

Mayor Joseph S. Kroll

Council 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



TOWN COUNCIL REGULAR MEETING

Town Council Meeting

Town Hall Council Chambers

Thursday ~ June 28, 2007

7:00 p.m.

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the May 8, 2007 Regular Workshop and Belvedere Road Widening Project Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. PROCLAMATIONS AND PRESENTATIONS**
- IX. SECOND READINGS AND PUBLIC HEARINGS**

None
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider recommendations of the Beautification Committee**
 - b. Update on the proposed Stacy Street Elementary School**
 - c. Schedule 2007/08 FY budget workshops and hearings**
- 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 ~ June 28, 2007
7:00 p.m.
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular monthly meeting of the Haverhill Town Council was held on Thursday, June 28, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Present were: Joseph Kroll, Mayor; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry "Butch" Lynch, Council Member; Mark Uptegraph, Council Member; Lance Fuchs, Town Attorney; Jack Horniman, Town Planner; Janice C. Rutan, Town Clerk and Joseph Roche, Code Enforcement Officer.

CALL TO ORDER:

Council Vice President Foy called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Council Vice President Foy 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 President Woods.

APPROVAL OF AGENDA

There being no additions, substitutions or deletions, the agenda was ordered approved as presented.

APPROVAL OF THE CONSENT AGENDA

- a. **Approval of the minutes of the May 8, 2007 Regular Workshop and Belvedere Road Widening Project Meeting**

A motion was made by Council Member Beavers to approve the Consent Agenda as present. The motion was seconded by Council Member Lynch and unanimously passed (4-0).

COMMENTS FROM THE PUBLIC:

See below.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT:

Palm Beach County Sheriff's office reported that there had been twenty calls for service within the Town for the two week period ending June 28, 2007. Two incidents worth noting were a burglary in progress (Park Hill) and a stolen vehicle recovery on Grove Street. There had been suspicious activities reported on Grove Street, Park Hill and Charlotte Street. He commended the citizens for calling in suspicious activities.

Corporal James Moss next addressed the Town Council and reported on his sponsorship of the Homeless Intervention program. Deputy Moss did note that there had been an increase in homelessness within the Belvedere and Military Road corridor near the 7-11. He attributed the increase to many homeless shelters having closed down. The Deputy tracks the homeless and offers options providing them whatever needs would be

available. He reported that his success rate is approximately 6% depending on the time of the year. His method of intervention depended on whether the individual had a substance abuse problem or mental health issues. Basically he reported that he can house recipients between eighteen and thirty-six months for placement, job training and education. In closing he stated that the Town of Haverhill did not have a problem with homelessness other than transients passing through.

PUBLIC COMMENT:

Stevenson Dorcelus, 5304 Belvedere Road: Mr. Dorcelus addressed the Town Council and explained that he had purchased his home on Belvedere Road after being told by Palm Beach County that he would be able to use the property as a gathering place for Bible Study and prayer. He was unaware that the regulations in Haverhill would be different from the County's. He had purchased the property as a gathering place to pray and up until last week had met every night until one neighbor complained.

Mr. Dorcelus admitted his mistake and was coming before the Town Council in an effort to work with the Town. He was understanding of the Town's laws but wanted to enlist the Town's help to allow them to meet at the property.

Attorney Lance Fuchs advised the Town Council not to comment on the matter before them as Chapter 58.6 of the Code of Ordinances sets the guidelines in requesting a formal opinion and an appeal to Staff's interpretation of the Ordinances. As such, the Town Council would sit as the Appellate Board should a formal appeal be forthcoming.

Mr. Dorcelus reported that he had received the necessary information to apply for a Special Exception and/or rezoning, however, he wanted some sort of reassurance from the Council prior to expending any money.

Attorney Fuchs explained that the property owner would need to formally apply to the Town Council to appeal Staff's interpretation as to the permitted uses of the property. There would be no fee charged at that point.

It was noted that Staff had provided the property owner with the procedure for the appeal.

Mr. Dorcelus stated that the present situation was very difficult for them. He was reluctant to apply for the Special Exception, etc. until he was sure what the Town Council would decide.

Mr. Dorcelus stated that including children there were perhaps twenty persons gathering. He inquired what the Town Council considered a group.

Once again, the procedure was explained in detail to Mr. Dorcelus. Once again Mr. Fuchs explained that until the formal request was made to the Town Council, the Town Council could not comment on Mr. Dorcelus's inquiries.

The Mayor explained the procedure in detail and suggested Mr. Dorcelus contact Staff for assistance.

PROCLAMATIONS AND PRESENTATIONS:

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Consider recommendations of the Beautification Committee:

Jo Ellen Leisinger of Land Stewardship and Town Consultant addressed the Town Council relating to the list of priorities recommended by the Beautification Committee. The Town Council had received the minutes of the June 8, 2007 Beautification Committee meeting and a summary of probable costs for these improvements.

The first recommendation of the Committee was the installation of a sidewalk along Club Road. The Town Clerk had found plans for a sidewalk that had been designed years ago by Town Engineer Jeff Renault. She hoped those plans would be able to be used to implement the recent recommendations. Ms. Leisinger agreed to meet with Mr. Renault to re-examine the plans.

The general consensus supported the walking paths and lighting improvements. It was suggested that new developers be required to install a piece of the project for any development.

Also, it was strongly suggested that the Town adopt a landscape ordinance that would benefit the Town during new projects that may require a landscape element.

Ms. Leisinger had been in touch with Rob Coulter of FDOT with regard to the maintenance agreement along the Military Trail corridor, specifically the median across the street from Durham Street. A bare bones approach including sable palms, concrete pavers and mulch was being considered. A budget in the amount of \$140,000 had been set aside by the FDOT for this project. She also suggested that a Town of Haverhill sign be installed in the median.

Street lighting suggestions were next reviewed. Recycled plastic improvements were recommended by the Beautification Committee.

By general consensus of the Town Council, Ms. Leisinger was requested to contact the Town Engineer concerning the recommended sidewalk plans for Club Road.

Council Vice President Foy noted that street lighting would need to be considered through the budgetary process. The installation of the street lights and the walking paths would need to be part of a long range capital improvement plan.

Ms. Leisinger suggested that the Town adopt a very simple landscape ordinance. Ms. Leisinger offered to present the Council with model landscape codes that she was familiar with. She would forward the proposed Codes to Staff for consideration by the Code and Ordinance Committee.

With regard to the Maintenance Agreement between the Town and the FDOT and its recent inclusion of the medians, it was agreed that staff would look at the R.O.W.

specifications and the Wal-Mart Development Agreement that supposedly addressed the maintenance of the median.

Council Member Lynch asked if solar powered street lights had been considered by the Committee. Ms. Leisinger agreed to look into the suggestion, however, it had been her experience that solar power lighting was much dimmer. Again it was noted that this part of the project would need to be part of a long range plan.

The general consensus of the Council was in agreement with the recommendations of the Committee. Ms. Leisinger brainstormed on ways to cut costs and make implementation of the beautification plans more efficient.

In closing, it was agreed the Ms. Leisinger would contact the Town Engineer, Mr. Renault to determine the feasibility of installing sidewalks along Club Road.

Update on the proposed Stacy Street Elementary School

Staff's report on the status of the Stacy Street school project and the Stacy Street Road project were reviewed.

Town Attorney Fuchs suggested that in light of the Commissioner Koons letter that had been sent to the Department of Community Affairs, that the Town Attorney, Mayor and Town Planner be authorized to sit down with Commissioner Koons and address the issues he had raised in his letter relative to the Town of Haverhill.

Council Vice President Foy noted that the Town had always taken the position that it was in favor of the school, however, it was against any portion of it being included within the Town. He expressed his concern that a County Commissioner wrote a letter that would interfere with an action between entities, in this case the Town of Haverhill and the School Board.

Council Vice President Foy asked if it would be possible that an agreement between the Town and the School Board could be entered into that would prohibit the School Board from accessing the school through Trailaway Lane.

Town Planner Horniman noted that the Commissioner had only addressed the school exemption issue and not the Comprehensive Plan issue. In addition, the use of the lot for anything other than a single family residence should require the School Board to go through the Comprehensive Plan amendment process. The School Board was forcing the Town to take action.

Council Vice President Foy expressed his opinion that this issue was significant enough to authorize either the Town Attorney or Town Planner or both to attend any meeting that occurs relative to this issue. He believed the Town needed to show consistent intent to fight the use of Town property as a school.

He summarized that there were two issues on the table, one being authorizing Staff to meet directly with Commissioner Koons and the second being to authorize Staff, specifically the Town Attorney and/or Town Planner, to attend any and all meeting addressing the Stacy Street school issue. Council Member Foy confirmed that he was including any and all meetings (County Commission meetings, Staff meetings, School Board Meetings, Roadway meetings, etc.).

Council Vice President Foy reported that he had spoken with Charlie Rich of PBC Roadway Division and there was a 2.5 million dollar project being considered to realign Stacy Street and in order to fund the project, other projects must be removed from the County's five year road plan.

Council Vice President Foy suggested that the authorization for Staff to attend any and all meetings could be considered on a meeting-to-meeting basis, however, he did not want to miss any opportunity to show the Council's commitment to this project.

The Council expressed unanimous consensus to authorize Staff (the Town Attorney and the Town Planner) to represent the Town of Haverhill with a meeting with Commissioner Koons and by attending any and all meetings addressing the Stacy Street elementary school.

Mayor Kröll requested the Code and Ordinance Committee consider adopting an Ordinance that would require any contractor, even if exempt from permitting, be required to notify the Town of potential work within the Town. His recommendation was based on recent road damage done to Palmetto Road and Trailway Lane by contractor's exempt from permitting. The Town has no recourse in recouping fees if the Contractor is not registered with the Town.

Council Vice President Foy reported that he had looked into the easement agreements for the properties along Trailway Lane and they were specific to ingress, egress and public access.

Schedule 2007/08 FY budget workshops and hearings:

The Public Budget Hearing required for the adoption of the Town of Haverhill FY 2007/08 Budget would be scheduled for the regular monthly meeting dates of September 13, 2007 and September 27, 2007 at 7:00 p.m.

It was agreed that the first budget workshop would be scheduled for July 26, 2007 at 6:00 p.m.

REPORTS:

Town Attorney

None.

Mayor:

Mayor Kröll reported on a meeting he had earlier in the day with Kevin McGinley concerning the potential annexation of property south of the Town along Military Trail. He noted that a meeting of the Annexation Committee should be scheduled as soon as possible. The Mayor and Town Planner would also try to schedule a meeting with Lisa Lowe of Palm Beach County to determine certain annexation issues.

Council Member Lynch expressed his concern that if the Town annexed south of the Town, it would require the maintenance of more medians.

The Mayor suggested strongly that the Town Council consider approving the attendance of the newly elected Council Members to the 2007 Institute for Elected Officials

scheduled for October 2007. He would be including the tuition costs in the upcoming budget.

Consultants

Jack Horniman, Town Planner reported that he and Attorney Foster had met concerning the drafting of the Town's attainable/workforce housing Ordinance. Council Vice President Foy asked that the Town Planner coordinate the time for delivery of the draft with the next Code and Ordinance Committee meeting.

Assistant Town Administrator/Town Clerk

The Town Clerk reported that the Towns of Cloud Lake, Glen Ridge, Lake Clarke Shores and Haverhill sponsored the meeting of the Palm Beach County Clerk's Association at the Town of Haverhill earlier in the day. The meeting was followed by a catered luncheon and then by a special TRIM presentation of the Department of Revenue.

Committee/Delegate Report

Council Member Beavers reported on his attendance at the FP&L Emergency Management Meeting and presented the Council with a written report on the meeting. In addition, he had attended an Emergency Management DMAC software training presentation. He noted that the program was specific for EOC operations.

Council Vice President Foy had checked on the status of the FEMA grant for the Briarwood Drainage issue. No progress has been made to date on the grant. It had been sent back for administrative amendments to address the too short time frame for completion and other financial issues.

With regard to funding the Woodland drainage project, the County had not yet received the letter from the Mayor urging the project move forward. To date the project remains stalled although designed and approved for funding.

The Town Clerk reported that the fence had been erected to block access from Belvedere Road onto the Briarwood Drainage easement.

Treasurer's Report

(included in packet)

UNFINISHED BUSINESS:

Council Member Beavers inquired if the Town Attorney had been able to report back on the disclaimer language to be included in the residential informational sheets to be used during emergency events. Attorney Fuchs would follow up.

Council Member Beavers announced that the Emergency Management Committee had purchased walkie/talkies to be used during an emergency event and special events.

NEW BUSINESS:

Council Member Beavers reported that he had attended the Palm Beach County League of Cities meetings and learned that the Town of Haverhill was only one of four municipalities that had not joined with the League to pass the LUV PAC voter initiative to support Home Rule.

In addition, Council Member Beavers reported that Robert Gotlieb, Council Member from the Town of South Palm Beach had been appointed to serve on the County's Impact Fee Committee and was aware of the diminishing students enrolled in Palm Beach County schools. Council Member Beavers commented that the school board's spending was criminal.

Returning back to the Home Rule Voter initiative, it was decided to invite a representative from the League to attend the Town Council workshop for a presentation and to place the matter on the agenda in the event the Town Council agreed to take formal action.

It was suggested that perhaps the Town appoint a volunteer to champion the cause against School Board spending.

ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:30 p.m.

Approved:

July 26, 2007

Janice C. Rutan, Town Clerk

James E. Woods, Council President