

Mayor Joseph S. Kroll
Council Vice President Jay G. Foy
Council Member Henry "Butch" Lynch
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster

Council President James E. Woods
Council Member Jerry E. Beavers
Council Member Mark C. Uptegraph



TOWN COUNCIL REGULAR MEETING
Town Council Meeting
Town Hall Council Chambers
Thursday ~ May 10, 2007
7:00 p.m.
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the April 26, 2007 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. PROCLAMATIONS AND PRESENTATIONS**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider adopting an Ordinance to allow an additional homestead exemption of up to \$50,000 for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000**
 - b. Corporate Resolution for Riverside National Bank Corporate VISA Card Agreement**
 - c. Consider Town Engineer's report on curb and gutter installation in Briarwood Estates.**
 - d. Consider entering into an agreement with FDOT to maintain proposed landscaping as part of the resurfacing project on Military Trail within the Town's municipal limits.**
- XI. REPORTS**

- a. Town Attorney**
- b. Mayor**
- c. Consultants**
- d. Assistant Town Administrator/Town Clerk**
- e. Committee/Delegate Report**
- f. 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, Assistant Town Administrator and Town Clerk, 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 Council Meeting
Town Hall Council Chambers
Thursday ~ May 10, 2007
OFFICIAL MINUTES

Pursuant to the foregoing notice, the Regular Meeting of the Haverhill Town Council was held on Thursday, May 10, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were: Joseph S. Kroll, Mayor; James E. Woods, Council President; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry "Butch" Lynch, Council Member, John Fenn Foster, Town Attorney; Janice C. Rutan, Town Clerk and Joseph Roche, Code Enforcement Officer/Director of Public Works.

CALL TO ORDER:

Council President Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was offered by Council President Woods. Council President Woods led the Pledge of Allegiance.

ROLL CALL

The Town Clerk called the Roll. All members were present with the exception of Council Member Uptegraph.

APPROVAL OF AGENDA

The Town Clerk requested the items from the Consent Agenda be pulled as the minutes had not been distributed in a timely manner. **A motion was then made by Council Vice President Foy, seconded by Council member Beavers and unanimously passed (4-0) to approve the agenda as amended by deleting the approval of the Consent Agenda.**

~~**APPROVAL OF THE CONSENT AGENDA**~~

~~**Approval of the minutes of the April 26, 2007 Regular Meeting**~~

~~(Removed)~~

COMMENTS FROM THE PUBLIC

None.

PROCLAMATIONS AND PRESENTATIONS

None.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS AND REGULAR AGENDA

Consider adopting an Ordinance 362: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AUTHORIZING AN ADDITIONAL \$25,000 OF HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER PROVIDED CERTAIN OTHER CRITERION IS ALSO MET, PROVIDING

FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR DELIVERY OF A COPY OF THE ORDINANCE TO THE PROPERTY APPRAISER; PROVIDING AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Foster. Attorney Foster explained that during the 2006 election, the voters approved an amendment to the Constitution that would allow an additional \$25,000 of homestead exemption for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000.

A motion was then made by Council Vice President Foy and seconded by Council Member Beavers to approve Ordinance No. 362 on first reading.

Discussion followed. Although it was noted that the Town of Haverhill was not required to adopt an Ordinance to grant the additional exemption, it was required to adopt an Ordinance if it chose to allow for the additional exemption. The language of the Constitutional Amendment stated that in order for the exemption to become effective, that each County and Municipality would need to adopt an Ordinance. The amendment would not become law without an accompanying Ordinance.

The vote was called and unanimously passed (4-0).

Corporate Resolution for Riverside National Bank Corporate VISA Card Agreement

By consensus of the Town Council, the Mayor and Town Clerk were authorized to execute the Corporate Resolution for Riverside National Bank Corporate VISA Card Agreement.

Consider Town Engineer's report on curb and gutter installation in Briarwood Estates.

Mayor Kroll presented plans for the curb and gutter installation in the Briarwood subdivision. He noted that the swales were being damaged by traffic due to the turning radius of the present design.

The Mayor requested authorization for an amount not to exceed \$15,000 to complete the improvements. Preliminary cost estimates were within \$12,000 to \$15,000.

The Mayor was hoping to piggy back off existing contracts or putting out an RFP for the work.

Council President Woods noted he was in favor of the project but was reluctant to approve the expenditure without having reviewed existing contracts or received any bids.

It was confirmed that since the project was under \$20,000 the Town was not required to obtain competitive bids.

Plans were reviewed by the Town Council. The Mayor confirmed that the curbs would be installed at 4 corners (radius) on the main road. Drainage issues were next discussed.

A motion was then made by Council Vice President Foy and seconded by Council Member Lynch to authorize the Mayor to expend up to \$15,000 from the remaining County road resurfacing grant funds to be used for the curb and gutter installation in the Briarwood subdivision.

Council Vice President Foy confirmed that the Mayor would be obtaining prices through the competitive bidding process or through a "piggy back" contract.

The Mayor requested Town Council authorization to begin the permitting process with Palm Beach County for the Rutherford Road improvements. He noted that there were remaining funds in the County's road resurfacing grant awarded to the Town.

He reported that staff was looking into obtaining funds for the Rutherford Road improvements through the Community Development Block Grant Program and through Commissioner Santamaria.

Council President Woods suggested the matter be discussed at a later time.

The vote was called for the Briarwood Road curb and gutter installation. The motion passed unanimously (4-0).

Consider entering into an agreement with FDOT to maintain proposed landscaping as part of the resurfacing project on Military Trail within the Town's municipal limits.

Council President Woods explained that as part of the road improvement project along the Military Road corridor, the Town had been requested to enter into an agreement with the Florida Department of Transportation to maintain the landscaping that would be installed within the Town's municipal limits (Restaurant Warehouse to Durham Street). He noted that at this point in time the FDOT was only asking for a letter of commitment from the Town. The Town would retain the right to approve the plans.

The Attorney confirmed that the commitment was contingent upon the Town's review and acceptance of the design plans and final construction. The maintenance agreement would not be finalized until August of 2009.

Although the plans for the project were unknown; by the Town entering into the agreement at an early stage, it would be able to be part of the planning process. In response to Council Vice President Foy, it was confirmed that the Town owned 53 feet into the center of Military Trail.

Mr. Beavers suggested the Town install vegetation that would require little or no maintenance.

A motion was then made by Council Member Beavers, seconded by Council Member Lynch and unanimously passed (4-0) to authorize the Mayor to sign the letter of commitment with the Florida Department of Transportation with the condition that the commitment was expressly conditioned on the review and approval of the design plans at the sole discretion of the Town of Haverhill.

REPORTS

Town Attorney

The Town Attorney presented a draft letter to the **Department of Community Affairs** requesting their review of the **school siting** in the Town of Haverhill and specifically asking if; 1) the school district could proceed with the school siting even if the land located within the Town's municipal limits was used for drainage and 2) whether the School Board could force the Town to amend its Comprehensive Plan. Attorney Foster referred to Section 1013 of the Florida Statutes that provided the location of educational facilities shall be consistent with the Comprehensive Plan.

Attorney Foster gave a full history of the issue to date. In addition to the School Board's contention that the property located within the Town of Haverhill could be used for passive uses, the concern was raised by Allen Ennis at the May 8, 2007 workshop held between the Town of Haverhill and Palm Beach County concerning the widening of Belvedere Road that the school located off of Stacy Street would create a greater need to widen Belvedere Road. The Town would also need to remain cognizant of the fact that the traffic engineers may look at the proposed school siting and make efforts to use Trailaway as an access point to the school.

The concerns of the Town were many and it was the concern of the Town Attorney that the School Board was intentionally ignoring the Town of Haverhill and because of the substantive lack of responsiveness from the School Board and the intentional way the School Board was moving forward with the project to meet a completion date of 2009, the Attorney suggested that the letter be sent immediately to the Department of Community Affairs. In addition to sending the letter, Attorney Foster strongly suggested that Kris Garrison of the School District be invited to a workshop of the Town Council so the status of the project can be presented to the Town Council.

Attorney Foster reiterated that the siting of a school within the Town of Haverhill directly contradicts State law.

In response to Council Member Beavers, Mr. Foster noted that the siting of the school would not affect the future annexation area of the Town.

Attorney Foster explained that the purpose of sending a letter to the Department of Community Affairs with copies to various agencies was to put those agencies on notice that there was a situation brewing.

The Town Planner would be presenting final comments to the Town Attorney on the content of the letter.

Council Vice President Foy wanted to clarify that the Town was not in objection to the school, however, was objecting to the school within the Town's municipal boundaries. Council President Foy suggested the last statement in the letter should be stronger than presented.

Comments from Paul Copeland of Senator Aronberg's office:

Paul Copeland of Senator Aronberg's office addressed the Town Council. He reported that the Senator had returned from legislative session with no new news to report on the tax reform issue. The Senator would be returning to special session, June 12 – June 22, 2007 so that the tax reform issue can be settled.

Mr. Copeland suggested the town contact the Senator's office at any time to receive the most up to date information. He assured the Town that Senator Aronberg had the Town's best interest in mind while negotiating both the tax reform issue and the insurance issue.

Mr. Copeland extended the Senator's best wishes to the Town Council. Mr. Copeland distributed the Senator's most recent newsletter to the Town Council.

Mayor

The Mayor requested Town Council consideration to proceed with permitting for the Rutherford Road Improvement project.

The Mayor once again explained that he was pursuing grants from the County for the improvements to **Rutherford Road**. In addition, he reminded the Town Council that there was approximately \$31,000 remaining in the grant that the Town had received from Commissioner Masilotti for the various road resurfacing projects throughout the Town. The Mayor was suggesting that the Town use some of those remaining funds to proceed with Palm Beach County permitting for the Rutherford Road project. He explained that the permits were good for two years and that if other grant money were to become available, the Town would then be in the position to move forward.

He then reported that the letter of commitment between the Town of Haverhill and **Grau and Associates** had been executed and the audit should be underway within the next few weeks.

The Mayor had sent a letter of thanks to Commissioner Santamaria for his support and assistance in transferring the **Linear Park** from the Town of Haverhill to Palm Beach County. The Board of County Commissioners had accepted the parcel of land from the Town of Haverhill at its meeting held on May 1, 2007.

The Mayor requested Town Council authorization to set aside an additional \$5,000 for the **dead tree removal program**.

A motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (4-0) to authorize expending an additional \$5,000. for the removal of dead trees by special notice through the Town of Haverhill's Code Enforcement officer.

As a follow up to the permitting request for the Rutherford Road improvements, Mayor Kroll explained that he had hoped to proceed with the permitting of road improvements to the Rutherford Road project. The permitting process can take a long time. Council Vice President Foy supported the idea of beginning the process while the Mayor continued to pursue funding for the project. A permit, once issued, will grant the Town two years to begin the project.

A motion was then made by Council Vice President Foy and seconded by Council Member Lynch to authorize the Mayor to expend up to \$10,000 from the remaining Palm Beach County road resurfacing grant to have the Town Engineer pursue the permitting process required for the Rutherford Road improvement project. The motion passed unanimously (4-0).

Council Member Beavers inquired as to the discussion that had occurred at the **Belvedere Road Overview Meeting** held on May 8, 2007 that he had been unable to attend. Mayor Kroll reported that among other ideas, he had posed the idea to the County that the Town of Haverhill take over the road from Palm Beach County and ultimately be responsible for the maintenance of Belvedere Road.

Council President Woods gave a quick review of the meeting. Although he noted that the County's ultimate goal was to move traffic, he believed it was a very productive meeting.

Council Vice President Foy explained the hierarchy of road improvement projects. He was not in agreement with the philosophy of having to move traffic to meet the capacity of the roads. It was also his opinion that Palm Beach County does not properly maintain its roads, specifically as it related to NPDES standards. To that end, Council Vice President Foy believed that if the County were to expand the roadway, it should also be held to maintenance standards. He noted that he may want to introduce that as an argument against the widening of Belvedere Road.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Sergeant Ortero of the Palm Beach County Sheriff's office addressed the Town Council. He apologized for his late arrival explaining that he was filling in for a colleague. The Sergeant explained that his shift had started out with two purse snatchings. Although he did not have a report to present to the Town Council, he was available to answer any questions the Council may have of his department. The Town Council expressed appreciation to the Sergeant for his presentation.

Consultants

None.

Assistant Town Administrator/Town Clerk

The Town Clerk reported on the set of plans that had been received from Jon Schmidt and Associates for the proposed development project entitled "**Residences at Haverhill**". The residential project, located at 1277 Haverhill Road, was for two buildings consisting of 39 units. The project was located within the Stacy Street Countywide Revitalization Area. The Town of Haverhill had received notification of the project only because of the proximity of the project to the Town of Haverhill.

The Town Clerk was requested to contact the Jon Schmidt and Associates for additional information on the project.

Beautification Project:

Acting on behalf of Landscape Architect Jo Ellen Leisinger, the Town Clerk requested Town Council direction concerning the parameters of the cost estimate of the **Beautification Master Plan**, specifically if the street lighting and walking paths should take into consideration the potential six laning of Belvedere Road.

Council President Woods stressed his desire to remand the matter back to the Beautification Committee for its review and recommendation to the Town Council.

The Town Clerk reported that in an effort to meet higher safety standards, the Town would be sponsoring a **CPR certification program**. The Town Council requested they be notified of the plans so they can attend if available

The Town Clerk had obtained a sample of a bid package from Palm Beach County as it related to **affordable housing** and the qualifications required of the potential bidders. It was available for Council review.

The Town Council would need to consider adoption of an Ordinance that would address **water restriction violations**. Council Vice President Foy suggested the matter be addressed at the Council level and not at the Committee level. The intent of the Ordinance would be to de-criminalize water restriction violations and instead making them punishable by a civil fine.

It was the general consensus that the proposed Ordinance be brought back to Council for first reading at the next meeting.

The Town Clerk announced that effective May 16, 2007 at 12:01 a.m. **Phase III Water Restrictions** would go into effect. Under Phase III, odd numbered addresses would be permitted to water Saturdays between the hours of 4:00 a.m. to 8:00 a.m. and even numbered addresses could water on Sundays between the hours of 4:00 a.m. to 8:00 a.m. Hand watering would be allowed between 5:00 p.m. – 7:00 p.m. on authorized watering days.

Committee/Delegate Report

Council Member Beavers announced a meeting of the **Emergency Management Committee** to immediately follow the Code and Ordinance Committee meeting scheduled for May 15, 2007 beginning at noon.

Council Vice President Foy stated the Code and Ordinance Committee would be addressing the **Affordable Housing issues** and he was requesting input from the Council so that he could represent what the Town Council would want to see in the Ordinance.

Town Attorney Foster reported on conversation that he and the Planner had concerning Affordable Housing within the Town of Haverhill. It was their recommendation that if the Town were to have an effective Affordable/Workforce Housing Ordinance it would require the entire development project to be Affordable/Workforce Housing units with deed restrictions. The Attorney reported that the Town Planner had additional concerns over the carrying costs of the homes but added that the cost burden of the home to the homeowner was an issue separate from Affordable/Workforce Housing parameters.

In addition, the Town Attorney and Town Planner looked at areas within the Town that would be conducive to these type developments. Because of the proximity of some of these parcels to the airport they may be less desirable for residential development. Those targeted areas were east of Haverhill Road and South of Belvedere Road. They Attorney and Planner recommended that area as a quadrant to look at for Affordable/Workforce Housing development.

It was also their opinion that if density bonuses were to be granted to developers, then developers would need to develop a project that would be 100% Affordable/Workforce Housing to meet the need of the housing deficit.

Density bonuses were next discussed and would depend on the location of the project. The proposal was for 10 units per acre which could be accomplished if developed in the quadrant east of Haverhill Road and south of Belvedere Road.

Council Member Lynch questioned access of the Haverhill Road parcel from Haverhill Road. Council Vice President Foy noted he would prefer access off of Club Road. Council Member Lynch stated his preference was for two story row house type buildings. Discussion followed as to the access from Club Road which was a private road.

Council Vice President Foy cautioned that any Ordinance written would be for projects across the board and not specific to the proposal by the Evergreen Companies.

It was announced that the next meeting of the **Code and Ordinance** Committee would be May 15, 2007 at noon with the **Emergency Management Committee** following immediately thereafter.

Mr. Woods reported that the **Special Events Committee** had met earlier in the day. Riverside Bank had agreed to place a balloon with the picnic information on each lawn and Council Member Lynch had agreed to drive through out the Town with a sign in the back of the pick up truck notifying all of the dinner and a movie. The next dinner and a movie were scheduled for June 1, 2007.

The next meeting of the **Special Events Committee** was scheduled for May 24, 2007 at noon.

Council President Woods called for a meeting of the **Annexation Committee** for May 22, 2007 at noon at the Town Hall.

Council Member Lynch reported on a seminar that he and the Clerk had attended the previous evening. It was a symposium sponsored by the Palm Beach County League of Cities and Leadership Palm Beach County on **Ethics in Government**. United States Attorney Alex Acosta was the keynote speaker. The seminar touched on topics such as gang violence and drug cartels in addition to ethics violations.

Treasurer's Report
(included in packet)

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Member Lynch reported on a product called soil moist that was being used to moisten lawns. He stated that once the product is applied to the lawn, it attaches itself to the roots and absorbs the water to be released into the root structure of the plant. Mr. Lynch agreed to look into the product further as it may help the Town in keeping the ball field healthy during the drought conditions and Phase III Water Restrictions. Staff agreed to research the product as well.

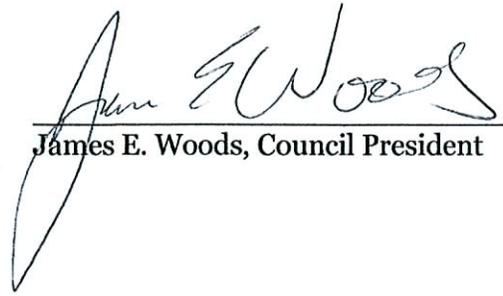
ADJOURNMENT

With no further business to come before the Council the meeting adjourned at 8:41 p.m.

Approved: 5-24-07



Janice C. Rutan, Town Clerk



James E. Woods, Council President