

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



TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, February 23, 2012
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 February 9, 2012 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**

None
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Update on meeting with representatives from American Traffic Solutions
- 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

TOWN COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ February 23, 2012
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, February 23, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Jerry Beavers, Council Member, Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, and Town Administrator, Janice C. Rutan.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

The Town Administrator recorded all members were present.

APPROVAL OF AGENDA

Upon motion by Vice Mayor Woods and second by Council Member Beavers, the agenda was amended to include first reading of Ordinance No. 407, extending the moratorium on pain clinics, and the removal of the minutes fro approval from the Consent Agenda. The motion passed unanimously 5-0.

APPROVAL OF THE CONSENT AGENDA

~~Approve Minutes of the February 9, 2012 Regular Meetings.~~

PROCLAMATIONS AND PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Palm Beach County Sheriff's office reported several traffic stops, domestic issues and routine calls that had occurred within the Town since their last report. Joseph Roche, Director of Public Services was handing a report of graffiti directly with the graffiti unit.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Update on meeting with representatives from American Traffic Solutions

Attorney Foster reported on the meeting held on February 15, 2012 to discuss the status of the red light camera program. He and the Town Administrator had met with the legal team representing American Traffic Solutions (ATS) (George Hittner, ATS; Christopher Sacco, Carlton Fields, (Florida) and Andy Taylor, Texas). Attorney Foster noted that the group was making their tour around Florida visiting other municipalities as well.

Attorney Foster had made it quite clear that the Town's position in this matter was that legislative amendments to the program rendered the Agreement between the Town of Haverhill and ATS null and void. The Agreement called for the Code Enforcement Officer to issue the citations and also put in place a pricing mechanism to be used by the Town. Legislation required citations be

issued by a certified traffic infraction officer and did not allow for a per ticket price schedule. In addition, the Town had piggybacked a contract between ATS and the City of Adventura, which again contemplated conditions that were voided by legislative amendments.

Attorney Sacco agreed to look into the matter. Attorney Foster suggested that in an effort to clarify the issue, an opinion be requested from the Attorney General.

Attorney Foster reported on ATS's desire that the Town revisit the right turn on red issue. Attorney Foster informed ATS that the Town Council had been adamant that it did not want to cite right turn on red violations. He reiterated that if the Code Enforcement Officer were able to issue citations, the Town would continue with the program. From the beginning, The Town's involvement in the program was for safety, not money, however, the program could not cost the Town money, either.

When asked about the status of the Agreement between ATS and the Village of Royal Palm Beach, Mr. Hittner replied that they were following up with them as the program in Royal Palm Beach has been suspended. Attorney Foster also had a call into Corbett and White, the Attorney's representing Royal Palm Beach but had not heard back from them prior to the meeting. Mr. Hittner commented that ATS had several thousand dollars tied up in the equipment they had installed for the program.

Attorney Foster gave the Council a full briefing on the meeting including the suggestion that the County, another municipality and/or ATS take over the program, etc. The Town Attorney also suggested that ATS introduce language modifications to the Mark Wandall Traffic Safety Program such as:

316.0083

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640, or in the case of a county or a municipality, a code inspector, as defined by s. 162.04 who has successfully completed the traffic enforcement procedures and court presentation instruction through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.

A lengthy discussion followed. Attorney Foster closed by saying that the Town would wait to hear back from ATS.

FIRST READING OF ORDINANCE NO. 407

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW PAIN MANAGEMENT CLINICS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL THROUGH JUNE 30, 2012, PENDING THE ADOPTION OF NEW CODE PROVISIONS BY THE TOWN; PROVIDING A CONFLICTS CLAUSE, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

The title was read by Attorney Foster. Attorney Foster explained that there was pending legislation that would address the regulation of pain clinics and in an abundance of caution recommended the Town Council adopt an Ordinance extending the Town's moratorium on Pain Clinics until such legislation is in effect.

A motion was then made by Vice Mayor Woods, seconded by Council Member Lawrence Gordon and unanimously passed to approve Ordinance No. 407 on first reading.

REPORTS

Town Attorney

Attorney Foster presented the Town Council with a donation to be used towards the Town's annual picnic. Attorney Foster commented that he and his firm wholeheartedly support the annual picnic and hope that the Town never stops having the annual event.

The Town Council expressed appreciation to Mr. Foster for his firm's donation and support.

Mayor

The Mayor expressed his concern over the fees being charged for a roofing permit. He recently replaced the roof on a shed on his property and was charged the minimum fee of \$200.00 plus the state mandated surcharge. He felt the fees were excessive. It was explained that the roof, despite its size, required the same number of inspections.

The Town Attorney reported that there would be an informational hearing held at the Town Hall on February 28, 2012 at 6:00 p.m. between the Shiloh Seventh Day Adventist Church and their neighbors. The purpose of the meeting was for representatives of the Church to explain to the neighbors their application for a land use amendment and rezoning of the property and their proposed site plan for a church should the Town Council approve the land use amendment that would change the current designation of residential to other public facilities and the rezoning from R-1 to R-2.

Although he did not recommend Council Members attend the meeting, he cautioned Council members to maintain impartiality as they would be the government entity that would be hearing the matter at Public Hearing.

Consultants

None.

Administrator's Report

The Town Administrator reported on the status of the HVAC change out program. Although it was recommended that the Town install variable units, the grant would not authorize payment as the units were not made in the United States of America. She was looking at alternative options, but costs were becoming prohibitive as the change out would require the existing electrical and placement of the units to meet current codes.

Committee/Delegate Report

Attorney Foster reported that the packet for the March 1, 2012 Code and Ordinance Committee meeting would be forwarded the week prior.

Mayor Foy reported on the EPA requirements and although the criteria for lakes was found to be valid, the ruling for canals and other waterways was found to be arbitrary and capricious and the standards did not rule on damage being done.

Vice Mayor Woods announced a meeting of the Special Events Committee scheduled for February 28, 2012.

Because Council Member Gordon would be leaving Town the afternoon of March 1, 2012, it was agreed to schedule the Code and Ordinance Meeting of March 1, 2012 to begin at 11:00 a.m.

Council Member Beavers reported that he had attended a meeting of the Palm Beach County League of Cities Transportation Committee which was held in Boynton Beach.

He had also attended the General Membership meeting of the League that was held in Tequesta. US Representative Alan West was the guest speaker.

Council Member Beavers announced that representatives from the Emergency Operations Center would be willing to offer an informational session with the Town to discuss the NIMS program and the Town's compliance with same. He had invited the Towns of Glen Ridge, Cloud Lake and Lake Clarke Shores to participate as well. The date was yet to be determined.

Council Member Beavers had delivered informational material about hurricanes to the Town Administrator for possible placement on the web. He would ask the representatives from the EOC to distribute the same information at the Town's Annual Picnic.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

The Town Administrator reported that the Briarwood Drainage Improvement project had begun; the Chinese Restaurant had just about complied with the Conditions of Approval for the Temporary Certificate of Occupancy and that Amy's House was progressing rapidly.

ADJOURNMENT

With no further business to come before Council, the meeting adjourned at 8:05 p.m.

Approved: March 22, 2012



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor