

TOWN OF HAVERHILL
Regular Town Council Meeting
October 22, 2009
Town Hall – 4585 Charlotte Street

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, October 22, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry Beavers, Council Member; and Henry Lynch, Council Member. Also present were John Fenn Foster, Town Attorney; Janice C. Rutan, Town Administrator; and Joseph Roche, Code Enforcement Officer.

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods offered the Invocation and led the Pledge of Allegiance.

ROLL CALL

The Town Administrator called the roll. All members were present with the exception of Council Member Uptergraph.

APPROVAL OF AGENDA

Mayor Woods noted a correction would need to be made to the Consent Agenda changing the date of the minutes for approval from October 22, 2009 to October 8, 2009. Noting the correction, the agenda would stand as amended.

APPROVAL OF THE CONSENT AGENDA:

- a. ~~Approval of the October 22, 2009 Regular meeting minutes~~
- b. **Approval of the October 08, 2009 regular meeting minutes**

A motion was made by Councilman Beavers, seconded by Vice Mayor Foy and unanimously passed (4-0) to approve the Consent Agenda as amended.

COMMENTS FROM THE PUBLIC

None

REGULAR AGENDA and FIRST READINGS

Consider request to release lien for property located at 1163 Park Lane

Mayor Woods reviewed Staff's report requesting Town Council consideration in releasing the lien at 1163 Park Lane upon payment of \$500.00 to the Town to recoup its administrative costs. In response to Vice Mayor Foy's inquiry as to the background of the lien being placed on the property, Code Enforcement Office, Joseph Roche explained that on July 8, 2009, a violation was issued on the property for over-growth. Because the property had not been brought into compliance within the allotted time frame, a hearing had been set for July 29, 2009. At that hearing it was noted that the property had been partially brought into compliance and as such, the Special Magistrate continued the violation until September. In September, an Order finding Violation was issued; and on October 3, 2009 the property had been mowed, thus bringing it into compliance.

Vice Mayor Foy asked who had requested that the lien be released; Code Enforcement Office Roche indicated that the request had come from Wells Fargo Bank who was in the process of

selling the property in question. Mayor Woods asked if there were any running daily fines on the property; Officer Roche said that there were none.

Vice Mayor Foy made a motion to recommend the lien be released for the property located at 1163 Park Lane upon payment to the Town in the amount of \$500.00 for administrative costs incurred by the Town. The motion was seconded by Councilman Lynch; the motion was unanimously passed (4-0).

COMMENTS FROM THE PALM BEACH SHERIFF'S OFFICE

The Sheriff reported that there had been several resident checks documented, e.g. burglaries and suspicious people in the area. There had been several traffic stops documented around Concord Avenue and Park Hill Drive. He also reported on domestic disturbances.

REGULAR AGENDA and FIRST READINGS

Consider waiving administrative fees in the amount of \$1,000 for Sunset Isles property in recognition of good faith efforts being made to maintain the property by Bank Atlantic.

The Town Administrator offered Staff's report and gave a history of the property. She reported that Staff has been working very closely with Bruce Parker, a representative of Bank Atlantic concerning the Sunset Isles property. Mr. Parker effectuated the repairs to Briarwood drainage system that had resulted from the tie in to the Sunset Isles project. In addition, the property has been mowed, storm drain erosion has been repaired and a maintenance program has been implemented.

At the September 10, 2009 meeting, Town Council authorized the release of lien in the amount of approximately \$91,000 that had been running against the property known as Sunset Isles upon payment to the Town in the amount of \$1,000 for administrative fees incurred by the Town. In addition, the Town Council voted to reduce the bond by the amount of repairs made to the drainage system (\$18,413) and the two outstanding invoices still due the Town (\$1,602.50). After the reduction of the repairs from the present balance of the bond, the letter of credit would be decreased to \$50,921.00.

The outstanding invoices resulted from when the foreclosure proceedings against the property had begun, the Town had erected a fence and replaced the hedges on the Briarwood side of the property to secure the Briarwood subdivision. The Town had invoiced the property owner, Integrity, with no luck. In addition to having made the repairs to Briarwood, Mr. Bruce Parker, Bank Atlantic's representative, had indicated he was willing to reimburse the Town for actual expenditures but asked if the Town would consider waiving the \$1,000 administrative fee in light of the good faith efforts and repairs to adjacent properties made by himself on behalf of BankAtlantic.

It was noted by Mayor Woods that the Bank had taken possession of the property and that the lien had originally been placed upon the original owners. It was further noted by Mayor Woods that even before the Bank took over the property, the Bank had cooperated with the Town to bring the property into Compliance, e. g. mowing and getting the trees out. A future maintenance schedule has been established.

Mayor Woods confirmed with Staff that BankAtlantic was now the owner of the property. Mayor Woods added that the costs incurred by the Town were associated with the previous owners and the Bank was merely trying to clear up all the loose ends in order to get the property sold. Staff was recommending that the Council consider waiving the administrative fee of \$1,000 as a good faith effort in continuing the relationship with BankAtlantic to ensure timely responses to issues relating to the Sunset Isles/Integrity property.

Vice Mayor Foy asked if the administrative fee was for something or was it merely for the time spent or a fixed fee that is assessed. The Town Administrator, Janice Rutan responded that it was

costs incurred for the time spent administering to the property. She reported that the property has been brought into compliance and will continue to be maintained by BankAtlantic.

Mayor Woods called for a motion to accept the staff's recommendation to waive the \$1,000 administrative fees assessed against the Sunset Isles/Integrity property. Councilman Henry Lynch made a motion to waive administrative fees in the amount of \$1,000 for Sunset Isles/Integrity property. The motion was seconded by Vice Mayor Foy and unanimously passed by a (4-0) vote.

(10-28-09 meeting with Staff and Bruce Parker revealed that the property was in foreclosure, however, BankAtlantic had not yet titled to property into their name.)

Interlocal Agreement with the Solid Waste Authority for the Delivery of Municipal Solid Waste to Designated Facilities and for a Municipal Revenue Sharing Recycling Program

Mayor Woods explained that at the last meeting, this agreement had been discussed, and had been approved with the proviso that Section 12. Unacceptable Loads and the automatic renewal provision of Section 15. Term be removed from the Agreement.

After negotiations with representatives from Solid Waste Authority, Attorney Foster was satisfied with the language requiring that it would have to be mutually agreed upon between the Town of Haverhill and SWA before the renewal would take place. The unacceptable load (toxic waste) clause had also been amended to read as follows, "The Town or the Carrier of the unacceptable load would be fined". The Town's Attorney reported that the Agreement between the Town and SWS requires that SWS abide to the Interlocal Agreements and as such the Town was not going to be held accountable for unacceptable loads delivered to SWA by SWS.

A motion was made by Vice Mayor Foy and seconded by Councilman Beavers to accept the Interlocal Agreement with the Solid Waste Authority for the Delivery of Municipal Solid Waste to Designated Facilities and for a Municipal Revenue Sharing Recycling Program. The motion passed unanimously by a (4-0) vote.

REPORTS

Mayor

The Mayor reported that the second Council Meeting in November (November 26, 2009) fell on the Thanksgiving Holiday and the second Council Meeting for December (December 24, 2009) fell on Christmas Eve. The Mayor indicated that it had been the history of the Town Council to cancel those meetings. He stated that if something were to arise requiring Council action, the Council would have the ability to arrange for a special meeting.

The Mayor called for a motion to cancel the November 26, 2009 and the December 24, 2009 Council meetings. Councilman Henry Lynch made a motion to cancel the two meetings; the motion was seconded by Councilman Beavers. The motion unanimously passed by a (4-0) vote.

Mayor Woods reported that he and Town Administrator Rutan had attended the County Wide Community Revitalization Team meeting and listened to Commissioner Koon's speak to the subject at some length. As a follow up to that, one of the things that were discussed were the different grants that several of the communities were receiving, e.g. one community had received \$7,000 for its movie nights. There did not appear to be a shortage of grant money for projects. The Mayor announced that he and Ms. Rutan scheduled a meeting for November 05, 2009 with Houston Tate and Ruth Mognillansky- De Rose of the Palm Beach County Office of Community Revitalization to discuss the possibility of receiving a grant funding to repave Ivywood Lane and other projects that the Town would like to see completed. Ms. Rutan added that she and the Mayor had learned that many of the grants being given were going to private Homeowners Associations that were located within a revitalization area. Attorney Foster asked if it would be appropriate for the Town to receive such a grant or would it be the Ivywood residents who actually own the road. Mayor Woods indicated to Attorney Foster that the Town was merely in the

learning stages. The Mayor stated that he would report on any and all developments in the matter.

Mayor Woods reported that he and the Town Administrator had attended the MPO (Metropolitan Planning Organization) meeting to consider the final adoption of the 2035 plan. Several slides and charts had been presented as the speakers were making their presentations. MPO did receive public comment complaints about not finishing the \$170 million dollar project that would complete Seminole Pratt all the way out to the Beeline Road (Route 710). The MPO indicated that they were very short on funds and that there were several other projects that people were against, e.g. Turnpike exchange at Palmetto Park Road. Despite several residents speaking out against it, it looked like the MPO was going forward with the exchange anyway.

Discussion followed as to whether the Town should consider conducting its own traffic count on Belvedere Road. The Town Council would consult with Traffic Engineer John Kim about the possible count. It was noted that the traffic on Belvedere Road had diminished since the speed reduction, from 35 miles per hour down to 30 miles per hour. The discussion included the possible cost for a traffic count and that the Town would then be in possession of data to present to the County if it went forward with its five (5) year plan that included widening Belvedere Road. The proposed 2035 plan was discussed at length and Attorney Foster reminded Council that although the widening of Belvedere Road was still in the County 2035 year plan, the funds were not. It was also mentioned that the County was continuing its traffic study.

Councilman Lynch said that he thought it was premature for the TOH to conduct its own traffic count due to the fact that the study would be good only for a limited amount of time. Ultimately it was decided that the Town would consult with John Kim to see what his recommendation would be.

Town Administrator Rutan asked if the Council would like to follow up on its last letter to the County regarding the removal of the *intersection improvements (a.k.a. widening of Belvedere Road)* from its plan. Attorney Foster said that Traffic Engineer John Kim mentioned that Alan Ennis would let the Town know what the County's response was.

Vice Mayor Foy added that the value of a count was its *base* from which projects could be made; if the *base* is wrong then the projection would in turn be wrong. Traffic modeling was discussed at length.

Mayor Woods revisited the agreement with American Traffic Solutions setting the infraction for right turn on red at 5 mph. The Mayor reiterated that when a driver rolled through a right hand turn at a red light at 5 MPH or faster roll, it would be considered an infraction and constitute a traffic violation. Mayor Woods asked the Council to raise the 5 MPH guideline to 10 MPH. He reminded the Council that the Town's main focus was to maintain safer intersections and not to increase revenues. The ramifications of the fines that would ensue if infractions were issued on the 5 mph speed limit through a right turn on red were discussed at length.

Councilman Lynch voiced his opinion regarding the 5 MPH *guideline* by saying that drivers were given licenses to drive after demonstrating that they had learned the laws and regulations. One of those laws was how to approach an intersection when a red light was illuminated. At a red light, a driver may make a right hand turn *after* coming to a *complete* stop. Fines would be assessed to drivers who *roll* through an intersection at a speed of 5 MPH or faster. Consensus was that the 5 MPH guideline would remain.

Committee/Delegate Report

Vice Mayor Foy reported briefly on the 2035 plan to widen Belvedere Road; the main reason that the Town didn't want to make any grand statements was because the 2035 plan didn't show that the County was going ahead with its plan to increase Belvedere Road to six lanes.

The Vice Mayor also reported on the Code & Ordinance/Charter meeting and the proposed change of election terms from two (2) year term to a four (4) year terms. He also stated that the ADU (Accessory Dwelling Unit) Ordinance was read. The Town Attorney, John Fenn Foster, added that he and the Town Administrator, Janice Rutan, had talked about the ADU ordinance and the re-zoning of the eighteen (18) aces that were adopted. Both of which would necessitate two (2) 18 point ads a piece for four (4) ads; the cost would have been in excess of \$2,500. In lieu of the publication requirements, the Town would take the two (2) notices and mail them to the residents; the cost for this would be less then \$500. Attorney Foster went on to say that the first reading of the ADU and the first reading of the re-zoning was to take place the following month of November. The mailing would meet the requirements of notification to property owners.

Councilman Beavers asked Attorney Foster include in the Ordinance that each ADU require its own utility meter. Basically he wanted to know if the ordinance could include definitions of each meter, etc. Attorney Foster agreed that that was a good idea and that the Council could address that item at the first reading.

Vice Mayor Foy announced that he planned to do a presentation on the Storm Water issues and the NPDES at the November Workshop. He also announced that Attorney Foster was going forward with the preparation of the Solid Waste Ordinance to ensure compatibility between the Ordinance and the Agreement. Attorney Foster indicated that he would like to schedule the first reading of the SWA ordinance at the November Council meeting.

Vice Mayor Foy announced that the DEP had not yet given a letter for the 3rd additional year of a 5 year permit.

Councilman Beavers reported on his attendance to the EOC meeting. He said that he learned of the EOC's web based weather site; he went on to the benefit of the site and the information contained on the site.

Mayor Woods announced the Special Events, Halloween Dinner & Movie was scheduled for October 23, 2009 at 6PM and that the next Special Events would be held on January 23, 2010. Consideration for the January event would involve a community rummage sale.

UNFINISHED BUSINESS

Vice Mayor Foy announced that the Town tied for 3rd place at the League of Cities Golf Tournament.

NEW BUSINESS

None

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:10 p.m.

Approved: _____
Date November 12, 2009

Janice C. Rutan, Town Administrator

James E. Woods, Mayor

James E. Woods, Mayor
Jay G. Foy, Vice Mayor
Jerry E. Beavers, Council Member
Henry "Butch" Lynch, Council Member
Mark C. Uptegraph, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
October 22, 2009
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the October 22, 2009 Regular meeting minutes**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. REGULAR AGENDA and FIRST READINGS**
 - a. Consider request to release lien for property located at 1163 Park Lane**
 - b. Consider waiving administrative fees in the amount of \$1,000 for Sunset Isles property in recognition of good faith efforts being made to maintain the property by Bank Atlantic.**
 - c. Interlocal Agreement with the Solid Waste Authority for the Delivery of Municipal Solid Waste to Designated Facilities and for a Municipal Revenue Sharing Recycling Program**
- X. SECOND READINGS AND PUBLIC HEARINGS**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - Consultants**
 - Administrator's Report**
 - Committee/Delegate Report**
 - 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, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317