

Council President and Acting Mayor James E. Woods  
Vice President Jay G. Foy                      Council Member Jerry E. Beavers  
Council Member Henry "Butch" Lynch              Council Member Mark C. Uptegraph  
Assistant Town Administrator / Town Clerk Janice C. Rutan  
Town Attorney John Foster



**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ February 26, 2009**  
**7:00 p.m.**  
**REVISED AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PROCLAMATIONS AND PRESENTATIONS:**
- V. APPROVAL OF THE AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of Minutes of the February 12, 2009 and Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. CONTINUATION TO MARCH 12, 2009 OF THE FOLLOWING ORDINANCES:**  
**ORDINANCE NO. 372**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 58, ZONING, BY AMENDING CERTAIN PROVISIONS RELATING TO SPECIAL EXCEPTIONS INCLUDING AUTHORIZING THE TOWN COUNCIL TO GRANT UP TO THREE EXTENSIONS TO ANY SPECIAL EXCEPTION APPROVAL UNDER SECTION 58-129 UPON A SHOWING OF EXTRAORDINARY CIRCUMSTANCES AND DELETING LICENSED HOME OCCUPATION AS A SPECIAL EXCEPTION IN ALL RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR**

**AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.**

**ORDINANCE NO. 374**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, CHAPTER 58, ZONING, TO ADD A NEW DIVISION 12 RELATING TO DAY CARE CENTERS INCLUDING REGULATIONS CONCERNING LOT COVERAGE AND WIDTH, SETBACKS, MINIMUM LOT SIZE, PARKING, OUTDOOR ACTIVITY AREAS, AND LANDSCAPING; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 375**

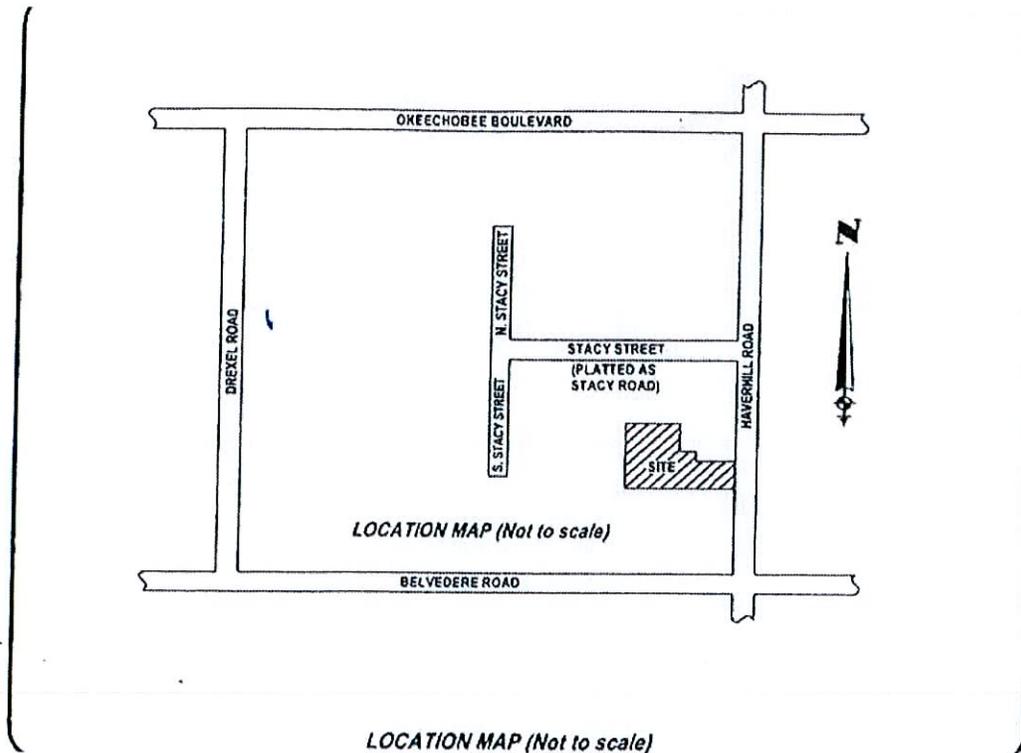
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY 2.69 ACRE PARCEL FROM THE PALM BEACH COUNTY HR-8 FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S OTHER PUBLIC FACILITIES DESIGNATION, AS REQUESTED BY MANUEL SARRIA, MANAGER FOR THE OWNER, THE RESIDENCES AT HAVERHILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES NORTH OF BELVEDERE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES**

**ORDINANCE NO. 376**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS OFFICIAL ZONING MAP, AS AMENDED, BY REDESIGNATING A 2.69 ACRE PARCEL FROM THE EXISTING PALM BEACH COUNTY ZONING DESIGNATION OF RH - MULTIFAMILY RESIDENTIAL HIGH DENSITY TO A TOWN OF HAVERHILL ZONING DESIGNATION OF R-2 TWO FAMILY RESIDENTIAL DISTRICT, AS REQUESTED BY MANUEL SARRIA, MANAGER FOR THE OWNER, THE RESIDENCES AT HAVERHILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY . 5 MILES NORTH OF BELVEDERE ROAD; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING**

FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

Map Exhibit to Ordinances No. 375 and 376



ORDINANCE NO. 378

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY 3.13 ACRE AREA (IVYWOOD ROAD AREA) FROM THE PALM BEACH COUNTY HR-8 FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S HIGH DENSITY RESIDENTIAL DESIGNATION, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES SOUTH OF BELVEDERE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES



**ACT”; PROVIDING FOR RECORDED IMAGE MONITORING, DEFINITIONS, REVIEW OF RECORDED IMAGES, NOTICES, HEARING, ENFORCEMENT AND PENALTIES RELATED TO A VIOLATION OF THIS SECTION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Agreement between Town of Haverhill and American Traffic Solutions re: Red Light Infractions**
  - b. Town Hall Lift Station**
  - c. Club Road Sidewalks**
- XI. REPORTS**
  - a. Town Attorney**
  - b. Consultants**
  - c. Mayor’ Report**
  - d. Assistant Town Administrator/Town Clerk**
  - e. Committee/Delegate Report**
  - f. Treasurer’s Report**
- 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 ~ February 26, 2009 7:00 p.m.**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, February 26, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, President and Acting Mayor; Jay G. Foy, Vice President; Jerry E. Beavers, Council Member, Henry Lynch, Council Member and Mark C. Uptegraph, Council Member. Town Attorney Lance Fuchs, Town Engineer Jeffrey Renault, Code Enforcement Officer Joseph Roche and Town Clerk Janice C. Rutan were also present.

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council President Woods offered the Invocation and led the Pledge of Allegiance

**ROLL CALL**

The Clerk called the roll. All members were present.

**APPROVAL OF THE AGENDA**

Item 10A - Agreement between Town of Haverhill and American Traffic Solutions re: Red Light Infractions was removed from the agenda per the request of the Attorney. A motion was made by Council Member Uptegraph, seconded by Council Member Beavers and unanimously passed (5-0) to approve the agenda as amended.

**APPROVAL OF THE CONSENT AGENDA**

**Approval of Minutes of the February 12, 2009 and Regular Meeting**

A motion was made by Vice President Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the consent agenda as presented.

**COMMENTS FROM THE PUBLIC**

None.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**

Deputy Sergeant Newborne was present representing the Palm Beach County Sheriff's office. D/S Newborne reported that for the period February 12, 2009 through February 26, 2009 there was one incident reported at 1215 North Haverhill Road regarding a repossession company having issue with the gate. Council Member Uptegraph reported on an incident he had heard about involving thefts on Orleans Court and the suspects fleeing over the fence onto Club Road East. Discussion followed. D/S Newborne reported that PBSO are called to Orleans Court on a daily basis. He noted that due to the economic downturn, there has been an increase in crime all around the Town of Haverhill. Council Vice President Foy commented that PBSO had patrolled Trailway using a spotlight and he was thankful for the extra effort.

**SECOND READINGS AND PUBLIC HEARINGS  
CONTINUATION TO MARCH 12, 2009 OF THE FOLLOWING ORDINANCES:**

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**ROAD; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.**

**ORDINANCE NO. 378**

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Attorney Fuchs announced for the record that the aforementioned Ordinances would be continued to March 12, 2009 and a Notice to that effect had been posted and published.

**ORDINANCE NO. 380**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY ADDING A NEW SECTION 38-18 ENTITLED "DANGEROUS INTERSECTION SAFETY ACT"; PROVIDING FOR RECORDED IMAGE MONITORING, DEFINITIONS, REVIEW OF RECORDED IMAGES, NOTICES, HEARING, ENFORCEMENT AND PENALTIES RELATED TO A VIOLATION OF THIS SECTION; 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 Fuchs. Attorney Fuchs offered Staff's report. A motion was made by Council Member Uptegraph and seconded by Vice President Foy to approve Ordinance No. 380 on second reading.

Discussion followed concerning whether the Notice and Introductory period needed to be included in the body of the Ordinance. It was Council President Woods preference that the warning period be

removed from the Ordinance. Council Member Lynch suggested that the verbiage for the sign be reduced. Vice President Foy confirmed that there would be a checks and balances system in place for review of the infractions. The general consensus of Council was to include these amendments in the Ordinance.

Ray Caranci, a resident of Mimosa Court, commented that he often walks his dog throughout Town and vehicles fail to stop for pedestrians when making a right turn on red at all of the intersections. He was hoping that the Ordinance would address those infractions as well.

**Vice President Foy, as the second to the motion, accepted the amendments to Ordinance No. 380. Council Member Uptegraph accepted the amendment to the motion to approve Ordinance No. 380 on second reading as amended.**

**The motion as amended passed unanimously (5-0).**

#### **FIRST READINGS AND REGULAR AGENDA**

~~Agreement between Town of Haverhill and American Traffic Solutions re: Red Light Infractions~~

#### **Town Hall Lift Station**

Town Engineer Jeffrey Renault provided Staff's report. He confirmed that DS Eakins would construct the Town Hall Lift Station, inclusive of all electrical, MOT, layout, record information, etc. for \$100,000. or less.

**A motion was made by Council Member Uptegraph and seconded by Vice President Foy to approve the construction of the Town Hall Lift Station and to award the contract to DS Eakins for a price not to exceed \$100,000.**

The Clerk noted that payment had not yet been received from either Duke Construction or McCraney Properties, Inc. however, Duke Construction had informed the Clerk that their check was in the mail.

The motion was then amended to include the language "provided that all contracts are in order and the funding in place".

**Vice President Foy accepted the amendment to the motion. Council Member Uptegraph accepted the amendment to the motion to approve the construction of the Town Hall Lift Station and to award the contract to DS Eakins for a price not to exceed \$100,000, provided that all contracts were in order and the funding in place. The motion passed 4 -1 with Council Member Lynch voting against.**

#### **Club Road Sidewalks**

Town Engineer Renault offered Staff's report. He proposed a six foot walkway that would be located six feet off the edge of the pavement per DOT clear zone requirements. There would be some curbing at the north and south side of the walkway. The placement of the walkway on the south side of the Club Road was due in part because that has been where the children walk, and placement on the south side would involve the removal of several trees. The proposed walking paths would be located within the dedicated bridle path. Mr. Renault anticipated the final design to be completed within 2 – 3 weeks.

## **REPORTS**

### **Town Attorney**

None.

### **Consultants**

None.

### **Mayor' Report**

Acting Mayor Woods suggested a letter be sent to McCraney Properties asking for the payment to the Town in accordance with the CRALLS agreement entered into.

### **Assistant Town Administrator/Town Clerk**

None.

### **Committee/Delegate Report**

Council Vice President Foy reported on a meeting he had attended of the NPDES Steering Committee. He commented that a permit had not been issued so we were in year 7 of a five year permit. In addition, the EPA may require adoption of region wide numerical nutrient standards. He commented that this news was a concern, especially because of unfunded mandates.

He reported that the Water Resources Task Force, a committee he had recently been appointed to, had met with over 50 people in attendance. There were thirteen voting members on the Committee.

Council Member Beavers had attended an Emergency Management meeting and learned of funding available through the Hazardous Mitigation Grant Program. Vice President Foy commented that there was money available, and Palm Beach County had received a grant for drainage issues for the east end of Briarwood.

President Woods reported on the Picnic that was scheduled for March 7, 2009. He was asking for a breakdown of costs to date. Council Member Beavers had invited the Mayor Pro Tem from Palm Springs as they run a local talent contest at their annual picnic. He suggested that be something the Town would want to look into.

### **Treasurer's Report**

Included in packet.

## **UNFINISHED BUSINESS**

Vice President Foy commented on a letter sent to Commissioner Koons referencing the Haverhill Neighborhood Plan. He requested a copy of the Neighborhood Plan. In addition, he added that Palm Beach County was in violation of its NPDES permit by not maintaining the roads. The Town may want to look into the County's non-compliance with the Water Resources Act.

Council Member Beavers spoke of Employee Leasing. He had prepared an informational sheet for Council Review. He commented that the Florida League of Cities was interested in the idea as a non for profit proposal. Council Vice President Foy though the idea would work well for larger cities but not for Haverhill. He believed in personal service for Haverhill and would be afraid to lose the employee loyalty.

Council Member Beaver's spoke of pending legislation that would affect the Town.

With regard to the proposed Referendum Question on the March 10, 2009 ballot, Mr. Foster and Mr. Woods had met with the presidents of the Town's Homeowners Associations. They reported on the confusion surrounding the Charter Amendment and hoped that the FAQ's that would be included in the newsletter would answer the outstanding questions.

It was decided to hold a public forum in Council Chambers during the Town picnic to answer any questions the residents may have. The forum would be advertised and notice would be added to the newsletter.

A discussion followed concerning Palmetto Road and the water utilities installation.

Council Member Uptegraph inquired as to whether there was a church operating out of a residential property on Belvedere Road. Mr. Roche agreed to look into it.

#### **NEW BUSINESS**

Council Member Beavers suggested the Town support legislative issues offering alternative ways for legal publication in light of the number of newspapers filing bankruptcy.

He presented Senate Bill 360 to the Town Council and noted that the Florida League of Cities was opposed to the bill.

The future of the Department of Community Affairs was next discussed and whether or not the department would be eliminated as it was coming to the end of its sunshine.

Council Member Beavers commented that he had been in the Town Hall earlier in the day when a newspaper reporter was obtaining information regarding the election. He expressed concern over the amount of Staff time expended in trying to answer his questions. He suggested that the Town require the request to be in writing and be handled by one staff member. The Clerk responded explaining Florida's rather broad public records law and noted that questions regarding elections needed to be answered by the Clerk's office.

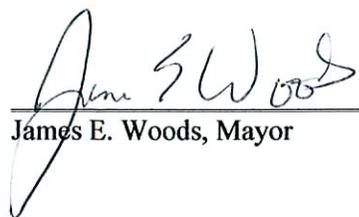
#### **ADJOURNMENT**

With no further business to come before the Town Council, the meeting was adjourned at 8:28 p.m.

Approved:

March 12, 2009  
Date

  
Janice C. Rutan, Town Clerk

  
James E. Woods, Mayor