

**TOWN OF HAVERHILL
PUBLIC HEARING
Thursday, September 27, 2007
SET MILLAGE RATE FOR FY 2007/2008
BUDGET FOR FY 2007/2008
7:00 p.m.
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the Final Public Budget Hearing of the Town of Haverhill was held on Thursday, September 27, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Joseph S. Kroll, Mayor; James E. Woods, Council President; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry Lynch, Council Member; Mark C. Uptegraph, Council Member; John Foster, Town Attorney; and Janice C. Rutan, Town Clerk.

Prior to calling the meeting to order, Council President Woods explained that this would be the second of two required Public Hearings held to adopt the Town of Haverhill's budget for the Fiscal Year ending September 30, 2007.

CALL TO ORDER

Council President Woods called the Public Hearing to order to 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods offered the invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Clerk called the roll, all members were present.

PUBLIC HEARING

Council President Woods explained the protocol for the Public Hearing.

Resolution R 2007- 05:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, LEVYING A TAX OF 4.2952 MILLS UPON THE TAXABLE NON-EXEMPT PROPERTY WITHIN THE TOWN OF HAVERHILL FOR THE 2007-2008 FISCAL YEAR RESULTING IN ZERO PERCENT INCREASE OVER THE ROLLED BACK RATE OF 4.2952 MILLS.

The title was read by Attorney Foster.

A motion was made by Council Member Beavers and seconded by Council Vice President Foy to adopt Resolution 2007-05, a Resolution of the Town Council of the Town of Haverhill, Palm Beach County, Florida, to levy a tax of 4.2952 mills upon the taxable non-exempt property within the Town of Haverhill for the 2007-2008 fiscal year, resulting in a zero percent increase over the roll back rate of 4.2952 mills.

Council President Woods asked for Public Comment. He explained that the millage rate

was being set at a zero percent increase over the roll back rate.

There being no further comments from the Public and no further discussion, the motion passed unanimously.

Resolution R2007-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, ADOPTING THE 2007 -2008 BUDGET OF THE TOWN OF HAVERHILL.

The title was read by Attorney Foster.

A motion was made by Council Member Uptegraph and seconded by Vice President Foy to adopt Resolution R2007-06, a Resolution of the Town Council of the Town of Haverhill, Palm Beach County, Florida adopting the 2007-2008 Budget of the Town of Haverhill.

Council President Woods asked for Public Comment.

Council President Woods explained that although the Town Council had adopted a millage rate equal to the roll back rate, the budget reflected an increase in expenditures over last year's budget that resulted from Capital Improvement projects included in the FY 2007-2008 budget. The Special and Capital Improvement projects would be funded from monies held in the State Investment pool.

Robert Roessler, 1010 Pineway Drive: Mr. Roessler asked how much the tax base had increased over the previous year.

The Town Clerk reported that the prior year final adjusted gross taxable value was approximately 84 million and the current year taxable value for operating purposes was approximately 94 million, resulting in an increase of approximately ten million dollars.

Council Vice President Foy explained the increase in the taxable value was most likely due to the inclusion of the AA Alpine storage facility to the tax rolls.

Mr. Roessler noted that although the Town had set the millage at the roll beck rate, his taxes would increase because of an increase in the assessed value of his property.

There being no further comment from the Public, and no further discussion, the motion passed unanimously.

ADJOURNMENT

The Public Hearing was adjourned at 7:10 p.m.

TOWN COUNCIL REGULAR MEETING
Town Council Meeting
Town Hall Council Chambers
Thursday ~ September 27, 2007
Immediately following close of Public Budget Hearing
Official Minutes

CALL TO ORDER

Immediately following the close of the Public Budget Hearing, Council President Woods called the regular meeting to order at 7:12p.m.

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the August 9, 2007 and August 23, 2007 Regular Town Council meeting minutes.

A motion was made by Council Vice President Foy, seconded by Council Member Lynch and so unanimously passed (5-0) to approve the Consent Agenda as presented.

COMMENTS FROM THE PUBLIC

Dennis Koehler, Attorney, West Palm Beach, Florida: Mr. Koehler addressed the Town Council in matters relating to the possible reconsideration of a further revised affordable housing ordinance. He commented on his vast experience in politics and his efforts in convincing the Town Council to change the status quo by considering the adoption of an affordable workforce housing ordinance. He noted that while working with the Council in this endeavor, he had to accomplish three goals; present the merits of a workforce housing ordinance; respond to every reasonable concern raised by the Town Council; and finally, dispel rumors and myths. Mr. Koehler commended the efforts of staff (Planner Horniman and Attorney Foster) and the level of control written into the ordinance. He responded to Council Vice President Foy's concern of spot zoning by explaining that although his proposed ordinance would increase density in a residential zone, it would still be residential zoning. In closing, Mr. Koehler stated that he would like to add value to the Town's tax base through his client's Workforce Housing proposal. He requested the Town Council ask the Code and Ordinance Committee to reconsider the workforce housing ordinance by limiting the use to the R-3 zoning district through a special exception provision.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Newborn addressed the Town Council. He reported there had been no crime in the Town for the period being reported. There had been some domestic investigations. He attributed the lack of crime to the patrols in the areas as well as neighbors watching out for one another.

The Town Council expressed its appreciation to the Sheriff's office.

The Deputy responded that the theft of a tractor from a property on Trailaway Lane had not been reported and was not included in the report as presented.

PROCLAMATIONS AND PRESENTATIONS

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

VIII. FIRST READINGS AND REGULAR AGENDA:

Update on Request for Town initiated CRALLS designation for portion of Belvedere Road

Council President Woods introduced John Kim, McMahon & Associates, Traffic Consultant to the Town Council.

Mr. Kim addressed the Town Council and reported on a meeting he had attended the previous day with Attorney Foster, representatives from planning and traffic division of Palm Beach County, representatives from Duke Construction, representatives from McCraney Associates and representatives from Planet Kids.

Mr. Kim explained that the meeting was called to discuss the process required to initiate the CRALLS designation for the portion of Belvedere Road, so that all of the affected properties would be on the same page. Mr. Kim explained that a CRALLS (constrained roadways at a lower level of service) would in effect allow the roadway to operate with more traffic than that allowed through the Comprehensive Plan of Palm Beach County.

Council Vice President Foy asked why each of the projects had to be presented individually. Mr. Kim explained that the process was to provide the necessary back up to prove that the request was planned for and there was a justified reason for the request.

Discussion followed concerning the process and projections of the traffic as well as the build out of projects and their relationship to the CRALLS designation.

Council Vice President Foy reiterated his opposition to the widening of Belvedere Road

Mr. Kim noted that he was aware of the Council's concerns. He reported that the meeting resulted in a general consensus that everyone was in favor of the concept of a CRALLS for Belvedere Road.

Attorney Foster reported that Allen Ennis, Deputy Director of the Traffic Division did comment that although he was not quite ready to abandon the idea of 6-laning Belvedere Road, he was willing to wait until the completion of the Southern and Okeechobee corridors. Attorney Foster noted that this was the first time he had heard the referral to Okeechobee Boulevard.

Planning staff was looking toward the Town contact Commissioner Koons and have Commissioner Koons initiate the CRALLS application for the 08-01 round for the Comprehensive Plan.

It was hoped that the pre-application conference to address the methodology of the CRALLS application be scheduled for November.

Council President Woods inquired into the possibility that all three of the projects would be denied due to their magnitude. Mr. Kim responded that he did not think that would happen noting that it would be a year long process and that it appeared as though Palm Beach County staff supported the three projects coming in at the same time.

Mr. Kim noted that specifics of the projects were not discussed. Council President Woods asked if it would be advantageous to keep the smaller project (Planet Kids) separate from the larger projects.

Attorney Foster reminded all the CRALLS request for Planet Kids was for the portion of Belvedere Road, Drexel to Haverhill, whereas the other projects required a CRALLS designation, Jog Road to Military Trail. In addition, Mr. Foster noted that if this was to move forward, things would need to happen very quickly.

Attorney Foster also reported that Allen Ennis had specifically asked a question as to the result of all the projects and seemed to be satisfied with the answer of 1.3 to 1.35.

Attorney Foster reported that the CRALLS application would need to be filed at least one week prior to the October 26th Land Use Advisory Board meeting so that the back up material could be included with the packets.

Ed Stacker, Attorney from Akerman Senterfit was present on behalf of Duke Construction. Mr. Stacker addressed the Town Council stressing that timing of the request for a CRALLS designation was an important issue. The McCraney parcel contained approximate 54 acres and the Duke Construction parcel contained approximately 67 acres. The Duke parcel was proceeding with a land use plan amendment to change the present land use from LR 3 Residential to Industrial. The McCraney parcel did not require a land use change. The Palm Beach Planning staff had generally supported the proposed use and the District Commissioner also supported that type development at those sites.

Mr. Stacker explained that CRALLS was the concept that was put into the county's comprehensive plan for this purpose and the planning staff thought it made sense to look at the entire corridor from Jog to Military and not specific to just the needs of the Day Care Center.

With regard to the timing, Mr. Stacker noted that the land use application had to be filed by October 5, 2007 and it was hoped that the Town would contact Commissioner Koons with its support of the projects. Concurrently, Mr. Stacker, on behalf of Duke Construction, would request Commissioner Koons to expand his original request for a site specific CRALLS for the Day Care Center to include the Duke and McCraney projects.

Dennis Koehler, present in the audience, noted that he sat on the Palm Beach County Land Use Advisory Board and confirmed the next meeting was scheduled for October 26, 2007. In addition, he stated that in the eight years that he sat on the Board, a government initiated CRALLS had never been denied and he would support the application.

Discussion followed and it was suggested that the Town should initiate the CRALLS designation so to keep control. Attorney Foster noted that his letter the Commissioner

could include the statement that if for any reason the County withdrew its application, the letter would stand a formal request by the Town that the County proceed with the CRALLS designation from Jog Road to Military Trail.

Council President Woods asked if the Town were to initiate the CRALLS designation, would it be responsible to complete the Traffic Studies. Mr. Stacker noted that this would be a County initiated Land Use Plan Amendment and the Town of Haverhill would have the best of both worlds as the developers want to move forward. The Town would only need to send a letter in support. This would be a partnership between the applicants, Towns and County.

In addition, Mr. Woods asked if the 3 properties had signed an annexation commitment with the Town. Mr. Foster reported that it was indicated at the meeting that Planet Kids did plan to annex into the Town of Haverhill as a condition of the Town supporting the CRALLS designation

It was a general consensus that all of these items needed to be finalized by a proposed deadline of October 12, 2007 for submission to the County.

Council Vice President Foy supported the County in initiating the project as long as they follow through. In addition he inquired as to why Commissioner Santamaria was not involved.

Mr. Stacker reported that his clients had met with Commissioner Santamaria and that he was under the belief that the Commissioner was in support of the projects. The properties were located in the district of Commissioner Koons.

Attorney Foster recommended that the Mayor and Council President be authorized to finalize the negotiations with the parties including the terms of the annexation agreement as well as be authorized to draft a letter to send to Palm Beach County in support of the site specific projects. Mr. Foster once again noted that there needed to be coordination between the parties.

A motion was made by Council Vice President Foy to authorize the Mayor and Council President to finalize the negotiations with the parties including the terms of the annexation agreement as well as to be authorized to draft a letter to send to Palm Beach County in support to of the site specific projects. The motion was seconded by Council Member Uptegraph. Council Vice President Foy added special emphasis to the annexation agreement similar to what had been done in the past. The motion passed unanimously 5-0.

Reschedule November Workshop

A motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to reschedule the regularly scheduled workshop to the second Tuesday, November 13, 2007 as the first Tuesday of the month was Election Day.

REPORTS

Town Attorney

Stacy Street School:

Town Attorney Foster reported the Town had met with many of the Stacy Street property owners. In addition, that the Mayor had received a revised site plan from the school district that clearly showed the school improvement encroaching onto the lot that was within the jurisdictional boundaries of the Town. The school had assured the Town that the lot located within the Town was to be used as open recreation fields and would not be in violation of the Town's Comprehensive Plan. The Attorney request that a meeting between he, the Mayor and Council President be scheduled following the close of the October 2, 2007 workshop to plan the Town's strategy for dealing with the school board. Attorney Foster suggested that he cease dealing with the Planning Staff and begin to negotiate directly with the school district's general counsel. In addition, he would contact Commissioner Koons as a courtesy to inform him of the Town's intent.

Despite the interest raised by some of the Stacy Street property owners who have expressed an interest in a land swap, the placement of a school within the limits of the Town would be in violation of the Town's Comprehensive Plan, Zoning Codes and the Town's exemption from school sitings.

Mayor Kroll commented that he has yet to be notified by the school district of any meetings, nor has he received any documentation (unless sent after the fact) despite the fact that he had been assured that he would be kept informed of the school district's plans.

Council Vice President Foy inquired into the possibility that the school district sub divide the lot in an effort to reach a compromise. Mr. Foster noted that previous conversations with the school district had led to a verbal agreement that the Trailway property would not be used for school use, it would not house portables, Trailway Lane would not be used as an access, and there would be no gate, etc.

The Town Attorney will determine what interest the Town Council is trying to protect, and if a compromise cannot be met, then he would move forward with filing an injunction.

Council Vice President Foy expressed his desire to reach a compromise or settlement, however, he does want to protect the Town's interest and not allow access through Trailway.

Council President Woods stated the Comprehensive Plan needed to be protected.

Mayor Kroll expressed his concern that the school district would not work with the Town in this regard. He reminded the Town Council that previous negotiations had not been honored by the district.

Council President Woods reminded all the Town Council had previously given approval to the Mayor to authorize the Attorney to move forward in representing the Town.

Park Hill Estates:

With regard to the request made to the Town Council by the Park Hill Estates HOA, the Attorney reported that he need to schedule a meeting with the Association to determine

the extent of the costs they would be willing to accept as there would need to be a title search, engineering studies, deed preparations, etc.

Council Vice President Foy commented on accepting the road back after the increase in density was granted to the development based on certain provisions, one of which was the roads remaining private. He inquired into whether the Town could assess a special roadway tax. The Attorney agreed to look into a special taxing district.

Council President Woods reported that Chris Couture had purchased the **Orlowski** property and that improvements to the property have already begun.

Council President Woods thanked the Attorney for his efforts in assisting with the sale of the property.

Mayor

The Mayor reported that he had been contacted by Unisom Site Management to once again determine if the Town Council would consider selling the present tower leases for a sum of \$423,000 over twenty years. By consensus of the Town Council the offer was declined.

Consultants

None.

Assistant Town Administrator/Town Clerk

None.

Committee/Delegate Report

Council Vice President Foy reported on the effort the Code and Ordinance Committee had made in its attempt to have a Workforce Ordinance presented to the Town Council for consideration.

He then reported on the discussion that had occurred at the meeting of the Code and Ordinance Committee relating to storage and parking of recreation vehicles, boats and trailers. The Attorney would be looking into a permitting system. Council Vice President Foy suggested that definitions also be considered.

The Town Council had recently adopted an ordinance that limited the parking of these type vehicles to four hours changing the duration from 48 hours. The Attorney reported that there were exceptions to the rules and he would look into alternatives.

Council Vice President Foy reported that the matter was still under consideration. He reported enforcement of anything other than four hours was a problem.

Council President Woods reported that after Mr. Foy had left the meeting, the Committee had discussed the Workforce Housing ordinance.

Council Member Beavers reported on the status of the emergency response training session he was trying to schedule. The class would be taught by John Tatum of the County's Emergency Operation Center to a minimum of 10 participants.

Council President Woods reported on the informational meeting held with the residents of the proposed northern annexation area. The meeting had gone quite well with the majority of those present in agreement to annexation. Unfortunately, some contiguous properties have not agreed to the annexation and as such, a referendum would be probable. Council President Woods requested Council support to send an annexation questionnaire to a specific area to determine their support of a future annexation into the Town of Haverhill. This would determine the extent of the area to be annexed with hopes to have the matter on the March election ballot.

Council Vice President Foy supported the March deadline and suggested that the area be minimized in an effort to be sure the matter could be placed on the March ballot. He stressed that the Town needed to move forward in its annexation efforts as the Town continues to struggle because of its size.

Treasurer's Report:

The recent report was included in the packet. Council President Woods stated that budget adjustments would be coming before the Town Council in the near future.

UNFINISHED BUSINESS:

Council Vice President Foy suggested that if the Town Council was to consider adopting a **Workforce Housing Ordinance** that would allow an increase in density, he would prefer to see it addressed through zoning and/or the Comprehensive Plan. He expressed concern over allowing the use by special exception exclusively and would prefer to see the use governed through zoning. Also, if addressed through zoning, future annexation areas would be included.

Council Vice President Foy suggested that a meeting of the Comprehensive Plan Committee be scheduled.

Attorney Foster referred to an article that had appeared in the Business Daily Review that referred to the marketability of the property that was located directly under the flight path of the PBIA. He felt this was important to be considered by the Comprehensive Plan Committee as the area in the southwest quadrant of the town would not be ripe for residential use. However, on the other hand, the Town of Haverhill wants to maintain the residential character of the town. As such, this might be the area to be considered for increased density projects.

Mr. Foster presented an aerial of the area directly to the west of the airport and highlighted the present mix of densities. He commented that a policy would need to be set by the Council in this regard.

Council President Woods suggested that the Council move forward with the Ordinance allowing the Workforce Housing as a special exception in the R-3 zoning district.

Discussion followed. It was agreed to schedule a joint meeting of the Code and Ordinance Committee and the Comprehensive Plan Committee for Tuesday, October 9, 2007 at noon.

Council Member Beavers inquired as to the permitted uses at the Haverhill Park and whether it would allow for the Boys and Girls Club to be located within the park. Council

President Woods reported that Staff would report on the proposal at the October 2, 2007 workshop.

NEW BUSINESS

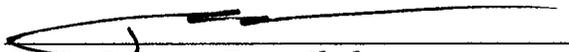
The Town Clerk reported that she would be attending a meeting on Council and Committee procedures on September 28, 2007 sponsored by the Florida League of Cities at the Town of South Palm Beach.

Council Vice President Foy noted that the medians on Military Trail had been planted and inquired if they were the same medians that the FDOT had wanted the Town to maintain. It was reported that the medians in question were the responsibility of WalMart.

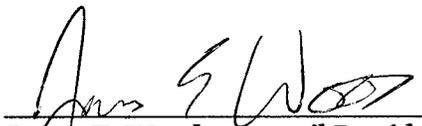
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:35 p.m.

Approved: 10-11-2007
Date



Janice C. Rutan, Town Clerk



James E. Woods, Council President