

**TOWN OF HAVERHILL
Regular Town Council Meeting
November 12, 2009
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, November 12, 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; Mark Uptergraph, Council Member; and Henry Lynch, Council Member. Also present were Town Attorney Lance Fuchs, 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.

APPROVAL OF AGENDA

Mayor Woods asked if there were any additions, deletions and/or substitutions to the Agenda as presented. There being no additions, deletions and/or substitutions the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the October 22, 2009 Regular meeting minutes

A motion was made by Vice Mayor Foy, seconded by Councilman Beavers and unanimously passed (5-0) to approve the Consent Agenda.

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

There being no one present from the Sheriff's Department, the matter was deferred.

REGULAR AGENDA and FIRST READINGS

Ordinance No. 383: Accessory Dwelling Units

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY AMENDING SECTION 58-8 BY ADDING A DEFINITION OF ACCESSORY DWELLING UNIT, AMENDING SECTIONS 58-169, 58-184, AND 58-199 TO ALLOW ACCESSORY DWELLING UNITS AS A SPECIAL EXCEPTION IN THE RESIDENTIAL ZONING DISTRICTS OF THE TOWN, AND BY CREATING A NEW DIVISION 10 IN ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, BY SETTING FORTH THE REGULATIONS FOR ACCESSORY DWELLING UNITS INCLUDING THE LOCATION, MINIMUM LOT SIZE, NUMBER OF UNITS, MAXIMUM FLOOR AREA, MAXIMUM NUMBER OF BEDROOMS/BATHROOMS, MAXIMUM HEIGHT, OWNERSHIP AND OCCUPANCY, COMPATIBILITY REQUIREMENTS, KITCHEN REMOVAL, PERMIT AND OTHER SUCH REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION, AND AN EFFECTIVE DATE.

The title was read by Attorney Fuchs.

There being no public comment, a **motion was made by Councilman Henry Lynch, seconded by Councilman Mark Uptergraph and unanimously passed (5-0) to approve Ordinance No. 383 on first reading.**

Ordinance No. 384: Solid Waste Regulations

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SECTION 30-1, DEFINITIONS, SECTIONS 30-27, 30-43 AND 30-118 REGARDING THE HOURS OF COLLECTION, AND MODIFYING THE LENGTH OF CERTAIN ITEMS TO BE COLLECTED, AND OTHER MINOR CHANGES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Fuchs

There being no public comment, a motion was made by Councilman Henry Lynch, seconded by Councilman Mark Uptegraph and unanimously passed (5-0) to approve Ordinance No. 384 on first reading.

Ordinance No. 385: Rezoning of approximately 18.74 acres

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS OFFICIAL ZONING MAP, AS AMENDED, BY REDESIGNATING AN APPROXIMATELY 18.74 ACRE AREA FROM THE EXISTING PALM BEACH COUNTY ZONING DESIGNATION OF RH – MULTIFAMILY RESIDENTIAL HIGH DENSITY TO A TOWN OF HAVERHILL ZONING DESIGNATION OF R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, WHICH AREA IS LOCATED ON THE EAST SIDE OF HAVERHILL ROAD APPROXIMATELY 0.5 MILES NORTH OF BELVEDERE ROAD; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Fuchs.

There being no public comment, a motion was made by Councilman Henry Lynch and seconded by Councilman Mark Uptegraph to accept the reading of Ordinance No. 385. The motion passed unanimously by a vote of (5-0).

Report from Town Engineer re: Club Road sidewalks

Town Engineer, Jeff Renault, reported that he had yet to put the project out for bid wanting to confirm the placement of the sidewalk with the Town Council. He reviewed the existing plans as follows: the sidewalk was to be installed on the south side of Club Road from Haverhill Road to Tall Pines. The installation would consist of a six (6) foot wide concrete walk which would vary in width depending on the power poles, trees, etc. There would be a grass swale between the sidewalk and the existing edge pavement. Crossing Tall Pines the sidewalk would move over and hug the south edge of the pavement; from there the sidewalk would become a four (4) feet wide concrete walk with a six (6) inch raised curb running along the edge of the pavement for pedestrian safety. The sidewalk would be similar to the existing sidewalk on the west side of Haverhill Road, south of Belvedere Road. There the sidewalk was also raised and the curb designed to protect the pedestrians on the sidewalk. Mr. Renault did need to meet with one resident to determine how the proposed sidewalk would affect his property. The resident, **Charles Morgan of 5118 Club Road** was present in the audience. **Todd Trimaldi of 5130 Club Road** was also present in the audience. Mayor Woods inquired as to the width of the grass swale on the east side of Tall Pines if the plans were to remain as voted on at the August 13, 2009 meeting. Engineer Renault responded it would be approximately twelve (12) to fourteen (14) feet wide. In response to Mayor Woods, Mr. Renault stated that everything west of Tall Pines would be four (4) feet concrete sidewalk with a raised curb. It was estimated that the curb would add approximately \$8,000 to the project's cost.

Town Administrator, Janice Rutan, read the prior motion that had been made and adopted at the August 13, 2009 meeting as follows:

“A motion was made by Vice Mayor Foy and seconded by Council Member Uptegraph to move forward with the sidewalk plans for the south side of Club Road; with a minimum non curb setback west of Tall Pines Road and a six foot walk way east of Tall Pines; to expend up to \$100,000 with a minimum of two piggy back bids to be received and the contract being awarded by Administration to the lowest and most qualified bidder. The vote was called and passed 3- 1 with Council Member Lynch voting against the motion.”

The discussion continued, e.g. the positioning and width of the sidewalk, etc.

Vice Mayor Foy made a motion to reconsider the sidewalk configuration on Club Road. The motion was seconded by Councilman Beavers and passed with a (4-1) vote, with Councilman Lynch voting against the motion.

A motion was then made by Vice Mayor Foy to amend the present motion to have a four foot sidewalk with curb west of the park on the south side of street; to have a six foot sidewalk with curb from park entrance to Tall Pines on the south side of the street, and a six foot sidewalk from Tall Pines to Haverhill Road approximately offset to the Right of Way line, non-curbed on the south side of the street. The motion was seconded by Councilmember Uptegraph and passed 4-1, with Councilmember Lynch voting against the motion.

The present motion that was being amended had included the language to expend up to \$100,000 with a minimum of two (2) piggyback bids to be received and the contract being awarded by the Town Administrator to the lowest and most qualified bidder.

Consider proposal from McMahon Transportation Engineers re: Belvedere Road Analysis

Mayor Woods read the proposed Scope of Work:

- **Collect four (4) hours of turning movement counts for one (1) day; two (2) hours morning peak and two (2) hours afternoon peak at the intersections of Belvedere & Haverhill Roads and Military Trail and Belvedere Road.**
- **Collect twenty-four (24) hours two-way traffic volumes on Belvedere Road at a location east of Haverhill Road.**
- **Analyze the two (2) intersections from Task one (1) for five (5) year future conditions including all committed development from the Palm Beach county TPS Database.**
- **Perform capacity analysis of Belvedere Road east of Haverhill Road using the two-way volume data.**
- **Provide a letter report summarizing the analysis.**

The Mayor reported the fixed fee for analysis being proposed would be \$3,750. A discussion ensued as the cost, its value and so on.

Again the Council noted that the proposed intersection improvements were in fact a ruse to widen Belvedere Road.

Council Member Beavers commented that in light of the two day care centers and the private schools on Haverhill Road, the Town should remain consistent with its posted speed limit and reduce the speed to thirty miles per hour along Haverhill Road as well.

Discussion followed. Council Member Lynch supported the reduction while Council Member Uptegraph was comfortable with the present speed limit of thirty five miles per hour.

Vice Mayor Foy commented that Council action in this regard would be crucial because if the speed limit were to be reduced, the traffic study should be postponed.

It was agreed that the traffic study was needed and would prove to be beneficial.

A motion was made by Vice Mayor Foy to accept the McMahon proposal and seconded by Councilman Uptegraph. The motion passed by a vote of (5-0).

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Strickland reported a burglary had occurred at 920 N Haverhill, an apartment complex. He indicated that he supported the new 30 MPH speed limit on Belvedere Road because it helped the officers on duty in indentifying who they were dealing with during traffic monitoring. It was also reported that the officers on duty were pulling a lot of residential checks which lead to lowed crime rates.

Consider appointments to Zoning Board of Appeals

The Mayor announced that there were a couple of items that needed to be addressed concerning the Zoning Board of Appeals.

Pam Uptegraph, who currently served on the board, presented a potential conflict due to her "relative" status (being married to a Council Member, Mark Uptegraph). Attorney Foster opined that the Town should err on the side of caution with respect to having relatives serving on any Town Committee. Mayor Woods stated that Mr. Lawrence Gordon, who currently served as a regular member on the Zoning Commission, should be appointed to the Zoning Board of Appeals. Mr. David Carter, who also was serving on the Zoning Commission, should also be appointed as an alternate to the Zoning Board of Appeals. Both Mr. Gordon and Mr. Carter had signed up for both the Zoning Commission and the Zoning Board of Appeals but that they could only serve on one, making it necessary to move them form the Zoning Commission to the Zoning Board of Appeals.

Vice Mayor Foy made a motion to ratify Mayor Woods' recommendations. The motion was seconded by Councilman Lynch and passed by a (5-0) vote.

Consider Capital Improvement Element of the Comprehensive Plan

Mayor Woods explained to the Council Members that the Capital Improvement element of the Comprehensive Plan had to be updated annually. Staff thought it would coincide with the adoption of the E.A.R. based Comprehensive Plan and the Town had until April 2010 to adopt the changes. DCA had set the deadline at December 1, 2009, but there would be no penalty for late filing. Mayor Woods asked the Town Administrator if the there was a list of things the Town had to consider. Ms. Rutan answered in the affirmative; 1) *those projects included in the first three (3) years of the Capital Improvement Plan had to have funding guaranteed; remaining projects would require that the funding be deemed dedicated.* Administrator Rutan made reference to the funds that had been dedicated for specific projects (Club Road; Briarwood drainage, etc.) She suggested remaining projects be removed from the Plan until the Town found funding sources. Ms. Rutan indicated that the changes had to be made via Ordinance and it was decided to have the first reading of the Comprehensive Plan at the December 10, 2009, Regular Council Meeting, which was to occur at 7:00 PM in the Town Hall.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE No. 381: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY 18.74 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAVERHILL ROAD WHICH PARCEL IS ALSO ABUTTING AND TO THE NORTHERN MUNICIPAL LIMITS OF THE TOWN, SAID PROPERTY BEING SITUATED IN PALM BEACH COUNTY, FLORIDA, FROM THE PALM BEACH COUNTY LR-2 FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S LOW DENSITY RESIDENTIAL DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER AGENCIES; PROVIDING FOR

INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

The title was read by Attorney Fuchs.

There being no public comment, a motion was made by Councilman Lynch to approve Ordinance No. 381 on second reading and to transmit Ordinance No. 381 to the Department of Community Affairs. The motion was seconded by Councilman Uptegraph and passed with a vote of (5-0).

REPORTS

ATTORNEY REPORT

None

MAYOR'S REPORT

Mayor Woods reported that he and Town Administrator Rutan, had met with Ruth Moguillansky De Rose and Houston Tate of the **Office of Community Redevelopment**. The purpose of the meeting was to learn about grants that may be available through the County that would benefit the residents of the Town. Specifically, they looked into funding for **Ivywood Lane** that would help with pavement/resurfacing of their road which is privately owned. The Town would be unable to secure funding on behalf of the residents as funding was available for unincorporated Palm Beach County or neighborhood associations. The Mayor and the Town Administrator were also informed of a six week program available to the residents that instructed attendees on how government works, how grants work and how they could apply for the grants. Once completed the residents could apply for a small grant for their area. The Mayor noted an area adjacent to the Town, just south of Ivywood Lane where the citizens met with OCR on a regular basis to discuss the problems that they were experiencing and how the county could help them and how they could help themselves as well. The Mayor indicated that the Town would attend the next community meeting to discuss ways to solve some of the issues shared by Haverhill's residents, in particular the crime factors.

Mayor Woods addressed the **Red Light Program** next. He reported on proposed legislation being introduced that would regulate the red light traffic safety act by requiring that all monies collected by municipalities be split with the State of Florida General Revenue fund and then shared with various state agencies and the Department of Health.

It was noted that the Town had set its fine at \$125.00 per violation and that if the legislation passed; the Town will have to amend its Ordinance to collect \$150.00 per infraction as the State will be retaining \$75.00 of each violation. The Town Administrator noted that the language in the proposed legislation was very vague as it related to whether the \$75.00 would be paid on issued or collected violations. A discussion ensued, e.g. who would officiate over appeals and Tallahassee's share of the monies imposed for traffic violations. Vice Mayor Foy stated that the proposed legislation was designed to focus on fines collected rather than a *safety* factor, whereas the Town adopted its Ordinance in the spirit of safety.

Mayor Woods noted that the proposed legislation did contain a grandfather clause which would grant the Town of Haverhill one year to comply to the terms of the legislation provided the Town's program was up and running at the time enactment.

Vice Mayor Foy commented that the proposed legislation made the program a money maker for the State and found its intent very offensive. He had been prepared to suggest a reduction in the fine and now the Town was faced with a mandated increase.

Mayor Woods announced that the Town was asked to endorse support of the National Guard and Army Reserves. The Town was in possession of a sample resolution endorsing the employer support for the **National Guard and the Army Reserves**. By general consensus of the Town Council, the Resolution was supported and would be prepared for signature by the Attorney.

ADMINISTRATIVE REPORT

Town Administrator Rutan announced that the Town had received an invitation for the Tri-City BB-Q, December 04, 2009 in Bell Glade, FL. She asked if Council Members wanted her to RSVP on their behalf.

COMMITTEE/DELEGATE REPORT

Vice Mayor Foy reported on the following items;

Code & Ordinance Committee. He announced that the Committee was caught up except for a couple items and requested a meeting be scheduled to continue discussions about subdivisions, building regulations and the Planning and Zoning Commission.

Belvedere Road Committee. The Administrator reported that Board of County Commissioner's consideration of the proposed five year road plan was scheduled for November 17, 2009. It was the general consensus that the Town send representation to speak against adoption of the plan.

Water Resource Task Force would be meeting the following week.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

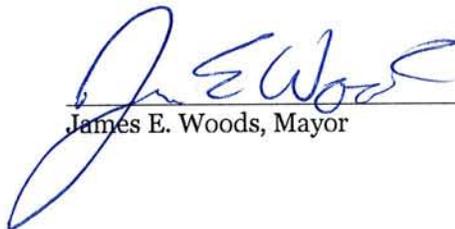
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:15 p.m.

Approved: December 10, 2009
Date



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
November 12, 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. Ordinance No. 383: Accessory Dwelling Units**
 - b. Ordinance No. 384: Solid Waste Regulations**
 - c. Ordinance No. 385: Rezoning of approximately 18.74 acres**
 - d. Report from Town Engineer re: Club Road sidewalks**
 - e. Consider proposal from McMahan Transportation Engineers re: Belvedere Road Analysis**
 - f. Consider appointments to Zoning Board of Appeals**
 - g. Consider Capital Improvement Element of the Comprehensive Plan**
- X. SECOND READINGS AND PUBLIC HEARINGS**
 - a. Ordinance No. 381 : Amending the Comprehensive Plan by changing the Future Land Use Map by changing approximately 18.74 acres generally located on the east side of Haverhill Road from the Palm Beach County LR-2 Future Land Use designation to the Town of Haverhill's low density residential designation**
- 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