

Mayor Joseph S. Kroll
President James E. Woods
Vice President Jay G. Foy

Council Member Jerry E. Beavers
Council Member H. Christopher Edden
Council Member U. Jonathan Jadu

Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster



TOWN COUNCIL REGULAR MEETING

Town Council Meeting
Town Hall Council Chambers
Thursday ~ March 8, 2007
7:00 p.m.
AGENDA

- 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 Minutes:
 - January 25, 2007 Regular Meeting
 - February 22, Code and Ordinance Committee
 - February 22, 2007 Annexation Committee Meeting
 - February 22, 2007 Regular Town Council Meeting
- VI. PRESENTATIONS AND PROCLAMATIONS
- VII. COMMENTS FROM THE PUBLIC
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- IX. SECOND READINGS AND PUBLIC HEARINGS
 - a. ORDINANCE NO. 349
AN ORDINANCE OF THE TOWN OF HAVERHILL REPEALING CHAPTER 38, TRAFFIC AND VEHICLES AND REPEALING DIVISION 8 OF CHAPTER 58, ZONING, CODE OF ORDINANCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.
- X. FIRST READINGS AND REGULAR AGENDA
 - a. ORDINANCE NO. 359: FENCE HEIGHT LIMITATIONS
 - b. ORDINANCE NO. 360: TELECOMMUNICATIONS
 - c. Consider Revised Proposal Town Hall Wastewater Pump Station from D.S.Eakins Construction Corp.
- XI. REPORTS
 - a. Town Attorney
 - b. Mayor
 - c. Consultants
 - d. Assistant Town Administrator/Town Clerk
 - e. Committee/Delegate Report
 - f. 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, Assistant Town Administrator and Town Clerk, 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 Council Meeting
Town Hall Council Chambers
Thursday ~ March 8, 2007
OFFICIAL MINUTES

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, March 8, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Joseph Kroll, Town Council President James E. Woods; Town Council Vice President Jay G. Foy, Council Member Jerry Beavers and Council Member Jonathan Jadu. Advisors to the Council present were Town Attorney John Fenn Foster, Town Planner Jack Horniman, Assistant Administrator/Town Clerk Janice C. Rutan and Code Enforcement Officer Joseph Roche.

CALL TO ORDER

Council President Woods called the meeting to order at 7:02.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Council President Woods offered the Invocation and led in the Pledge of Allegiance.

ROLL CALL

The Town Clerk called the Roll. All members were present with the exception of Council Member Christopher Edden.

APPROVAL OF AGENDA

Council President Woods requested the Agenda be amended to remove the approval of the January 25, 2007 minutes as they had been approved at the February, 2007 Council Meeting.

Noting those changes, a motion was made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (4-0) to approve the Agenda as amended.

APPROVAL OF THE CONSENT AGENDA:

Approval of Minutes:

~~January 25, 2007 Regular Meeting~~

February 22, Code and Ordinance Committee

February 22, 2007 Annexation Committee Meeting

February 22, 2007 Regular Town Council Meeting

A motion was made by Council Vice President Foy, seconded Council member Jadu and unanimously passed (4-0) to approve the Consent Agenda as amended.

PRESENTATIONS AND PROCLAMATIONS:

Paul Copeland, representing Senator Aronberg's office addressed the Town Council on matters relating to Tax Reform. Senator Aronberg was unable to attend the meeting as he was in Tallahassee for the start of the legislative session. In addition to having Mr. Copeland at the meeting, Senator Aronberg had prepared a memo for the Council along with a state commissioned property tax study. He assured the Town Council that he was committed to meaningful property tax relief and would keep the Town's best interest at heart during the debate of the issue.

The Council agreed that the present system was flawed with inequities and requested Mr. Copeland inform the Senator that the Town of Haverhill would like to be kept informed as to the progress of the proposed property tax reform bills being introduced.

The Town Clerk had prepared a brief report on the status of the proposed bills and confirmed with the Town Council that they would not be requesting the Senator to take specific action at this point.

COMMENTS FROM THE PUBLIC:

Mark Black. 1131 Pineway Drive: Mr. Black addressed the Town Council. He complained that the location of the speed bump on Pineway Drive has impeded his driveway ingress/egress. He had been happy with the location of the two speed bumps that had been removed and replaced by the single speed hump.

The Mayor explained to Mr. Black that the location of the speed bump was set to design standards and must be located on a property lot line. Further, the Mayor was aware that the design of the present speed bump needed to be reconsidered and was making arrangements with the Contractor to re-roll the bump. There had been many complaints of cars hitting bottom. It was explained that the location of the speed bump had to be on a lot line, and had to be a certain number of feet away from the intersection.

Mr. Black reminded the Town Council that the residents of Pineway had petitioned the Town Council years back specifically requesting two speed humps. He would like to have the two speed humps reinstalled.

Joseph Roche reported that he had received a general consensus from the neighborhood that they would prefer one speed bump. The speed bump installed was a permanent speed bump and if it became necessary to have it removed would result in a financial burden to the Town.

Mr. Black reported that the neighborhood had been told that the two bumps were being replaced by one and that they were not given a choice.

The Mayor disagreed, reiterating that the Town had conducted an informal survey of the residents of Pineway and been told by the residents of Pineway that they would prefer one speed bump to two speed bumps. The Mayor suggested that Mr. Black obtain another petition signed by the residents of Pineway requesting that the two speed bumps be reinstalled.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT:

Representatives from the Sheriff's department apologized for not having a formal report to submit to the Town Council but were available to answer any questions of the Council. Council President Woods stated that there had been a large police presence at a house on Pineway Drive and requested any information available. Henry Lynch, a resident of Pineway Drive who was present in the audience reported that there were police officers, paramedics, fire trucks and strike units at 1231 Pineway Drive. The Sergeant agreed to look into the subject and report back to the Town Council at the next meeting.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 349:

AN ORDINANCE OF THE TOWN OF HAVERHILL REPEALING CHAPTER 38, TRAFFIC AND VEHICLES AND REPEALING DIVISION 8 OF CHAPTER 58, ZONING,. CODE OF ORDINANCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Attorney Foster read the title.

A motion was made by Council Vice President Jay Foy and seconded by Council Member Jerry Beavers to approve Ordinance No. 349 on second reading.

After clarifying the intent of the Ordinance with Council Member Jadu, and there being no public comment or further discussion, the vote was called and passed unanimously (4-0).

FIRST READINGS AND REGULAR AGENDA

ORDINANCE NO. 359: FENCE HEIGHT LIMITATIONS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 58, ZONING, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, BY AMENDING SECTION 58-319 RELATING TO HEIGHT LIMITATIONS OF WALLS, FENCES AND SHRUBBERY, BY CLARIFYING THAT WALLS, FENCES AND SHRUBBERY CANNOT EXCEED FOUR FEET IN HEIGHT IN THE FRONT YARD AREA, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Foster. A motion was made by Council Vice President Foy and seconded by Council Member Jadu to approve Ordinance No. 359 on First Reading.

A brief discussion followed. Council Vice President Foy suggested that for clarification purposes the reference to "mean elevation" should be stricken and language "finished lot level" should be retained. Mr. Foster confirmed the language change.

Council Member Jadu requested what the penalty for violation would be. It was explained that existing fences can remain, however, any fences permitted from the adoption for the Ordinance forward would need to adhere to the present code.

The vote was then called and passed unanimously 4-0.

ORDINANCE NO. 360: TELECOMMUNICATIONS AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ("TOWN") AMENDING CHAPTER 56 ENTITLED "WIRELESS COMMUNICATIONS, TOWERS AND ANTENNAS" BY PROVIDING FOR AUTHORITY TO CODIFY, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The Title was read by Attorney Foster. Attorney Foster explained that the purpose of the Ordinance was to update the Town of Haverhill's Code of Ordinances to comply with statutory changes. He mentioned the specific changes in the Ordinances, highlighting the required separation distances.

A motion was made by Council Vice President Foy and seconded by Council Member Jadu to approve Ordinance No. 360 on first reading.

Discussion followed. The intent of the Ordinance was not to affect existing towers however any future applications would need to adhere to the revised Ordinances. The Ordinance did address the mounting of telecommunication devices to a building.

In response to Council Member Jadu's inquiry as to how the Ordinance would affect the possibility of a wireless network, Attorney Foster noted that 58-316 regulates the approval process for wireless antennas.

The vote was then called and passed unanimously.

Consider Revised Proposal Town Hall Wastewater Pump Station from D.S. Eakins Construction Corp.

The Mayor requested the matter be tabled until the March 22, 2007 Council meeting.

REPORTS

Town Attorney

Town Attorney Foster reported on the dispute conflict with the School Board concerning the school siting that would incorporate a parcel of property that is located within the Town's boundaries.

The Town had written a letter putting the school board on notice that use of any property within the Town's boundaries for a school was inconsistent with the Town's Comp Plan, and most importantly, the Town was exempt from school siting and that the school district had indicated to the Town that there was not a school site proposed for the Town of Haverhill in a letter written to the Town dated April 6, 2006.

He explained that the Town had various options, one of which would be to request a meeting with the school board. Also Chapter 164 deals specifically with the Intergovernmental Conflict Resolution and the initiation of a Resolution between two governmental entities.

Also available was the Chapter 120 Administrative Hearing process. The basis would be that the particular site was inconsistent with the Comp Plan and contrary to the letter the Town had received exempting the Town but also was in violation under the Town's rights for exemption included in the Comp Plan which had been approved by the State of Florida. The Town could request an Administrative Hearing.

Attorney Foster noted that the public facilities element required the school board to set forth on its future land use map a five, ten and twenty year future location/school siting plan.

The Town could proceed under both Chapter 164 and Chapter 120 to determine which one would result in a resolution. Further, it was his recommendation that the Town act with haste as the School Board was moving rather quickly with their plans.

The Town Clerk reported that the Town's Consultant, Jo Ellen Leisinger had been told that the design firm for the project had been chosen and the proposed school would be three stories.

Town Planner Jack Horniman noted that the Town needed to see plans, etc. so that it could object. At this point in time, because the Town had not received any site plan information to object to, it could hold back the Town's opportunity to object.

Discussion followed and it was agreed that the Town send a letter to the School Board, copied to the Department of Community Affairs and copied to Anna Yeskey, Intergovernmental Liaison, reiterating the Town's objections. Further, the Town should request copies of all documents being reviewed by the School Board.

Palm Beach County Rapid Transit Authority meeting on the Town's behalf as well as the March 20, 2007 Local Planning Agency meeting on the Urban Redevelopment area.

Assistant Town Administrator/Town Clerk

None.

Committee/Delegate Report

Council Vice President Foy reported that the Code and Ordinance Committee had met earlier in the week and had scheduled another meeting for March 13, 2007 at which time he would like to discuss access off of private driveways. Presently three lots can be accessed off of one driveway and he would like to see it decreased to two lots. Council Vice President Foy had contacted Palm Beach County representative Omelio Fernandez and Mr. Fernandez assured Mr. Foy that Belvedere Road was slated to be a six lane divided highway between Jog Road and Military Trail and those plans were included in the County's five year road improvement plan. He added that eminent domain would be required. Council Vice President Foy requested the Town follow through with its objections to the widening of Belvedere Road

Council President Woods then announced that the Special Events Committee and the Code and Ordinance Committee would be meeting simultaneously on March 13, 2007 at noon.

He also reported that the Town Engineer was proceeding with an evaluation report for the cost of infrastructure repairs/improvements in the proposed northern annexation area. Once that information was received, an Annexation Committee meeting would be scheduled.

Treasurer's Report:

(included in packet)

UNFINISHED BUSINESS

Council Vice President Foy inquired as to whether the Town Council should consider adopting a policy that would address the installation of speed bumps. It was the general consensus of the Town Council to allow staff handle any requests concerning speed bumps and handle each request on a case by case basis.

Public Works Director Joseph Roche addressed the Town Council and assumed full responsibility for the mix up concerning the Speed Bump on Pineway Drive. He stated that he should have never accepted the word of the residents and in the future would require any request for a speed bump to be in writing.

Henry Lynch, resident of Pineway Drive concurred with Mr. Roche adding that the purpose of a speed bump was to slow a person down and the speed bump on Pineway accomplishes that. Nina Lynch, resident of Pineway Drive concurred adding that the location of the speed bump was the problem.

Discussion continued.

In closing, the Mayor reported that the road resurfacing project had been completed.

ORLOWSKI:

Town Attorney Foster reported on the status of the Orłowski property. A hearing had been held during which the Court ordered that Mr. Orłowski had violated the Settlement Agreement and as such a default was entered against Mr. Orłowski. In addition, the Court specifically found that his property is not homestead property so foreclosure is authorized pursuant to Chapter 162.

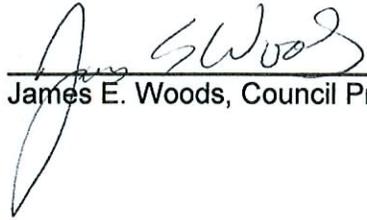
ADJOURNMENT

There being no further business to come before the Town Council, the meeting adjourned at 8:55 p.m.

Approved: April 12, 2007
Date



Janice C. Rutan, Town Clerk



James E. Woods, Council President