

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ November 13, 2008**  
**7:00 p.m.**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, November 13, 2008 at the Town Hall, 4585 Charlotte Street, Haverhill, FL. Those present were: James E. Woods, Council President acting as Mayor; Jay G. Foy, Council Vice President, Jerry 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 led the Invocation and Pledge of Allegiance.

**ROLL CALL**

The Clerk called the roll. All members were present.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE CONSENT AGENDA**

**Approval of the minutes of the September 25, 2008 and October 23, 2008 Regular meetings.**

**A motion was made by Council Vice President Foy, seconded by Council Member Uptegraph 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**

D/S Moss addressed the Town Council on crime statistics for the period October 23, 2008 through November 12, 2008. He noted that the crime in Haverhill was down, however, due to the economic situation, burglaries and robberies were on the increase. He noted that PBSO was proactive in their attempts to get the homeless and panhandlers off the street. They were issuing warnings to those who were loitering or without a permit to solicit.

**PROCLAMATIONS AND PRESENTATIONS**

None.

**PUBLIC HEARINGS – FIRST READING**

**ORDINANCE NO. 371: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA ANNEXING WITHIN THE CORPORATE**

**AREA OF THE TOWN OF HAVERHILL, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, A PARCEL OF LAND CONTAINING APPROXIMATELY 2.69 ACRES LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES NORTH OF BELVEDERE ROAD WHICH PARCEL IS ALSO ABUTTING THE NORTHERN MUNICIPAL LIMITS OF THE TOWN, SAID PROPERTY BEING SITUATED IN PALM BEACH COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES (2006) AS REQUESTED BY MANUEL SARRIA, THE MANAGER/MEMBER OF THE RESIDENCES OF HAVERHILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS THE OWNER OF THE PROPERTY; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE TOWN OF HAVERHILL TO INCLUDE THE SUBJECT PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; PROVIDING FOR THE MAYOR AND CLERK, OR THEIR DESIGNEE, TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ANNEXATION INCLUDING SUBMITTING THE BOUNDARY CHANGE TO THE DEPARTMENT OF STATE, STATE OF FLORIDA; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.**

**The title was read by Attorney Foster. Attorney Foster offered Staff's report.**

**A motion was made by Council Member Beavers and seconded by Council Member Lynch to adopt Ordinance No. 371 on First reading. The motion passed 4-0 with Council Member Uptegraph away from the dais.**

#### **REGULAR AGENDA**

##### **Lease Agreement between Town of Haverhill and Metro PCS**

Attorney Foster reported that the Town of Haverhill and those representing Metro PCS had agreed upon the majority of the terms of the proposed lease and were still working out the specifics as to the specific location of the ground lease. Agreed upon terms included a \$2,000 per month lease that would be paid annually in advance; a 15% increase every five years; an initial five year term with four five year term extensions (although it would be the preference of the Attorney to have only three five year term extensions). Attorney Foster would request that Metro PCS guarantee the initial term of five years which was consistent with the other leases the Town had entered into. Further, the lease agreement would terminate with the termination of the AT&T lease.

**A motion was then made by Council member Beavers, seconded by Council Member Lynch and unanimously passed (5-0) to accept the rent amount and general terms of the lease between the Town of Haverhill and Metro PCS subject to finalization of the terms by the Town Council President and Town Attorney.**

**Resolution No. 2008-09: A Resolution of the Town of Haverhill adopting the National Incident Management System (NIMS) as required by Homeland Security Presidential Directive – 5.**

The title was read by Attorney Foster. A motion was then made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed (5-0) to approve Resolution No. 2008-09 adopting the National Incident Management System (NIMS).

**Consider allowing an additional six month extension pursuant to Section 58-129 for the self storage facility of Florida Tropic, Ltd.**

**A motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to allow an additional six month extension (April 10, 2009) pursuant to Section 58-129 for the special exception granted for the self storage facility of Florida Tropic, Ltd.**

## **REPORTS**

### **Town Attorney**

Attorney Foster reported that he had spoken with Tom Hagarth of the Palm Beach County School District Building Department. Mr. Hogarth had been the Building Official for the Town of North Palm Beach prior to joining the School District. Mr. Hogarth was sensitive to the Town's concerns about the early start time of construction at the Stacy Street School and agreed to work with the Town should there be other complaints.

It was reported that the wall was completed.

### **Mayor**

#### **Consider appointments to Zoning Board of Appeal and Code and Ordinance Committee**

Applications had been received for appointments to the Zoning Board of Appeals and Zoning Commission. **A motion was then made by Council Member Beavers, seconded by Council Member Lynch and unanimously passed (5-0) to appoint David Carter and Lawrence Gordon to serve on the Zoning Board of Appeals and to serve on the Zoning Commission.**

**A motion was then made by Council Vice President Foy, seconded Council Member Lynch and unanimously passed (5-0) to appoint Jo Plyler to serve on the Code and Ordinance Committee.**

Council President Woods reported on the item that would be before the Board of County Commissioners concerning the study to investigate the installation of a through lane from Military Trail to east of Jog Road along Belvedere Road.

The Town had already opposed the widening of Belvedere Road through both the County Commissioners and the Metropolitan Planning Organization by requesting the MPO remove it from the 2035 plan. Further, the Town had requested information from the County to justify **6-laning Belvedere Road.**

It was the general consensus of the Town Council to object to the proposed Board of County Commissioner's agenda item that would authorize the study and to put the County on notice that the Town would be lowering the posted speed limit along Belvedere Road for the protection, safety and welfare of the residents of Haverhill.

In addition to expressing opposition to the proposed study to construct a through lane, the Town would consider contacting Commissioner Koons.

Council President Woods announced that the Town Clerk had attended a meeting on the proposed **Airport Expansion** and review of the **draft environmental impact study** for the various expansion alternatives being suggested by the FAA. It was the

general consensus of the Town Council to send a letter objecting to the proposed expansion plans, specifically Alternative 2 which would have the most adverse affect on the Town of Haverhill and its residents.

Council President Woods reported that he had been working with **Town Planner Horniman** in an effort to keep costs down while still being able to maintain the professional relationship with **JLH Associates**. Mr. Woods presented the proposal for services presented to the Town.

**A motion was made by Council Member Uptegraph, seconded by Council member Lynch and unanimously passed (5-0) to approve Alternative 2 with an hourly rate fee schedule for the Town Planner as follows:**

\$360.00 per meeting charge; \$125.00 per hour charge; four hours per month allotted to the Town at no charge to respond to general and minor Town officials and staff's requests and inquiries, intended to offset billable hourly charges for, but not necessarily limited to, general correspondence, faxing, minor printing and reproduction telephone calls, scheduling, e-mailing, etc. Larger projects would require a set fee to be negotiated on a project by project basis. All requests for professional services would be made in writing.

#### **Consultants**

##### **Town Engineer report on Club Road Sidewalks**

Town Engineer Jeff Renault updated the Town Council on the Club Road sidewalk project. He noted the topography had been updated and that Mylar would be available. Contact with the County raised no objection to connectivity of the Club Road sidewalk plan with the Haverhill Park.

**Because the Council would not meet again until December 11, 2008, a motion was made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (5-0) to authorize Council President Woods as Acting Mayor to enter into a contract with Jeff Renault in an amount not to exceed \$5,000 to continue the design and engineering work for the Club Road sidewalk project.**

##### **Town Hall Lift Station**

**Town Engineer Jeff Renault** reported that he would be in contact with the Contractor that recently installed the lift station at Lake Clarke Shores. Building Official Joe Iagrossi suggested the Town may be able to piggy back off the still open project. Mr. Renault had been in touch with another contractor, Doug Eakins who had submitted a proposal to the Town last year. After review, Mr. Renault agreed to report back to the Town Council with a recommendation.

##### **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 day and discussed the recent **resignation of the Mayor** and what

recommendations would be forthcoming from the committee concerning the change to the Charter by eliminating the strong Mayor form of government.

The Town Council President would serve as **acting Mayor** for sixty days. In lieu of making a second appointment until the election in March, it was the recommendation of the Committee that the Town Council pass a Resolution calling the Town Council President to continue to serve as acting Mayor until the outcome of the March election at which time the proposed Charter amendment would have either passed or failed. If the amendment failed, then the Town Council would need to appoint a Mayor to serve out the remaining term until March 2012.

The Town Attorney would prepare the Resolution for Council consideration at the December 13, 2008 meeting.

Council Vice President Foy reported that the Committee would be recommending the Town Council consider amending **Section 59-129** of the Code of Ordinances to allow for up to three 6 month extensions.

The Committee had spent a great deal of time reviewing the Palm Beach Gardens **landscaping code** to determine its compatibility with the Town of Haverhill. He expressed his desire to adopt a **sign Ordinance**.

Council President Woods reported that Staff was unable to acquire one signature and as such the **Ivywood Road Annexation Referendum** would need to take place. The Special Election would be held at the Town Hall on December 2, 2008 and the polls would be open 7:00 a.m. to 7:00 p.m.

Council President Woods reported on the enormous success of the **Halloween event** that was held on October 24, 2008.

#### **Treasurer's Report** (included in packet)

#### **UNFINISHED BUSINESS** None.

#### **NEW BUSINESS**

Council Vice President Foy reported that the Palm Beach County Board of Commissioners had established a **Water Resources Task Force** and the Palm Beach County League of Cities was responsible for making six appointments to the Committee. The charge to the Committee would be to look into efficient and effective water use alternatives.

Council Vice President Foy expressed an interest in serving on the Committee. It was the consensus of the Town Council to support his appointment.

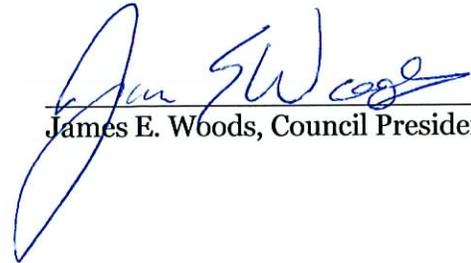
Council President Woods, acting as Mayor, announced that the annual **Mayor's luncheon** would be scheduled for the week of December 15, 2008.

#### **ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:25 p.m.

Approved: December 11, 2008  
Date

  
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Janice C. Rutan, Town Clerk

  
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James E. Woods, Council President