

Jay G. Foy, Mayor
James Woods, 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 COUNCIL REGULAR MEETING
Town Hall Council Chambers
Thursday ~ February 13, 2014
7:00 p.m.

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the January 30, 2014 Regular Meeting**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
 - a. RESOLUTION 2014-01:** A Resolution of the Town of Haverhill approving the Application for Special Exception to allow for a place of worship in the R-2 Residential District and Site Plan approval filed with the Town Administrator by Roger Maki, Applicant for the contract purchaser, Congregation of Jehovah's Witnesses and owner, Verbo Christian Church of West Palm Beach, Inc. for properties located at 858 Haverhill Road, Haverhill, Florida as described in the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871 (2.33 acres), and PCN 22-42-43-36-000-00-3021, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 12097, Page Number 1449 (.17 acres) and PCN 22-42-43-36-000-00-3030, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871(1.55 acres), and 870 N. Haverhill Road, Haverhill, Florida; and the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 15021, Page Number 1712 (.85 acres). (Continued from January 30, 2014).

X. FIRST READINGS AND REGULAR AGENDA

XI. REPORTS

Town Attorney

Mayor

Town Administrator

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, 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 13, 2014
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, February 13, 2014 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 Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Janice Rutan and Director of Public Services Joseph Roche.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:00 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 present.

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF AGENDA

With no additions, deletions or substitutions the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the January 17, 2014 Special Town Council meeting and February 4, 2014 Workshop.

A motion was made by Vice Mayor Woods, seconded by Lawrence Gordon and unanimously passed (5-0) to approve the Consent Agenda.

PROCLAMATIONS AND PRESENTATIONS

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Palm Beach County Sheriff's department reported on statistics for the previous two week period. There had been a burglary at Briarwood Drive. In addition there had been routine residence and business checks.

Council expressed their appreciation to the Sherriff's Office.

SECOND READINGS AND PUBLIC HEARINGS

RESOLUTION 2014-01: A Resolution of the Town of Haverhill approving the Application for Special Exception to allow for a place of worship in the R-2 Residential District and Site Plan approval filed with the Town Administrator by Roger Maki, Applicant for the contract purchaser, Congregation of Jehovah's Witnesses and owner, Verbo Christian Church of West Palm Beach, Inc. for properties located at 858 Haverhill Road, Haverhill, Florida as described in the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871 (2.33

acres), and PCN 22-42-43-36-000-00-3021, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 12097, Page Number 1449 (.17 acres) and PCN 22-42-43-36-000-00-3030, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871(1.55 acres), and 870 N. Haverhill Road, Haverhill, Florida; and the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 15021, Page Number 1712 (.85 acres). (Continued from January 30, 2014).

The title was read by Attorney Foster. Attorney Foster requested Council disclose any ex parte communications. There were no ex parte communications stated for the record.

Town Planner, Josh Nichols of John Schmidt and Associates presented Staff's report. He explained for the record that Staff's recommendation of approval was based on the applicant's compliance with the Town of Haverhill's Code of Ordinances, specifically the provisions of Section 58-127 Standards for Granting.

The Town Administrator requested that the approval contain a condition requiring the applicant to reimburse the Town for all expenses, including professional staff costs that exceeded the escrow balances.

The applicants raised no objection.

It was confirmed that the applicants, after working closely with the abutting neighbors would be installing a 6' fence as a buffer.

Mayor Foy commented that the traffic study addressed peak hour traffic, however, it was his contention that it should have taken into account the actual hours of the church services.

Mayor Foy also reminded the applicants of their need to meet the C-51 rule of equal compensating storage.

Roger Maki, applicant on behalf of the Congregation of Jehovah's Witnesses, raised no objection to any of the conditions mentioned and included in 2014-01 and added that he was confident they would meet equal compensating storage requirements.

In response to the condition of approval limiting the hours of operation being to no earlier than 8:00 a.m. and no later than 9:00 p.m. he explained that the meeting times were set by the National Association of Jehovah Witnesses to end at 9:15 p.m.

The applicant raised no objection to Condition No. 4 and confirmed that as long as the Code was met, signage could be at their discretion.

Mayor Foy opened the Public Hearing to comment from the public.

Henry Lynch, 1042 Pineway Drive. Mr. Lynch addressed those present and read from a prepared notes. He commented that this Country was in need of more churches as they diminish the counterbalance of an unruly society. After offering more beliefs on the role of the church in society, he expressed his compassion towards the congregation and its need to relocate from its present location but added that the proposed location of the church was

within 700 feet of 3 other churches within the Town and as such he believed that the Town of Haverhill had reached its maximum level of saturation.

He noted that Palm Beach County would have to add 11,500 additional churches to reach Haverhill's current status of Churches to land mass. He believed the Council would do better to allow the Church to serve in a more appropriate area, outside of the Town's boundaries. He stated the Council's primary responsibility was to its residents and the Town should perform a study assessing the exempt and non-exempt properties within the Town.

Mike Wilson, 945 Briarwood Drive. Mr. Wilson addressed some of Mr. Lynch's concerns and explained that the congregation at the Canal Road location of Jehovah Witnesses was growing and that this building would accommodate members from a close proximity to Haverhill, even Haverhill residents. He added that the surrounding neighbors were looking forward to seeing an established use on the property. He looked forward to their values as a neighbor.

Edward Ruzudski, 4945 Luwal. He explained that he and his wife own the property that would border the Church on the north side. This is the fourth meeting they have attended to express their support of the transition. He told the Town Council that when he purchased his property, he was told by the realtor that he was purchasing property that had its own park, referring to the Church property. He believes that the use would have no impact to residents other than to provide a security buffer, fence and plants. They know what will be brought to the table and because they spend a lot of time in their yard and on their back patio, they were happy to have a vegetation buffer, a fence and no traffic.

He hoped the Council would make a decision this evening. He had had issues with the prior owners not following through with what was promised and hoped that the Council would move forward.

Mayor Foy responded that the Council had choices before them. To approve, deny, approve with conditions, etc. He assured those present that something would happen this evening, and if the applicants were able to meet all the required criteria of Section 58-127, the Council would have to approve. He explained that the Town has included in its Code of Ordinances to allow for places of worship in the R-2 zoning district as a special exception and the applicants were availing themselves to petition the Town Council for that provision which is in the Code. Although Mr. Lynch had made valid points, those reasons could not be considered by the Town Council.

Roger Maki, on behalf of the applicant, commented that he understood the points of view expressed and explained that the present Canal Street Hall had been built 55 years ago, from that congregation came the Purdy Lane location, the location at I95 and Belvedere and the location at Florida Mango, etc. The Canal Street location had outgrown its usefulness.

He confirmed the height of the building being proposed as concern was raised it may affect the property owners in the Briarwood subdivision that abut the Church property.

Mayor Foy called for the question.

A motion was then made by Council member Beavers to approve Resolution 2014-01 to allow for a place of worship in the R-2 zoning district. The motion was seconded by Councilmember Gordon.

Mayor Foy once again commented that the comments made by Mr. Lynch concerning number of churches and property tax exemption could not be considered by the Town Council as criteria for approval.

Mayor Foy noted that the use as a Church was not just for those present, but the approval was for the land. He had faith in the representations made by the applicant.

Vice Mayor Woods stated for the record that he could not support the request as he did not believe the applicants were able to meet the provisions of Section 58-125, specifically criteria 5. He was not in favor of approving Resolution 2014-01.

Councilmember Uptegraph confirmed with the applicants that the congregation had the potential of housing up to 450 people once the project was built.

He confirmed with the applicants that the plans called for three auditoriums and that the congregation of each auditorium could house 150 people.

In response to Council Member Gordon's question as to the probability of maximum occupancy of 450 persons, Mr. Maki explained that the times would be staggered and that the only time that there would be a possibility for maximum occupancy would be during a memorial event which occurs once pre year in the spring. Presently plans call for the construction of two auditoriums for a maximum occupancy of 300 persons.

Council Member Gordon stated that most of his neighbors in the Briarwood subdivision looked at the proposal positively and felt the same as the conditions set forth in the Resolution would be positive for the Town.

Council Member Gordon confirmed that his second to the motion on the floor contained the amendment that the hours of operation be amended to 8:00 a.m. to 9:15 p.m. Councilmember Beavers accepted the amendment. The motion as amended to approve Resolution 2014-01 passed 3-2 with Vice Mayor Woods and Councilmember Uptegraph voting against the motion.

FIRST READINGS AND REGULAR AGENDA

None.

REPORTS

Town Attorney

Attorney Foster congratulated incumbent Councilmembers, Vice Mayor Woods and Councilmember Beavers for their unopposed reelection.

Mayor

Mayor Foy reported that the letter to FEMA had been sent with the FFE's included supporting the Town's contention that the proposed flood maps for the Town contained incorrect information.

He announced that Belvedere Road would be closed to eastbound traffic between Haverhill Road and Military Trail beginning March 17, 2014 for two weeks to allow for Palm Beach County to perform drainage repairs. Palm Beach County would provide informational signage and detours.

Town Administrator

The Town Administrator reported on the revised population estimates for the Town of Haverhill. According to the BEBR report, Haverhill's population increased by 69 residents, from 1873 in April 2010 to 1942 in April of 2013.

Town Administrator Rutan announced the resignation of Deputy Town Clerk Jessica Green effective February 21, 2014. She explained that the Deputy Town Clerk had accepted a position with the Village of North Palm Beach for the same title but a higher scale of pay.

Ms. Rutan explained to the Town Council that she would be advertising for an Administrative Assistant and not a Deputy Town Clerk. She felt that she had provided a valid training ground for three Deputy Clerks to move onto other municipalities due to limited advancement with the Town.

Council expressed support in the Administrator's decision.

Committee/Delegate Report

Vice Mayor Woods reminded all that the annual picnic and classic car show would be held March 8, 2014.

Council Member Beavers reported on the Palm Beach County League of Cities District 2 and 3 luncheon held the previous day hosted by V Senior Living facility in Lantana.

- Invitation to Lake Clarke Shores Annual Picnic
- Hybrid program reported on by the Mayor of Glen Ridge
- Karen Clark from the Palm Beach County Tax Collector's office and the new Real ID requirements
- His attendance at the EOC meeting and the announcement of the many CERT volunteers
- Radar speed signs and the collection of data from same
- Proposed legislation that would require uniform Chart of Accounts and reporting of same by municipalities resulting in unfunded mandates
- Red light cameras

Treasurer's Report

Included in packet)

UNFINISHED BUSINESS

Vice Mayor Woods inquired as to whether there had been data collected to determine the speeds along Belvedere Road. He commented that the speeding was out of control and he was asking for Council support in reinstating traffic control along Belvedere Road. He estimated an average speed of over 60 mph at certain times of the day.

Director of Public Service Joseph Roche commented that he had asked for road patrol however due to a shortage in deputies, it is sporadic.

Vice Mayor Woods wanted to reinstate radar control as a part of the permit deputy's duties. Mayor Foy had not been in support of using the Town's permit deputies for this use in the past. Discussion followed.

It was general consensus to change the present policy and remove the restriction to allow for permit deputies to run radar to control speeding throughout the Town,

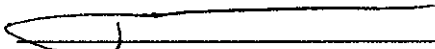
NEW BUSINESS

None.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:35 p.m.

Approved: April 24, 2014



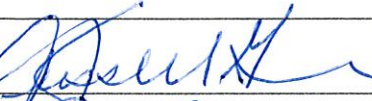






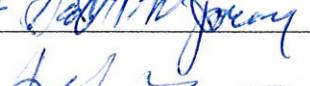
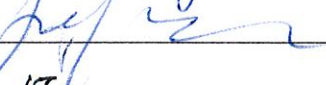
Janice C. Rutan, Town Administrator



Jay Foy, Mayor

SIGN IN SHEET

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL MEETING
Thursday, February 13, 2014**

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