concern of Town Attorney Foster's was the fact that the fence would be located on the South property line that abuts Belvedere Road. Attorney Foster was afraid the location of the fence would impede pedestrian and bicycle traffic and suggested the fence be set back. Lastly, Attorney Foster's main concern was the access to the property from Belvedere Road and the need for stacking should more than one vehicle try to pull into the driveway while the gate was closed. Mr. Zraouli responded his plans were to have the 6ft fence pulled back 5ft from Belvedere Road all the way across and the entrance gate off Belvedere Road will be 10-15ft off Belvedere Road to solve any congestion build up issues. Town Attorney Foster suggested having enough room for two vehicles to pull up at one time. Mayor Foy stated that on the east side of the property (Trailaway Lane) from the center line of the middle of the road there is a 25ft easement that goes back to the last property. Mayor Foy also mentioned there was a "safe corner" issue at the corner of Belvedere Road and Trailaway Lane. As it is now, you can hardly see when pulling off of Trailaway Lane onto Belvedere Road so technically that should be trimmed down. Mayor Foy stated he appreciated the vegetation improvements that Mr. Zraouli has already made to the property. Town Attorney Foster asking Council if they would like to have Mr. Zraouli consider putting a hedge, and maintaining it, that would "soften" the appearance of a 6ft chain link fence structure. Mayor Foy responded it was not necessary. Mr. Zraouli was considering hedges of Arica Palms or another type of tree along the front of the property with the exception of the 15ft entrance. Discussion ensued.

A motion was then made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the request for a variation to install a 6' chain link fence with stipulations to include a safe corner setback, a setback from Belvedere Road to allow for ease of pedestrian and bicycle traffic, and to meet the easement requirement from Trailaway and to allow for accessibility

stacking off Belvedere Road excluding landscape to Omar Zraouli, property owner of 5333 Belvedere Lane.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the March 9, 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.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy reported the NPDES draft is out.

The Florida Water & Pollution Control Operators Association would like a day declared for the people in the industry. No action was taken.

The next League of Cities meeting, March 29, 2017 they will be discussing the media

Mayor Foy mentioning Janice Rutan met with PBC Commissioner Bernard Mack on Wednesday, March 21, 2017. Mayor Foy will let Town Administrator Janice Rutan brief council on her meeting

Town Administrator

None.

Committee/Delegate Report

Vice Mayor Gordon attended the soft opening of the new Wawa in Lake Worth.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

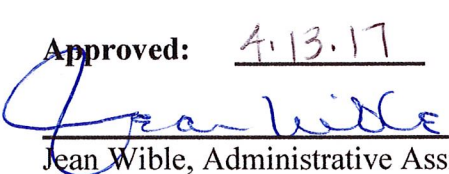
None.


ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:40 p.m.

Approved:

4.13.17


Jean Wible, Administrative Assistant


Jay G. Foy, Mayor

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL MEETING
Thursday, March 23, 2017**

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