

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ December 11, 2008
7:00 p.m.
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, December 11, 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 and Janice C. Rutan, Town Clerk.

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 November 13, 2008 Regular Meeting.

A motion was made by Council Member Beavers, 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

Deferred to later in the agenda.

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC HEARINGS – SECOND 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.

Town Attorney Foster read the title. Town Attorney Foster offered Staff's report.

Chris Barry of Jon Schmidt and Associates was present representing the applicant Manuel Sarria.

There being no public comment, a motion was made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed (5-0) to approve Ordinance No. 371 on second reading.

REGULAR AGENDA AND FIRST READINGS

FIRST READING: ORDINANCE NO. 377

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE CHARTER IN AND FOR THE TOWN OF HAVERHILL UPON APPROVAL OF THE ELECTORS AT A REFERENDUM TO BE HELD ON MARCH 10, 2009, BY CHANGING THE TOWN OF HAVERHILL FORM OF GOVERNMENT FROM A COUNCIL - MAYOR FORM TO A COUNCIL - ADMINISTRATOR FORM OF GOVERNMENT; ELIMINATING THE POSITION OF MAYOR AS A SEPARATE ELECTED POSITION; PROVIDING FOR THE MAYOR TO BE APPOINTED FROM ONE OF THE EXISTING FIVE (5) COUNCIL MEMBERS AT THE FIRST MEETING AFTER EACH MUNICIPAL ELECTION; ALLOWING THE COUNCIL TO APPOINT A VICE MAYOR FROM ITS OWN MEMBERS; PROVIDING FOR THE APPOINTMENT OF A TOWN ADMINISTRATOR BY THE TOWN COUNCIL, SUBJECT TO ANNUAL APPROPRIATION, AND DESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE TOWN ADMINISTRATOR; AUTHORIZING THE TOWN CLERK TO SERVE AS TOWN ADMINISTRATOR; DELETING THE REQUIREMENT THAT THE TOWN CLERK BE APPOINTED AND RATIFIED BY THE TOWN COUNCIL FOR A PERIOD OF FOUR YEARS; CONFIRMING THAT THE TOWN ADMINISTRATOR, CLERK AND TREASURER SHALL BE APPOINTED BY THE MAJORITY VOTE OF THE FULL TOWN COUNCIL; DELETING THE MAYOR'S VETO POWER OVER ORDINANCES; ; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE

APPROVED BY THE ELECTORS AT THE MARCH 10, 2009 ELECTION; SETTING FORTH THE FORM OF THE BALLOT QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

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

There being no public comments, a motion was made by Council Vice President Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 377 on first reading.

RESOLUTION 2008-11:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL EXTENDING THE TERM OF ACTING MAYOR FOR THE PERIOD DECEMBER 11, 2008 THROUGH THE FIRST MEETING AFTER THE MARCH 10, 2009 ELECTION.

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

A motion was then made by Council Member Lynch, seconded by Council Vice President Foy and unanimously passed to approve Resolution 2008-11.

REPORTS

Town Attorney

None.

Mayor

Acting Mayor Woods reported on the Town's participation in the annual Catfish Golf tournament held at the Belle Glade Golf Course. The Town's foursome consisted of himself, Council Vice President Foy, Code Enforcement Officer Roche and Town Engineer Jeff Renault. The tournament was followed by the annual tri city barbeque held at the Belle Glade Marina.

Mr. Woods reported that the annual Mayor's luncheon would be held on December 17, 2008 at 11:30 a.m. at the Town Hall.

Consultants

None.

Assistant Town Administrator/Town Clerk

The Town Clerk reported on yet another reduction in anticipated revenue sharing funds from the State of Florida.

Committee/Delegate Report

Council Vice President Foy, Chair of the Code and Ordinance Committee reported on the Code and Ordinance Committee meeting held on December 9, 2008. He gave detail on the proposed overlay zone which would allow for mixed uses for the area between Military Trail and Haverhill Road along Belvedere Road. This latest proposal expanded the area from the originally proposed overlay zone running from Military Trail to Concord along Belvedere Road.

Council President Woods reported on the Special Events Committee meeting held earlier in the day. The next dinner and a movie would be scheduled for January 9, 2009. The movie being shown was "Surf's Up" and the theme for the evening would be a winter wonderland.

PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Sergeant V. Blackman was present representing the Palm Beach County Sheriff's Office. For the period November 13, 2008 through December 11, 2008, there had been four reported burglaries in the Town of Haverhill. There were two vehicle break ins and two residential break ins. The incidents occurred at 5435 Stratford Road, 981 Woodlawn and 5470 Belvedere Road. The Deputy spoke of the need to increase patrol coverage in the southwest quadrant of the Town.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

Council Member Lynch inquired as to whether an opinion had been rendered concerning whether a Council Member who lost an election would be entitled to collecting unemployment. The Clerk agreed to follow up on the question.

Council Vice President Foy commented that he had attended a meeting of the NPDES and learned that the Department of Environmental Protection was trying to enforce Federal monitoring requirements that would increase the points of monitoring as well as change the basin monitoring basis to an end of pipe (outfall) monitoring basis.

NEW BUSINESS

Set Fee Schedule for Voluntary Annexation of Residences at Haverhill (Planet Kids)

In light of the Interlocal Agreement entered into between the Town of Haverhill and Manuel Sarria, Residences at Haverhill, LLC (Planet Kids) in which the Town agreed to support the CRALLS application of the applicant, and the applicant agreed to voluntarily annex into the Town, **a motion was made by Council Vice President Foy and seconded by Council Member Lynch to waive the application fees in the amount of \$5, 500 for the voluntary annexation, land use plan amendment, rezoning request and special exception request provided that the Town collect from Manuel Sarria, Residences at Haverhill, LLC (Planet Kids) an escrow fee deposit in the amount of \$5,000 to offset Town expenses and actual costs. It was further noted that should the Town's expenses equal more than the \$5,000 escrow deposit, the Town would be reimbursed the difference. The motion passed unanimously (5-0).**

ADJOURNMENT

With no further business to come before the Town Council, a motion was made, seconded and unanimously passed to adjourn at 7:30 p.m.

Approved:



Janice C. Rutan, Town Clerk



James E. Woods, Council President
Acting Mayor