

Mayor Joseph S. Kroll  
Vice President Jay G. Foy  
Council Member Henry "Butch" Lynch  
Assistant Town Administrator / Town Clerk Janice C. Rutan  
Town Attorney John Foster

Council President James E. Woods  
Council Member Jerry E. Beavers  
Council Member Mark C. Uptegraph



**AMENDED**

**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ March 22, 2007**  
**7:00 p.m.**

**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. OATH OF OFFICE**
  - a. Jay G. Foy**
  - b. Henry "Butch" Lynch**
  - c. Mark C. Uptegraph**
- V. COUNCIL REORGANIZATION**
  - a. Appointment of Council President**
  - b. Appointment of Council Vice President**
- VI. APPROVAL OF THE CONSENT AGENDA**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. ORDINANCE NO. 359: 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 WALLS, FENCES AND SHRUBBERY, BY CLARIFYING THAT WALLS, FENCES AND SHRUBBERY CAN NOT**

**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.**

- b. ORDINANCE NO. 360 : AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA (“TOWN”), AMENDING CHAPTER 56 ENTITLED WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS BY INCLUDING PROVISIONS REGARDING CO-LOCATION AND APPLICATION TIME PERIODS; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE..**

**X. FIRST READINGS AND REGULAR AGENDA**

- a. Ordinance No. 361: An Ordinance of the Town of Haverhill amending chapter 54: Subdivision Code Modifications**
- b. Town Council designation of a voting delegate and alternate voting delegate to vote on the behalf of Haverhill at any League of Cities General Membership Meeting**
- ~~c. Consider Approval of Piggy Back Contract with D.S. Eakins for the installation of a Wastewater Pump Station for Town Hall~~**

**XI. REPORTS**

- a. Town Attorney**
- b. Mayor**
  - i. Appoint Committee Members**
  - ~~ii. Presentations and Improvements to Rutherford Lane~~**
- c. Consultants**
- d. Assistant Town Administrator/Town Clerk**
- e. Committee/Delegate Report**
- f. Treasurer’s Report**

**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 request 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 OF HAVERHILL  
TOWN COUNCIL REGULAR MEETING  
Town Hall Council Chambers  
Thursday ~ March 22, 2007  
OFFICIAL MINUTES

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, March 22, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Joseph Kroll, Council President James E. Woods; Council Vice President Jay G. Foy and Council Member Jerry Beavers. Advisors to the Council present were Town Attorney Lance Fuchs and Assistant Administrator/Town Clerk Janice C. Rutan.

**CALL TO ORDER:**

Council President Woods called the meeting to order at 7:05 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council President Woods delivered the Invocation with a special moment of silence dedicated to the memory of Shirley Foy, mother of Council Vice President Foy. Council President Woods led the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Council President Woods recommended that the Agenda be rearranged to call the roll after the swearing in of new Council Members and the reorganization of the Council.

There being no objection to the changes as recommended by the Council President, the Agenda stood as amended.

**OATH OF OFFICE**

Town Attorney Lance Fuchs delivered the Oath of Office to recently elected Council Members. Jay G. Foy, Henry "Butch" Lynch and Mark C. Uptegraph were sworn in for the ensuing two year term.

**COUNCIL REORGANIZATION**

Council Member Beavers nominated James Woods to serve in the capacity of Council President for the following year. There being no further nominations, and by unanimous consensus, Mr. Woods was appointed Town Council President.

Council Member Beavers nominated Jay G. Foy to serve as Council Vice President for the following year. There being no further nominations, and by unanimous consensus, Mr. Foy was appointed Council Vice President.

**ROLL CALL**

The Town Clerk called the roll. All members were present as follows; Council President Woods; Council Vice President Foy; Council Member Beavers; Council Member Lynch and Council member Mark Uptegraph.

**APPROVAL OF THE CONSENT AGENDA:**

None

#### **COMMENTS FROM THE PUBLIC:**

**Mark Black, 1131 Pineway Drive.** Mr. Black presented the Town Council with a petition signed by residents of the Pineway Drive neighborhood asking for the speed bump that was recently installed to be removed and also requested for the reinstallation of the two speed humps on Pineway Drive that had been removed and replaced by the single speed bump.

The petition contained 20 signatures. Council President Woods explained that the Mayor would take the petition under advisement. The reinstallation of the two speed bumps would be at the discretion of the Mayor as the Mayor was the Chief Administrative Officer of the Town. Mayor Kröll accepted the petition and explained to Mr. Black that he would review the signatures to confirm that 50% (plus 1) of the residents had signed the petition.

Mr. Black noted that there were 24 houses on Pineway Drive and he had obtained 20 signatures. He offered to gather more signatures if required. The Mayor explained that he would need a week to review the matter as removing the speed bump would be an extremely involved process.

**Nan Cate, 780 Ivory Lane.** Nan Kate complimented the Town Council on the repaving of the roads, however, she complained about the speed bumps on Club Road. She requested that the speed bumps be replaced with the one similar to that in front of Town Hall. She stated that vehicles can barely get across the speed bumps on Club Road without bottoming out their cars.

The Mayor responded that the permanent speed bumps were installed to replace the temporary speed bumps that were constantly being removed and damaged. He explained that the contractor would be returning to fix the speed bump. The Mayor explained that the incline in front of the Town Hall was not a speed bump. He agreed to look into the problem as reported by Ms. Kate.

**Eric Ensign, 1041 Park Hill Drive.** Mr. Ensign introduced himself to the Town Council stating that this was the first meeting he has attended since he had moved into his home approximately a year and a half ago. He intends to attend future meetings and would reserve his comments until he was more familiar with the system.

**Eckard Darius, 799 Ivory Lane:** Complained about the speed bumps on Club Road. He expressed his concern that his vehicle would become damaged from traveling over the speed bumps.

#### **COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**

The Palm Beach County Sheriff's Office reported that the officers that normally attend the Town Council meeting were unavailable due to the "Spring Bling" event happening at Riviera Beach. There were some statistics concerning Grove and Stacy Streets presented, but no other report to deliver. The officers would follow up with additional Stacy Street statistics as the Town Council expressed concern that persons were using Pineway Drive as a cut through from Stacy Street. Extra attention in that area was requested.

## **SECOND READINGS AND PUBLIC HEARINGS**

**ORDINANCE NO. 359:** 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 WALLS , FENCES AND SHRUBBERY, BY CLARIFYING THAT WALLS, FENCES AND SHRUBBERY CAN NOT 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 Fuchs. A motion was made by Council Vice President Foy and seconded by Council Member Mark C. Uptegraph to approve Ordinance no. 359 on second reading.

It was explained that the front lot line was defined as the front face of the house forward. The Ordinance allowed for a variation (not a variance) of the four foot requirement as long as a fifteen foot, four foot height limitation was provided for in the front yard.

The vote was called and passed unanimously (5-0).

Council Vice President Foy explained to the newly sworn in Council Members that if they fail to vote, it would be counted as a vote in the affirmative.

**ORDINANCE NO. 360** : AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ("TOWN"), AMENDING CHAPTER 56 ENTITLED WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS BY INCLUDING PROVISIONS REGARDING CO-LOCATION AND APPLICATION TIME PERIODS; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE..

The title was read by Attorney Fuchs. A motion was made by Council Vice President Jay Foy, seconded by Council Member Jerry Beavers and unanimously passed (5-0) to approve Ordinance No. 360 on second reading.

## **FIRST READINGS AND REGULAR AGENDA**

**ORDINANCE NO. 361:** AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL AMENDING CHAPTER 54, SECTION 7: ACCESS AND CIRCULATION SYSTEMS OF THE SUBDIVISION CODE 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 Fuchs.

A motion was made by Council Vice President Jay Foy, seconded by Council Member Jerry Beavers and unanimously passed to approve Ordinance No. 361 on second reading.

**Town Council designation of a voting delegate and alternate voting delegate to vote on the behalf of Haverhill at any League of Cities General Membership Meeting**

A motion was made by Council Vice President Foy and seconded by Council Member Mark Uptegraph to appoint the Mayor of the Town of Haverhill as a voting delegate to

the League of Cities General Membership meeting and to appoint the Town Council President and Town Council Vice President as alternate voting delegates at any League of Cities General Membership meeting. The motion passed unanimously (5-0).

## REPORTS

Town Attorney  
None.

### Mayor

The Mayor reported that he had spoken with Kris Garrison of the Palm Beach County School Board Planning Department. Ms. Garrison had assured the Mayor that a school would not be built on the parcel of land within the Town's boundaries as they were planning to use that parcel for drainage.

The Mayor reiterated to Ms. Garrison the Council's concerns over the proposed construction of the Stacy Street elementary school as it related to the inclusion of property located within the Town's boundaries. Ms. Garrison assured the Mayor that the Town of Haverhill would be kept informed. The Town has since received e-mails from Ms. Garrison and will continue to request that all contact be followed up in writing.

The School Board had purchased an additional parcel of land on Stacy Street in the amount of \$565,000 that would be used for the school site.

The Mayor had been interviewed by the Palm Beach Post with regard to the school siting and the Town's objection to same.

The Mayor requested Council consideration of changing the regular workshop from April 3, 2007 to April 10, 2007 as he will be out of Town attending the National Hurricane Conference April 1<sup>st</sup> through April 4<sup>th</sup> in New Orleans.

**A motion was made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (5-0) to reschedule the regular monthly workshop from April 3, 2007 to April 10, 2007.**

The Mayor was unable to appoint committee members at this time as no applications had been submitted and recommended that this be deferred to the next meeting.

The Mayor announced that he would be interested in serving on the School Board's Advisory Boundary Committee. Although there had just been two appointments made to the Committee, the Mayor would attend meetings so as to be considered should a vacancy occur.

The Town had received the invoice for the road resurfacing project and was pleased that after the County's grant was applied, the total amount due from the Town's capital improvement budget would be \$2,500.00.

Mr. Foy inquired as to the status of the Belvedere Road widening project. Mayor Kroll reminded all that he would be meeting with Commissioner Santamaria on the 28<sup>th</sup> and would bring the widening of the road up for discussion among other outstanding issues.

With regard to obtaining a Block Grant to be used for the construction of the Town Hall lift station, the Mayor agreed to report on the status at the April workshop.

Council Vice President Foy reported that Ken Todd had received the funding from the FEMA/EPA Mitigation Grant program. He requested that Staff contact Mr. Todd to determine the status of the project.

A brief discussion followed concerning the Town Hall lift station. Because it would be a private system, upkeep and maintenance would be the Town's and not the County's unless the Town would be willing to expand use of the system to neighboring areas.

Council President Woods reminded all that the Town Engineer was having their traffic engineer review the proposed Belvedere Road widening project on behalf of the Town.

**Consultants:**

None.

**Assistant Town Administrator/Town Clerk**

The Town Clerk presented correspondence from Town Planner Jack Horniman for review by the Town Council regarding open projects. It was agreed to review correspondence at the April workshop.

The Clerk reported that there had been no definitive action taken by the legislators on matters concerning Tax Reform. She has been kept up to date by both the League of Cities and Senator Aronberg's office.

The Clerk presented Council members with a book published by the National Association of Parliamentarians entitled "Parliamentary Procedure in Local Government".

The Town Clerk announced that JoEllen Leisinger has been representing the Town of Haverhill at all of the various meetings being held to address traffic studies, corridor studies, rapid transit authority and the widening of Belvedere Road.

With regard to the proposed plans for the Self Storage Area, the Clerk reported that the Town had received notice from the DCA that they were in receipt of the Town's Land Use Plan amendment. The applicants had filed the relocation plan with the County and the Town was waiting to hear from them for filing.

**Committee/Delegate Report**

Council Vice President Foy announced that there had been a meeting of the Code and Ordinance Committee and he would be scheduling another in the near future.

Council President Woods reported on the huge success of the Annual Town Picnic that was held at the Town Hall March 17, 2007. He extended appreciation to all volunteers and noted that the next meeting of the Special Events Committee would be held on April 17, 2007. The next Dinner and A Movie was scheduled for June 1, 2007.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

The Mayor announced the mandatory water restrictions that went into effect March 22, 2007 at 5:00 p.m. Odd numbered addressed could water on Mondays, Wednesdays and Saturdays and even numbered houses could water on Tuesdays, Thursdays and Sundays. There would be no watering allowed on Fridays.

The full restrictions were posted on the website including the exceptions.

**Nan Cate, 708 Ivory Lane.** Ms. Kate complained about the vacant property on Ivory Lane and the height of the grass. Council suggested she contact Code Enforcement.

**ADJOURNMENT**

With no further business to come before the Town Council, it was moved seconded and voted to adjourn at 7:44 p.m.

Approved: April 12, 2007  
Date

Janice C. Rutan, Town Clerk

James E. Woods  
James E. Woods, Council President

CONSTITUTION OF THE STATE OF FLORIDA  
ARTICLE II – SECTION 5



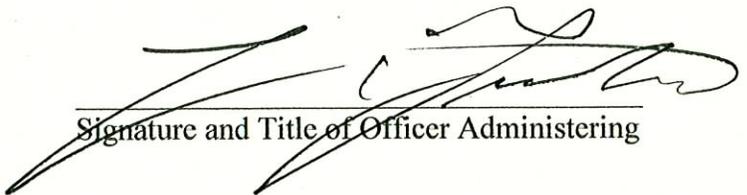
## OATH OF OFFICE

*“I, Jay G. Foy, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of Town Council Member on which I am now about to enter. So help me God.”*

  
\_\_\_\_\_  
Jay G. Foy  
Town of Haverhill Council Member

The above Oath was sworn to and subscribed before me this 22<sup>nd</sup> day of March, 2007 by Jay G. Foy, who is personally known to me.



  
\_\_\_\_\_  
Signature and Title of Officer Administering

CONSTITUTION OF THE STATE OF FLORIDA  
ARTICLE II – SECTION 5



## OATH OF OFFICE

*“I, Henry Lynch, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of Town Council Member on which I am now about to enter. So help me God.”*

Henry Lynch  
Town of Haverhill Council Member

The above Oath was sworn to and subscribed before me this 22<sup>nd</sup> day of March, 2007 by Henry Lynch, who is personally known to me.



Signature and Title of Officer Administering

CONSTITUTION OF THE STATE OF FLORIDA  
ARTICLE II – SECTION 5



## OATH OF OFFICE

*“I, Mark C. Uptegraph, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of Town Council Member on which I am now about to enter. So help me God.”*

Mark C. Uptegraph  
Town of Haverhill Council Member

The above Oath was sworn to and subscribed before me this 22<sup>nd</sup> day of March, 2007 by Mark C. Uptegraph, who is personally known to me.



Signature and Title of Officer Administering