

**TOWN OF HAVERHILL
Regular Town Council Meeting
December 10, 2009
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, December 10, 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 John Fenn Foster, Janice C. Rutan, Town Administrator; and Joseph Roche, Code Enforcement Officer.

CALL TO ORDER

Mayor Woods called the meeting to order at 7:25 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 November 12, 2009 Regular meeting minutes

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

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

The Sheriff's Office reported that there had been some burglaries which were due, in part, to the Holiday Season. The burglaries had occurred at 1021 Cheryl Road, 5210 Club Road and 920 Haverhill Road.

The Sheriff's Office suggested the Town be proactive in reminding residents to be mindful that the trash they place curbside as it can catch the eye of a criminal and make them susceptible to crime. He suggested that the boxes be cut down to the point of non recognition.

Mayor Woods suggested that an extra recycling be requested from SWS and that a postcard be sent out reminding residents not to place empty boxes out on the curb, etc. Town Administrator Rutan would arrange the postcard delivery.

SECOND READINGS AND PUBLIC HEARINGS

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 Foster.

A motion was made by Councilman Mark Uptegraph, seconded by Councilman Henry Lynch to approve Ordinance No. 383 on second reading.

Mayor Woods opened the floor for discussion.

Vice Mayor Foy indicated that he had a couple of items for discussion; one being the definition of who qualifies in the ordinance, e.g. expand lineal descendents to include significant others and unrelated parties.

Attorney Foster indicated that expanding the Ordinance in terms of the lineal descendents would not prove to be a significant change, however if the Council was to go beyond that point, the character of the ordinance would be changed. He suggested that it was easy to prove relations by blood or by marriage but that it would be very difficult to prove that someone was a life partner. A discussion ensued as to who qualified and how.

Vice Mayor Foy suggested that the removal of the kitchen as required by Section noted that item 58.481 needed to set a time certain. He noted that the intent of removing the kitchen was so that it could not be a rental after a relative either died or moved away. Discussion ensued as to what should be removed from the kitchen and/or if the entire kitchen needed to be removed.

Vice Mayor Foy made a motion to amend the motion to include the definition for lineal descendents to include grandchildren, children and spouse and to add a time frame of thirty (30) days to remove kitchen equipment. Councilman Henry Lynch and Councilman Mark Uptegraph accepted the amendment to the main motion. The motion unanimously passed by a (5-0) vote.

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 Foster

Councilman Beavers brought the “automatic renewal” clause on page eight (8), paragraph six (6). **TERM:** “This Agreement shall begin on the effective date January 2, 2010 and continue for a term of one year in order to cover Special Elections, if any. It shall be automatically renewed in accordance with the same terms and conditions as set forth herein upon the adoption of a Resolution by the Municipality requesting the SOE to conduct the municipality’s election for the applicable year or may be modified by mutual agreement of the parties.”

A short discussion ensued regarding the “automatic renewal” clause. Mayor Woods indicated that the Council should proceed by first addressing whether or not the Town wanted to allow the Town Hall to be used for elections at no charge. Mayor Woods asked Town Administrator Rutan whether Mr. Titcomb recommended one year or one election cycle. Ms. Rutan responded that Mr. Titcomb had suggested the Town go through its March election cycle, however, the agreement to use the Town Hall as a polling location included the August primary and the regular election. Ms. Rutan reported that the Town of Haverhill had approximately nine hundred (900) registered voters and that the Town could conduct its own elections. There would be nothing holding the Town back as far as registering its own voters, etc., it just didn’t have the time to do so at this point in time. It was the recommendation of Attorney Foster and Councilman Beavers to delete the “**automatic renewal**” sentence on page eight (8), paragraph six (6) and take the process through 2010.

Councilman Beavers asked Town Administrator Rutan to address the possibility of making the agreement more equitable. Ms. Rutan stated that all the municipalities were being charged a flat fee and that fee was \$2,288.00 regardless of the number of precincts, voters and that the absentee ballots, etc. A discussion ensued about the amount being charged the Town of Haverhill vs. other municipalities.

A motion was made by Vice Mayor Foy to allow the use of the Town Hall as a polling location for the purpose of holding election by the Supervisor of Elections. The motion was seconded by Councilman Uptegraph and passed unanimously (5-0).

Review of proposed Agreement between the Town of Haverhill and the Supervisor of Elections re: vote processing equipment and election services.

A motion was made by Councilman Uptegraph accept the Supervisor of Elections Agreement with the modification to remove the “automatic renewal” factor in paragraph six (6) on page eight (8) of the agreement. The motion was seconded by Councilman Lynch and the motion passed by a vote of 5-0.

REPORTS

Town Attorney

Attorney Foster said that he had received word from the Assistant Director of Traffic, Allen Ennis that review of the requested records had been scheduled for the following Friday and would take place at Mr. Ennis’ office. He reminded all that if Council Members wanted to attend the meeting that it would have to be advertized.

Attorney Foster had received an e-mail from April Warren who is coordinating the planning files that related to the Haverhill Area Neighborhood Plan and the CRALLS Agreements. He was trying to set aside a time to meet with her to review those files.

Mayors Report

Mayor Woods announced that he, the Town Attorney and the Town Administrator were meeting with Commissioner Koons to discuss the sidewalk addition just west of Haverhill Park. Mayor Woods mentioned that George Webb would be in attendance. Mayor Woods reminded everyone about the Mayor's Luncheon which had been scheduled for Wednesday, December 16, 2009 @ NOON.

Mayor Woods reported that once again Vice Mayor Foy had bragging rights when it came to the Golf Tournament; he had only hit four (4) balls in the water and he, Mayor Woods, had hit five (5) balls into the water.

COMMITTEE/DELEGATE REPORT

Vice Mayor Foy announced that there would be a Code & Ordinance Committee meeting on December 21, 2009.

Town Administrator Rutan asked if a Belvedere Road Committee meeting should be scheduled to take place immediately following the Code & Ordinance meeting. Vice Mayor Foy agreed.

Mayor Woods announced that the Special Events Committee was meeting on Tuesday, December 22, 2009 @ NOON in the Town Hall to continue with its plans for the January 23, 2010 Neighborhood Garage Sale. He reported that the flyers announcing the event had been sent out.

UNFINISHED BUSINESS

Vice Mayor Foy requested that the Town Council authorize Attorney Foster to look into whether or not the Town could back out of its contract for the installation of the Red Light Cameras in case the State of Florida proposed legislation passed that would turn the program into a money maker for the State and not a safety factor for the municipality. The consensus was to authorize Attorney Foster to look into the Town's options.

NEW BUSINESS

Vice Mayor Foy spoke on the availability of Energy Saving Green Grants and that Palm Beach County had been awarded \$800,000. There were five municipalities applying for the grant that included Ocean Ridge, South Palm Beach, Atlantis, etc., and that it might be possible for the Town of Haverhill to join with those municipalities. The application was due by January 8 or 12, 2010.

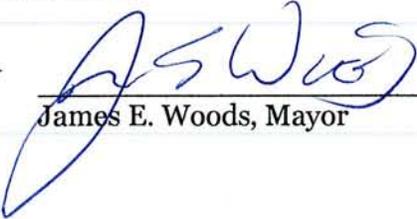
Vice Mayor Foy also spoke about another grant that had \$42,000,000; some of which was designated for Palm Beach County. That particular one was due in early February. He said that the grant was a 50/50 match. A discussion ensued as to whether it was a dollar for dollar match grant, and what it covered, e.g. window replacement. It was the general consensus that Vice Mayor Foy and Town Administrator Rutan to look into it further.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:37 p.m.

Approved: _____
Date January 28, 2010

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
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December 10, 2009
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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 November 12, 2009 Regular meeting minutes**
- VI. PRESENTATIONS AND PROCLAMATIONS**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. Ordinance No. 383: Accessory Dwelling Units**
 - b. Ordinance No. 384: Solid Waste Regulations**
 - c. Ordinance No. 385: Rezoning of approximately 18.74 acres**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Resolution No. 2009-10: A Resolution of the Town Council initiating the Conflict Resolution Procedure**
 - b. Consider request of Planet Kids VII for six month extension to the special exception request for development of a day care facility (Resolution 2009-06).**
 - c. Consider request of Palm Beach County Supervisor of Election to use the Town Hall as a polling location for the August 24, 2010 and November 2, 2010 elections**
 - d. Review of proposed Agreement between the Town of Haverhill and the Supervisor of Elections re: vote processing equipment and election services**
- 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