TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, May 6, 2010
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, March 25, 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 and Mark Uptegraph, Council Member.. Also present were Town Attorney Lance Fuchs and Town Administrator, Janice C. Rutan.

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 with the exception of Council Member Lynch.

APPROVAL OF AGENDA
There being no additions, deletions or substitutions, the agenda stood as presented.

APPROVAL OF THE CONSENT AGENDA
Approval of the April 8, 2010 and April 22, 2010 regular meeting minutes
A motion was made Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed to approve the Consent Agenda as presented.

PRESENTATIONS
None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
No one was present representing the Sheriff's office.

SECOND READINGS AND PUBLIC HEARINGS
ORDINANCE NO. 388
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 38, TRAFFIC AND VEHICLES, BY AMENDING SECTION 38-18 ENTITLED "DANGEROUS INTERSECTION SAFETY ACT" BY REVISING DEFINITIONS TO MODIFY THE REQUIREMENTS FOR THE TRAFFIC INFRACTION OFFICER, ALLOWING THE TOWN COUNCIL TO ELECT NOT TO ISSUE NOTICES OF INFRACTIONS FOR CERTAIN VEHICULAR MOVEMENTS OR SPECIFIC LOCATIONS, ADDING A WARNING PERIOD, SPECIFYING ADDITIONAL LANGUAGE FOR THE NOTICE OF INFRACTION, OUTLINING THE PROCEDURES FOR MAILING A NOTICE OF INFRACTION AND SETTING TIME PERIODS FOR RESPONSE AND APPEAL, IDENTIFYING THE FACTORS TO REBUT THE PRESUMPTION OF LIABILITY, PROVIDING THE TRAFFIC INFRACTION OFFICER WITH AUTHORITY TO DISMISS A CASE, DESCRIBING THE CONTENTS OF THE AFFIDAVIT FOR CERTAIN DEFENSES, AND INCREASING THE FINE TO $158; 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.

The Public Hearing was opened.

Because of pending legislation that could affect the terms of the proposed Ordinance and the contract that the Town presently has with American Traffic Solutions, a motion was made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (4-0) to continue the public hearing until the outcome of the proposed legislation was determined by the legislature.

ORDINANCE NO. 389
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS, BY DELETING THE DISTINCTING BETWEEN A MINOR AND MAJOR SUBDIVISION, REQUIRING THE TOWN COUNCIL TO APPROVE ALL SUBDIVISIONS, REQUIRING ALL SIGNATURES TO BE OBTAINED PRIOR TO SIGNING BY THE TOWN AND AUTHORIZING THE TOWN TO RECORD THE PLAT, PROHIBITING A PLAT APPLICATION FROM BEING CONSIDERED IF THERE ARE PENDING CODE VIOLATION ISSUES, CLARIFYING THAT A SUBDIVISION WITH 3 OR FEWER LOTS MAY BE ON WELL SYSTEM AND 4 OR FEWER LOTS ON SEPTIC SYSTEM, IF ALLOWED BY APPLICABLE LAW, AND ILLUSTRATING THAT A BOND OR LETTER OF CREDIT MAY SATISFY GUARANTEE REQUIREMENTS; 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.

A motion was then made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 389 on second reading.

ORDINANCE NO. 390
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, BY DELETING ARTICLE II, PLANNING AND ZONING COMMISSION; 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.

A motion was then made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 390 on second reading.

ORDINANCE NO. 391
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SUBSECTION (A) OF SECTION 58-330, GARAGE AND YARD SALES, OF CHAPTER 58, ZONING, BY CLARIFYING THAT A PERMIT FOR A GARAGE SALE WILL NOT BE ISSUED FOR THE WEEKEND OF THE TOWN SPONSORED GARAGE SALE; 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.

It was suggested that the Ordinance refer to both garage and yard sales. A motion was then made by Council Member Uptegraph seconded by Vice Mayor Foy and unanimously passed (4-0) to approve Ordinance No. 391 on second reading, as amended to refer to both garage and/or yard sales.

ORDINANCE NO. 392
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE V, CODE ENFORCEMENT, OF CHAPTER 2, ADMINISTRATION, BY DELETING ANY AND ALL REFERENCES TO CODE ENFORCEMENT BOARD AND PROVIDING THAT THE TOWN MAY CONDITION THE PROCESSING OF ANY APPLICATION OR PETITION UPON SATISFACTION OF ANY OUTSTANDING CODE VIOLATIONS OR FINES; 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 clarified that the provision in the Ordinance that referred to outstanding liens were specific to Town of Haverhill imposed liens. It was agreed to change "may" to "shall" as it related to the satisfaction of liens. A motion was then made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed (4-0) to approve Ordinance No. 392 upon second reading, as amended.

ORDINANCE NO. 393
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-151, ESTABLISHING ZONING DISTRICTS, OF ARTICLE VI, DISTRICT REGULATIONS, OF CHAPTER 58, ZONING, BY ADDING PLANNED BUSINESS CAMPUS DEVELOPMENT (PBCD) AS A SPECIFIC ZONING DISTRICT; 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.

A motion was made by Council Member Uptegraph, seconded by Council Member Beavers and unanimously passed (4-0) to approve Ordinance No. 393 on second reading.

ORDINANCE NO. 394
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 14-7(c), SECTION 58-6, SECTION 58-9, SECTION 58-60, SECTION 58-61 AND SECTION 58-62 BY DELETING THE POWER AND RESPONSIBILITY OF THE ZONING BOARD OF APPEALS TO HEAR APPEALS AND BY VESTING SUCH RIGHT AND AUTHORITY IN THE TOWN COUNCIL; 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,

A motion was then made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed (4-0) to approve Ordinance No. 394 on second reading.

ORDINANCE NO. 395
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTIONS 30-44, 30-88 AND 30-119 OF CHAPTER 30, SOLID WASTE, BY REQUIRING THE PROPERTY OWNER TO PLACE THEIR GARBAGE RECEPTACLES CURBSIDE NO EARLIER THAN 4:OO P.M. THE DAY PRIOR TO THE SCHEDULED PICKUP AND VEGETATIVE WASTE NO EARLIER THAN 72 HOURS PRIOR TO THE SCHEDULED PICKUP; 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.

A motion was made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve Ordinance No. 395 on second reading.

REGULAR AGENDA:
Update on Cell Tower negotiations
It was reported that negotiations were moving forward with the lease agreements between the Town of Haverhill and TowerCo as well as with Clearwire. The matter was scheduled for the May 27, 2010 Regular Council meeting.

Parkview Place road request
The Town Council was in receipt of a letter from The Parkview Place Homeowners Association requesting the Town accept the private road. It was the general consensus of the Town Council to refuse the offer and not accept the deed to the private road, Parkview Place.

Briarwood Drainage Improvement Project
The Town Engineer had prepared the specifications for the Briarwood Drainage Improvement project and would be sending them to qualified contractor's that would bid on the project allowing a piggyback contract to be awarded.

Club Road Sidewalks
The Town Engineer had prepared the specifications for the Club Road sidewalks Improvement project and would be sending them to qualified contractor's that would bid on the project to allow a piggyback contract be awarded. The Mayor would send notification to the residents along Club Road informing them the Town would be preceding with the project and that construction would begin in July.

REPORTS
Town Attorney
None.
Mayor
None.
Consultants
None.
Administrator's Report
The Town Administrator reported that Joseph Roche was attending the annual American Traffic Solutions conference in Scottsdale, Arizona. The 3 day conference would provide an overview of the red light traffic enforcement program as well as offering a tour of their facility.

Committee and Delegate Reports
Vice Mayor Foy reported there would be a Code & Ordinance Committee meeting on May 27, 2010 at noon at the Town Hall. He confirmed that the Administrator had mailed the letter to Congressman Hastings expressing the Town's support in the release of federal funds to fund the Grove Street HMPG grant. The EPA guideline relative to the NPDES program would require that States' adopt their own guidelines for compliance.

A Special Events Committee meeting has been scheduled for Monday, May 10, 2010 at noon at the Town Hall.

Mayor Woods reported on the Neighborhood Garage Sale held April 23, 2010. It had not been as successful as the sale held in January, however, there had been a good turn out of customers and there were 14 residents that had participated. He suggested the Town wait until the fall before sponsoring another garage sale.

Treasurer's Report
(Included in packet)

COMMENTS FROM THE PUBLIC
Edward Gurr, 1050 Melinda Lane: Mr. Gurr apologized for his late arrival explaining that he had questions concerning the proposed Ordinances that were before the Town Council. Mayor Woods explained that the Ordinances had been adopted on second reading, with the exception of Ordinance No. 388 that had been continued.

The Town Council explained the intent of the Ordinances in detail. They answered Mr. Gurr's questions specific to the zoning districts and the status of the vacant parcels in town. Mr. Gurr left the meeting satisfied that his concerns were addressed.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Vice Mayor Foy reported he was unable to attend the State Attorney's Task Force meeting on May 5, 2010 and would be unable to attend the Palm Beach League of Cities District III luncheon in Atlantis. Council Member Beavers would be attending the District III luncheon on May 12, 2010.

ADJOURNMENT
With no further business to come before the Town Council, the meeting adjourned at 7:45 p.m.

Approved: May 21, 2010
Date

Janice C. Rutan, Town Administrator

Jay G. Foy, Vice Mayor