

**TOWN OF HAVERHILL
Regular Town Council Meeting
January 28, 2010
Town Hall – 4585 Charlotte Street**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 28, 2010 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 Uptergaph, Council Member; and Henry Lynch, Council Member. Also present were Town Attorney John Fenn Foster, Town Administrator, Janice C. Rutan; and Code Enforcement Officer, Joseph Roche.

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 or substitutions to the Agenda as presented. Vice Mayor Foy indicated that the **Committee/Delegate Report** had been omitted from the agenda. **A motion was made by Vice Mayor Foy to accept the Agenda as amended to include the Committee and Delegate Report; the motion was seconded by Councilman Lynch and passed unanimously (5-0).**

APPROVAL OF THE CONSENT AGENDA

Town Administrator Rutan requested the January 14, 2010 Minutes be removed from the Agenda as they had not been presented to Council for review. **A motion to strike the January 14, 2010 from the Consent Agenda was made by Vice Mayor Foy, seconded by Council Member Uptergaph and unanimously passed (5-0).**

COMMENTS FROM THE PUBLIC

NONE

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

NO ONE WAS PRESENT FROM THE PBSO.

SECOND READINGS AND PUBLIC HEARINGS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING DIVISION 6, LANDSCAPING REQUIREMENTS, OF CHAPTER 58, ZONING, BY DELETING ALL OF DIVISION 6 AND SUBSTITUTING IN ITS PLACE AND STEAD NEW LANDSCAPE REGULATIONS REGARDING PURPOSE AND INTENT, LANDSCAPE DESIGN PRINCIPLES AND CONCEPTS, APPLICABILITY AND EFFECT OF PREVIOUSLY PERMITTED PROJECTS, EXEMPTIONS, TYPES OF PLANS, LANDSCAPE STANDARDS FOR DIFFERENT LAND USES, PROHIBITED PLANT SPECIES, TREE CREDITS, WATER CONSERVATION, PARKING LOT LANDSCAPING REQUIREMENTS, LANDSCAPE BUFFER STRIPS, UPLAND BUFFERS/LITTORAL PLANTING, MAINTENANCE AND IRRIGATION, PRUNING STANDARDS, ALTERNATIVE LANDSCAPE PLANNING, VARIATIONS, VEGETATION REMOVAL, ADMINISTRATION, FEES, AND ENFORCEMENT; 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.

Mayor Woods entertained a motion to accept the second reading of Ordinance No. 386. **A motion was made by Councilman Beavers to accept the second reading of Ordinance No. 386; the motion was seconded by Councilman Lynch and was passed by a vote of (5-0).**

FIRST READINGS AND REGULAR AGENDA

A Resolution of the Town Council of the Town of Haverhill initiating the Conflict Resolution Procedure as set forth in Chapter 164 of the Florida statutes with Palm Beach County regarding planned roadway improvements of Belvedere Road.

The Title was read by Attorney Foster.

A motion was made by Councilman Uptegraph to accept Resolution 2009-11. Vice Mayor Foy stated that Resolution 2009-11 was merely the beginning of a long arduous process but a necessary one. A short discussion ensued as to the Conflict Resolution process and Chapter 164. **The motion was seconded by Vice Mayor Foy and passed by a vote of (5-0).**

A Resolution of the Town Council of the Town of Haverhill confirming the intent of the Town Council and correcting the Scrivener's error in the Future Land Use Map adopted as part of the Comprehensive Plan.

Attorney Foster explained that through the adoption of Ordinance 369 on April 23, 2009, the Town Council adopted the EAR based amendments to the Comprehensive Plan. The back-up material to the Comprehensive Plan included maps and supplemental material to the Plan. He stated that the existing land use maps and the future land use maps did not accurately reflect adopted land uses and as such needed to be corrected. Conversation with Richard Post of the DCA considered these errors to be Scrivener's errors and could be corrected through a Town Council adopted Resolution. The Town Administrator was finalizing the maps for the Resolution. **The consensus of Council was to table action until the maps were available.**

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE – 7:10 P.M.

Officer Newman reported that there had only been one burglary for the month of January. The owner of a vehicle at 1031 Park Hill Drive reported that the dashboard radio had been stolen. Officer Newman also gave a brief report on traffic enforcement and that everything else had been running smoothly.

Update on Energy Grant Applications

Town Administrator Rutan reported that she and Code Enforcement Officer Roche and Vice Mayor Foy had attended a meeting the previous day of the five (5) municipalities partnering for the energy grant which had been hosted by the Town of Lantana. Part of the discussion that took place at the meeting was the Town of Haverhill's *wish list* and some other items that the Town might want to add to the list. Vice Mayor Foy reminded everyone that the Group had applied for the Palm Beach County Grant. The next step would be to apply with the State Grant and that the County money (if awarded) could be as a match because the money was coming from the Federal Government to begin with. He suggested that there should be a designated fund source in place to match the purchase of the hybrid vehicles that were included in the grant application. Vice Mayor Foy requested that the Council move \$25,000 from reserves to a special account called "*Energy Grant*".

A motion was made by Vice Mayor Foy to move \$25,000 from reserves to the special account; the motion was seconded by Councilman Beavers.

Mayor Woods expressed his thanks to those involved in the Grant application. A discussion ensued regarding the Grant application process. Erin Deady, AICP, an attorney with Lewis, Longman and Walker was one of the key players in the grant procurement process. She would be working with the involved municipalities to ensure that their Comprehensive Plans and Building Codes would be updated to accurately reflect recent legislative changes. **The motion was passed by a vote of (5-0).**

Update on Numeric Nutrient Standards

Vice Mayor Foy reported that the EPA had published its numeric standards for South Florida. He indicated that the present ground water was 60 parts per billion; the EPA was going to expect the surface water to be 42. Mayor Woods asked what the logic was behind the standards and Vice Mayor Foy answered by saying that the Federal Government wanted to insure that Florida's water would be swimmable and fishable. Vice Mayor Foy felt that Florida's water nutrient content was being misread by the EPA, that nutrients are needed by humans to live and that they are not considered to be pollutants or toxins when present within safe levels. However, domination of certain species occurs when present in high levels, e.g. fish and plant life. The Vice Mayor went on to say that Alan Wertepny had written a letter to the EPA and that he, too, would be drafting one concerning the its numbers. He announced that the public issue on the matter would be held on February 18, 2010 at the Airport Hilton and that two sessions would take place, the first was to be held at 1:00 PM to 5:00 PM and the second to be held at 7:00 PM to 10:00 PM. Registration via internet was necessary and if anyone wanted to speak at the meeting a special box had to be checked.

Vice Mayor Foy announced he would have to miss the next Council Workshop due to a conflict in scheduling; a small group of technical people had scheduled a meeting to discuss the EPA's nutrient requirements on the same day.

A discussion followed regarding the EPA's standard requirements, e.g. they are cleaner than drinking water.

REPORTS

Town Attorneys Report

Town Attorney Foster raised no objection to Vice Mayor Foy's representation of the Town of Haverhill at the next EPA meeting as long as all Council members were in agreement. Vice Mayor Foy said he had intended to go on his own behalf but would be glad to represent the Town before the EPA. Attorney Foster asked if there had been any more information about the *60 days in which to file written objection*; Vice Mayor Foy answered by saying that it was to be done via written form by March 15, 2010 and that he was planning on writing his own letter of objection.

Mayors Report

Mayor Woods reported that he had a conversation with State House Representative Mark Pafford regarding house bill number 325 which addressed the funds to be funneled to the state of Florida for Red Light infractions. The Mayor stated that he had voiced his concerns that the language within the bill may require the Town of Haverhill to pay for fines that would not be collected. He indicated that Representative Pafford would look into the matter and email him information. He also spoke with the sponsor of the bill in an effort to clarify the language.

The Mayor reported that at the last Council meeting the Council members had voted to eliminate the Right Turn on Red infraction. The Town Administrator had passed that information on to the vendor and that the vendor would look into the numbers to determine if camera placement at the intersection would be cost feasible.

The Mayor announced that he, the Town Attorney and the Town Administrator had a conference call with Tower Co. with regarding renegotiation of the lease to allow additional carriers on the ball field tower. As it stood each time Tower Co. wanted to add an antenna it would have to come before the Council for approval and the lease would have to be amended. The changes to the new lease would eliminate having to amend the lease each time Tower Co. added a new carrier. Discussion followed. Staff reported that additional information would be forthcoming.

The Mayor spoke about the meeting with the residents of Ivywood and Club Road that had occurred just prior to the present meeting; the purpose of the meeting was to inform those residents about *REAP Program* sponsored by the Office of Community Revitalization. The Program would require the individual neighborhoods to form an association (501c3) to facilitate the procurement of grant money. This would be after the successful completion of the five (5) week REAP course. Once completed the association(s) would qualify for an automatic grant of \$2,500.

Mayor Woods announced that on Monday, February 1, 2010 he and Town Administrator Rutan were scheduled to attend the Belvedere Estates Neighborhood Community meeting where they planned to introduce themselves and share information on reducing crime and what they are doing to reduce crime in their neighborhood through *neighborhood watch programs*, etc.

Vice Mayor Foy asked for clarification concerning local association. Attorney Foster noted that the 501c3 Non-profit corporation would be similar to a home owners association meaning they would need to incorporate and then file an application for exemption with the IRS, rendering tax exempt. A short discussion ensued with regards to what the five (5) week course entailed and how it would help small communities, such as Club Road, with the process of applying for grants.

Administrators Report

Town Administrator Rutan reported on the land use amendment for the Duke, McCraney property and properties adjacent to the McCraney property on Belvedere Road. The proposed land use change from industrial to recreational (Fun Depot) would not increase traffic on Belvedere Road. Ms. Rutan indicated that the submission of such land use amendments were possibly due to the economic changes and she stated that she wasn't sure how the changes would affect the Town's traffic.

Administrator Rutan reported the Census Bureau had requested the use of the Town Hall for the purpose of helping residents fill in their census forms. The bureau would be setting up its center at the Town Hall starting March 1, through April 30, 2010, on Mondays, Wednesday s and Fridays.

Committee Reports

- Vice Mayor Foy announced the following:
- That there would be a Code & Ordinance meeting on Friday, January 29, 2010 commencing at noon;
- The League of Cities had selected Judge Rogers to represent the league on the Ethics Commission;
- That he had attended the Florida Engineering Society breakfast which had taken place on January 27, 2010; while there he spoke on the Numeric Nutrient Standards;
- He had spoken with Ken Todd regarding the HMGP grant to improve the drainage in Briarwood; the bids had gone out, but the awards had not been received;

- That he had attended the State Attorney's meeting and that the state was pursuing honest services fraud by following the evidence and since it was a federal crime, the state didn't have any evidence to follow. He found the situation to be curious at best and merely wanted to share the information with the Council members.

Councilman Beavers had attended the League of Cities meeting and reported as follows:

- He had attended the conference at the Indian River State College and that the FEMA instruction CD had been given to Joe Roche; the CD contained information on how to put together plans/templates, 160 pages of acronyms in government, and a web site address which had also been given to the Town Administrator.
- Other items covered at the League of Cities meeting included inter-local agreements with other municipalities for guarding records in case of failures of Town Halls, e.g. can other municipalities run the Town's software and vice versa.

Councilman Beavers asked Town Administrator Rutan for permission to work with Joe Roche to set up a '*Hazardous Vulnerability Analysis Plan*'. He said that the important factor was that this plan, as well as others, would lead to qualification for grant(s). Town Administrator Rutan stated that she had no objection to Councilman Beavers request to set up a plan(s) utilizing Mr. Roche, being that Mr. Roche was staff liaison for the Town's Emergency Management Committee. **A short discussion ensued regarding grants, and storage of records and backing up system files, etc.**

Mayor Woods announced that the Special Events Committee had conducted a Neighborhood Garage Sale in the Ball Field/Pavilion area of the Town Hall on January 23, 2010. 28 spots had been sold and the event was a success. The event was easy to put together and that the Town was entertaining hosting another one in the future.

The Town's Annual Picnic was scheduled to be on Saturday, March 20, 2010 starting at 11:00 AM. A meeting was to be held to plan the event sometime after February 7, 2010.

Town Administrator Rutan announced that a *Save the Date* letter had been sent out to the area vendors and she indicated that she had some responses already. She also stated that she had learned that Royal Palm Beach was scheduled to hold its street festival the same day and was hoping that it would not affect vendor participation/attendance at the Town's picnic.

UNFINISHED BUSINESS

NONE

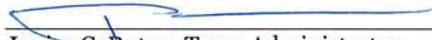
NEW BUSINESS

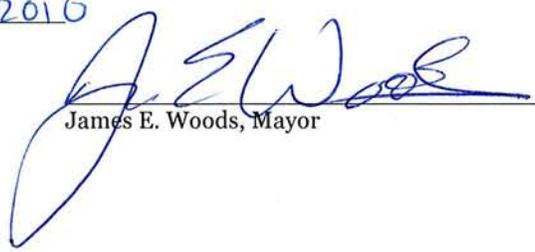
NONE

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:03 p.m.

Approved: February 11, 2010
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
January 28, 2010
Town Hall – 4585 Charlotte Street
AMENDED 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 December 10, 2009 and January 14, 2010 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. 386: An ordinance of the Town of Haverhill amending Division 6; Landscaping Requirements of Chapter 58, Zoning**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Resolution No. 2009-11: A Resolution of the Town Council of the Town of Haverhill initiating the Conflict Resolution Procedure**
 - b. Resolution No. 2010-04: A Resolution of the Town Council of the Town of Haverhill confirming the intent of the Town Council and correcting the Scrivener's error in the Future Land Use Map adopted as part of the Comprehensive Plan.**
 - c. Update on Energy Grant Applications**
 - d. Update on Numeric Nutrient Standards**
- XI. REPORTS**
 - Town Attorney**
 - Mayor**
 - Consultants**
 - Administrator's 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