

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



**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ April 24, 2008**  
**7:00 p.m.**  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PROCLAMATIONS AND PRESENTATIONS:**
- V. APPROVAL OF THE AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of Minutes of the March 27, 2008 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Second Amendment to the AT&T Lease Agreement between the Town of Haverhill and AT&T**
  - b. Approve change orders and final payment for Improvements to Rutherford Lane**
- XI. REPORTS**
  - a. Town Attorney**
  - b. Consultants**
  - c. Mayor's Report**
  - 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 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 ~ April 24, 2008**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, April 24, 2008 at the Town Hall, 4585 Charlotte Street, Haverhill, FL. Those present were: James E. Woods, Council President; Jay G. Foy, Council Vice President; Jerry E. Beavers, Council Member; Henry Lynch, Council Member; Mark C. Uptegraph, Council Member; John Foster Town Attorney; Janice C. Rutan, Town Clerk and Joseph Roche, Code Enforcement Officer.

**CALL TO ORDER**

Council President Woods called the meeting to order at 7:00 p.m.

**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 Mayor Kroll.

**PROCLAMATIONS AND PRESENTATIONS:**

None.

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of Minutes of the March 27, 2008 Regular Meeting**

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

**COMMENTS FROM THE PUBLIC**

**None.**

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

As no one was present from the Palm Beach County Sheriff's office, the matter was deferred to later in the evening.

**SECOND READINGS AND PUBLIC HEARINGS**

None.

## **FIRST READINGS AND REGULAR AGENDA**

### **Second Amendment to the AT&T Lease Agreement between the Town of Haverhill and AT&T**

Town Attorney Foster presented Staff's update on the second amendment to the AT&T Lease Agreement between the Town of Haverhill and AT&T.

It was the recommendation of staff that the amendment to the Lease Agreement be approved subject to the tower having no more than three tiers for up to twenty-seven antennas.

Attorney Foster clarified that the proposed amendment guarantees rent through January 2010, it also addressed the Nextel lease stipulation that a use on the same property would not interfere with AT&T's use of the property. In addition, rent would be paid annually beginning on the next anniversary.

**A motion was then made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve the Second Amendment to the AT&T Lease Agreement between the Town of Haverhill and AT&T subject to the tower having no more than three tiers for up to twenty-seven antennas.**

### **Approve change orders and final payment for Improvements to Rutherford Lane**

The Town Clerk presented Staff's report. The Town Engineer had inspected the project and provided back up for the change work orders. **A motion was made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the change orders for the Rutherford Road project and approve final payment to B&B Underground in the amount of \$133,798.33.** Council Vice President Foy requested the Clerk clarify whether a budget amendment specifying the line item would be required.

## **REPORTS**

### **Town Attorney**

Town Attorney Foster reported on the meeting held earlier in the day with the principals and developers joined with the Town in the CRALLS petition to plan strategy for their attendance at the April 28, 2008 meeting of the Palm Beach County Commissioners. The order of presentation would be McCraney, Duke, Andrea Troutman (Traffic Engineer) and then the Town.

Andrew Jacobson of McCraney had met with some of the Commissioners and reported a general feeling of favor towards a CRALLS. The battle would be with Palm Beach County staff as they are actively lobbying the Commissioners in recommending denial of the CRALLS.

Council Vice President Foy commented on Palm Beach County Staff's lobbying efforts.

Attorney Foster noted that although the Town was in support of a temporary CRALLS, he would embark on an effort to ultimately remove the widening of Belvedere Road from the County's future thoroughfare laneage map. The Haverhill Neighborhood Plan would support that action.

By general consensus, the Town Council authorized the Council President and staff to move forward with removing the widening of Belvedere Road from the County's future plan. Council Vice President Foy noted that the Town Council had already authorized Staff to take whatever action necessary to prevent the widening of Belvedere Road.

Council Vice President Foy commented that other than the Town of Haverhill, there were very few Area Neighborhood Plans that were adopted by the Board of County Commissioners.

**HJR 7125 re: Home Rule:**

Council Vice President Foy requested the Town Council oppose the proposed HJR that would limit Home Rule. **A motion was then made by Town Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to authorize staff to draft a Resolution for the Mayor's signature opposing HJR 7125 and its companion Senate bill.**

**Consultants**

None.

**Mayor' Report**

None

**Assistant Town Administrator/Town Clerk**

The Town Clerk reported that Don Carter had submitted a letter of resignation, effective immediately, from the Town of Haverhill Zoning Commission.

Discussion followed. Council President Woods suggested the Town of Haverhill prepare an informational orientation package for persons appointed to serve on Boards and Commissions. He was concerned that many serving on Town Boards and Committees were unaware of the full obligations of duties and legal requirements of the appointment.

Council President Woods would work with Staff to put the package together.

The Clerk reported that there were three members remaining on the Zoning Commission and suggested that the Zoning Commission and Zoning Board of Appeals be combined. Because the Town Council serves as the Local Planning Commission, the Zoning Commission could be disbanded. Town Attorney Foster suggested the matter be reviewed at the next meeting of the Code Ordinance Committee.

The Town Clerk reported that the Grove Street drainage project was moving forward.

**Committee/Delegate Report**

Council Vice President Foy reported on the meeting of the Code and Ordinance Committee held the previous day. The Committee reviewed proposed changes to Special Exceptions in all the zones.

Hedge/Fence heights were still being considered.

Council member Beavers reported that he had attended the League of Cities meeting in Lantana. He presented an update on the LUV PAC voter initiative in support of Home Rule. The matter will be on the ballot in November.

He then reported on the installation of tire shredders on ramps to the highways and freeways to prevent drivers from going the wrong way. The devices would be similar to what was being used at car rental locations and could be solar powered.

Council President Woods reported on a meeting held with residents from Ivywood that had opposed annexation into the Town. Those residents agreed to support annexation. There were still two residents the Town had not heard from. It was his recommendation that the Town move forward with a referendum in the event a voluntary annexation was not possible.

Town Planner Horniman was requested to get a cost estimate together for Council consideration at its next meeting.

The Clerk suggested a mail referendum be considered in an effort to save money. In addition, the Clerk reported that the Supervisor of Elections had put the municipalities on notice that they would be responsible for close to 40% of the costs of all elections.

An Annexation Committee meeting would be scheduled in early May.

#### **Treasurer's Report:**

The Clerk reported that the Audit was scheduled to begin the week of May 11, 2008 with hopes that a draft would be available to the town Council in June.

#### **PALM BEACH COUNTY SHERIFF'S OFFICE**

The Town of Haverhill experienced very few incidents other than traffic stops. There had been a death investigation on Palm Hill Drive (out of the Town's jurisdiction) and there had been a burglary on Briarwood Drive with no suspect information available.

Council Member Beavers expressed his fears that gas was being siphoned from his vehicle while parked in his driveway. He since had installed locking gas caps on his truck.

#### **UNFINISHED BUSINESS**

Council Vice President Foy commented on the installation of the fence on the Grove Street side of the Sunset Isles subdivision.

Council Member Lynch asked for an update on the cost evaluations for the installation of drain fields at the Town Hall. The Clerk reported that Mayor Kroll was working on that project and she would follow up on the status.

The Town Clerk reported that Town Engineer Jeff Renault had confirmed with his new employer at the City of West Palm Beach and he would be allowed to continue to represent the Town of Haverhill. Mr. Renault would be required to obtain insurance, however, it still needed to be determined if Mr. Renault would need to carry "Errors & Omissions" Insurance in addition to liability insurance.

#### **NEW BUSINESS:**

Council President Woods reported that there would be an informational meeting at the Town Hall on April 29, hosted by David Kier of Seminole Bay Land Company for the purpose of presenting the proposed "Cole Street Villas" project to residents surrounding

the Cole Street property. He suggested the Town may want to voice their opposition against the project due to the density of 13 units on 1.42 acres of land.

The Town Clerk and the Town Planner had learned that Palm Beach County Staff would be recommending approval of the project.

Council President Woods would attend the meeting as a bystander to determine what the residents were looking for and to determine if they would be willing to annex into the Town.

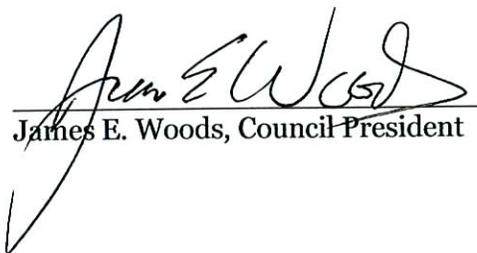
Council Vice President Foy inquired as to the Town's level of authority in this matter.

**ADJOURNMENT:**

With no further business to come before the Town Council, the meeting adjourned at 7:55 p.m.

Approved: May 8, 2008

  
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Janice C. Rutan, Town Clerk

  
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James E. Woods, Council President