

**TOWN OF HAVERHILL
TOWN COUNCIL
REGULAR MEETING MINUTES
DECEMBER 16, 2010**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, December 16, 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; Henry Lynch, Council Member; and Mark Uptegraph, Council Member. Also present were John Fenn Foster, Town Attorney; Chris Barry, Town Planner, Jeffrey Renault, Town Engineer; and Janice L. Massie, Deputy Town Clerk. Town Administrator, Janice C. Rutan, was absent.

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 Deputy Town Clerk recorded all members present.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Approval of the minutes of the November 18, 2010 Regular Council meeting

A motion was made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed (5-0) to approve the Consent Agenda as presented.

PROCLAMATIONS AND PRESENTATIONS

Representative Mark Pafford attended the meeting and addressed Council. He informed Council that he was available to them for any questions/concerns. He reported that he has not yet been assigned to any committees; however, he was requesting a list from the League of Cities. Some of the larger issues will be health care and growth management. He informed Council that Jeff Clemens, formerly of Lake Worth, is working on a bill which affects municipalities with an annual budget of less than \$1 million. Legal notice/advertising is a priority and is being reviewed to consider allowing internet advertising.

Representative Pafford will be in Tallahassee in March and April. He advised Council to look for the following topics: The State limiting the ability to raise revenue; unfunded mandates; economic development; the bullet train; eliminating community affairs in growth management ; and alternative renewable energy.

He may file six bills in the House, and is currently working on four, to-wit:

- Illegal internet activity regarding children (changes in statutory language, imposes penalties);
- Special taxing districts (can be taken over if created by referendum) ;
- Veterans Bill (changes language to allow services);
- Requirement of physicians to perform test on newborns for retinoblastoma (cancer in the eye).

Council Member Beavers discussed certified audit requirements for small municipalities and questioned Representative Pafford regarding the elimination of this item. He also

requested discussion regarding economic development. Representative Pafford suggested a meeting to further discuss these matters.

Vice Mayor Foy reported on NPDES. He asked Representative Pafford to look out for NPDES issues as well as unfunded state and federal mandates.

Representative Pafford gave the following website as an excellent source for everything that is going on in Florida: www.sayfiereview.com. He wished Council, Staff and the Town of Haverhill Happy Holidays.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Jesse Miller reported the following incidents during the period 11/18/10 – 12/15/10: 4 alarms, 1 battery, 2 domestic batteries, 4 burglaries; 1 felony, 1 hit and run, 2 thefts, 5 accidents, 1 warrant, 3 stolen vehicles, 1 suspicious incident, and 1 vandalism. He reported the activities happened within days of each other and that there may be a pattern during the holidays. The Town Code Enforcement Officer will investigate further and report to the Town Administrator.

Council Member Lynch expressed his surprise in the long list of crimes and indicated that he did not remember that many incidents being reported in the last 4 years. He inquired if crime was increasing everywhere. Deputy Miller said that there was a spike in our District and on Military Trail, which borders a lot of other areas. They have stepped up patrols and it was felt that they have been deterring criminals. He will continue to investigate.

SECOND READINGS AND PUBLIC HEARINGS

Act on Request for Variance to allow construction of a proposed addition to the existing retail building to encroach within the 15-foot required street setback as filed by Trail Realty Group, LLC.

RESOLUTION 2010-11: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA APPROVING A VARIANCE SUBJECT TO SPECIFIC CONDITIONS TO TRAIL REALTY GROUP, LLC.

Chad Gruber, Engineer for Zaya Givargidze (owner of Trail Realty and Applicant), introduced himself and made himself available for questions.

Mayor Woods received feedback from Staff and confirmed the issues with the Town Engineer, Jeff Renault, and the Town Planner, Chris Barry, i.e. that the concerns presented at the Workshop, including parking and sidewalk issues were corrected. Mr. Foster indicated that the entire sidewalk needs to be in the right-of-way.

Attorney Foster informed Council that landscaping was a major issue. The Applicant will either submit landscaping plans based on the Town Code, or file an alternative landscape plan explaining that he is constrained in front of building.

Mayor Woods inquired about the back lot buffer zone. Mr. Foster confirmed this, but indicated that it may be used for stormwater detention and that the Applicant plans on be doing this rather than exfiltration. There will be some grading and improvements, which will be necessary for stormwater management. It was confirmed by Chad Gruber that the back lot will consist of parking and will contain the dumpsters.

Vice Mayor Foy discussed Traffic Engineer John Kim's Technical Memorandum and the size and location of the sidewalk (6ft sidewalk and south side crossing on private property). Attorney Foster indicated that this is conditioned as part of Resolution. The Staff Report addresses this matter. Discussion regarding the walkways ensued.

The FPL easement was discussed. Town Engineer Jeff Renault indicated, and Chad Gruber confirmed, that parking in the rear would be located on the easement, however the lines are underground. Parking in front of the building was discussed. Vice Mayor Foy asked if there is the possibility of a future conflict with FPL regarding parking on the easement. Chad indicated that there is a possibility; however, there is enough room to shift parking over without interfering with the retention area. Attorney Foster indicated that there is a requirement that all utilities be underground and to allow for pedestrian ingress and egress. Parking could be relocated and there would be enough spaces if required to do so. Town Planner Chris Barry informed Council that no further approval is needed from FPL. He confirmed that the FPL easement justifies the setback variance. FPL may have full legal rights to move it should it become necessary.

Council Member Beavers questioned whether the handicap parking on the north side would be accessible. Discussion ensued. Mr. Renault indicated that parking could be shifted for the space and also allow room for a landscape buffer and a parking space could be added to the rear of the building.

Vice Mayor Foy requested confirmation regarding downspouts, maintenance, parapets, and that no hang over of the building would exist. Attorney Foster confirmed these conditions. Mayor Woods informed Council that he and Staff previously met with the Applicant to discuss this matter (see item 17).

Discussion ensued regarding the rear barrier wall. Attorney Foster indicated that the Applicant will submit a revised landscape plan, including material composition and dimensions of the wall. The Code requirements will be addressed in the landscape review. Chris Barry explained item 11 and the Code. The discussed landscape plan shows a continuous hedge along the wall. A fence also exists and it may be determined that the hedge will be required to be placed on it. The landscape plan will be submitted and go before Council. Mr. Foster confirmed that the conditions are in perpetuity and run with the land. The site and landscape plans can be fine tuned without delaying the approval this evening. The height of the wall doesn't have to be decided yet, the Applicant will submit this information with his landscape plan.

The conditions for approval are:

- One handicap spot moved, but to remain in front, and one parking place moved to the rear of the property;
- Compliance with all Florida Codes (see Item #5), including ADA requirements, if approved by DOT, for bus stops (per Palm Tran)

The title was read by Mr. Foster, identifying 19 conditions and adding 2 additional conditions (above).

A motion was then made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Resolution 2010-11.

Vice Mayor Foy complimented Staff and Chris Barry for their exceptional work on this project.

Approve Resolution 2010-10 – Using the Uniform Method of Collecting Non-Ad Valorem Assessments for Solid Waste Collection and Disposal

RESOLUTION 2010-10: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, SETTING FORTH THE TOWN'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN ORDER TO FUND THE TOWN'S WASTE COLLECTION AND DISPOSAL SERVICE; PROVIDING A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a) FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve Resolution 2010-10.

For the record, Mr. Foster indicated that a levy is not being imposed and suggested that the Town's next Newsletter contain a paragraph explaining the Resolution. He also wanted the record to reflect that the Notice of Public Hearing had been published in the Palm Beach Post for 4 consecutive weeks prior to the hearing. The statute requires that the Town provide copies of this Resolution to the Property Appraiser, Tax Collector, Solid Waste Authority and the Florida Department of Revenue on or prior to January 10, 2011, and enter into such agreements as may be appropriate and required with the Tax Collector, Property Appraiser, Florida Department of Revenue, and Solid Waste Authority, and such other agencies or departments as may be necessary or required. There will be another Resolution and Public Hearing to set costs. If the Town doesn't proceed in the coming year, it will need to complete the entire process next year. Mr. Woods indicated that Town residents needed to be informed and that the Town is trying to keep costs low and still provide services.

FIRST READINGS AND REGULAR AGENDA

Act on Request for Accessory Use – Redline Auto Accessories, LLC located at 1079 Military Trail

Daniel Chamoun and Laura Crane of Redline Auto Accessories were present and requested that Council grant their request for accessory use (allowing the installation of wheels).

Mayor Woods inquired about the hours of operation and any plans for expansion of hours. Mr. Chamoun informed Council that their hours are Monday – Saturday, 10:00 a.m. – 6:00 p.m., closed Sundays – with no plans to expand hours.

Discussion ensued regarding location of installation, type of work performed and type of machinery used to perform the work. Work will be conducted in the rear of the building using floor jacks and air guns. Mr. Chamoun reported that his customers rarely leave their old tires behind. If they do, Affordable Tire picks them up daily with no minimum amount of tires required for daily removal. Mr. Chamoun also informed Council that he had alternative methods of removal, including rental of a storage facility if Affordable Tire discontinued business in the future.

Council expressed their concerns/requirements that stacks of tires outside of the building will not be permitted. Council Member Lynch asked the maximum amount of time that

the old tires would sit behind the building should Affordable Tire be unable to pick them up. Mr. Chamoun indicated 48 hours.

Mayor Woods confirmed that tire balancing is performed inside the building and that only installation was occurring outside. He informed Applicants that the property owner approved of the request. If the accessory use granted, Mr. Foster confirmed that said accessory use does not stay with the property unless the business is sold to the same type of business.

Vice Mayor Foy expressed his past and continued preference that no auto repair company be allowed to conduct business in Haverhill and confirmed that Redline is not an auto repair shop.

Conditions for approval:

- Possible expansion of hours is approved, but within the hours of 8:00 a.m. and 7:00 p.m.)
- No outdoor storage of tires is permitted.

Chris Barry discussed the parking accommodations at the property. He informed the Applicants that there are 5 spaces assigned to their bay.

A motion was then made by Council Member Lynch, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the accessory use to install tire equipment and other accessories he sells to vehicles, specific to tires and rims, by Redline Auto Accessories.

Act on Request for Reduction in Lien for property located at 5150 Bethany Lane

Joe Roche reported to Council that a lien in the amount of \$200.00 per day was assessed on the property beginning in 2007. Kyle Kenney and Jill Holberg owned the property at that time. The property went into foreclosure in 2008. Wells Fargo/HSBC Bank obtained a Certificate of Title in September. The property was brought into compliance on November 18, 2010 by RLM Properties (representing the bank). RLM is requesting a reduction in the \$209,600 lien amount. Discussion ensued. Mr. Roche reported that the cost to maintain the property consisted of \$21 per day for 3 years. Vagrants were removed from the property and three hearings were held before the Special Magistrate. Vice Mayor Foy indicated that it made good business sense to come to a good faith agreement.

Council decided to settle in the amount of \$23,500.

A motion was then made by Vice Mayor Foy, seconded by Council Member Beavers unanimously passed (5-0) to approve the reduction of the lien to \$23,500.00, for property located at 5150 Bethany Lane.

Council Member Uptegraph inquired about whether the police are checking on all foreclosed properties.

Mr. Foster informed Council that another foreclosure matter (property of Shelly Mahle) will be brought before Council in January. This property is a matter of the health, safety and welfare of the Town.

REPORTS

Town Attorney

None

Mayor

Mayor Woods informed Council that Charles Elmore of the Palm Beach Post contacted him regarding the speed limit on Belvedere Road. Another article will be appearing in the Post soon.

Consultants

None.

Town Administrator

None.

Committee/Delegate Report

Vice Mayor Foy reported on the NPDES steering committee and the following three items that were discussed: Permit terms; structural inspect of all pipes; and Implementation plan. The State discussed environmental issues. It was mentioned at the District 2-3 meeting that the Town is in conflict resolution with the County. Mr. Foy also reported that the Belvedere Road letter was sent to property owners abutting Belvedere Road informing them of Palm Beach County's proposed intersection improvements.

Council Member Beavers inquired about the gas tax. Mr. Woods confirmed that the gas tax is applied to road maintenance and repairs not bus stops.

Mayor Woods reported on the Special Events Committee. The Neighborhood Yard sale will be held January 8, 2011. No formal meeting will be held. They are looking for someone to drive the truck around town.

The date for the Town Picnic will be set soon.

**Treasurer's Report
Included in packet****UNFINISHED BUSINESS**

None.

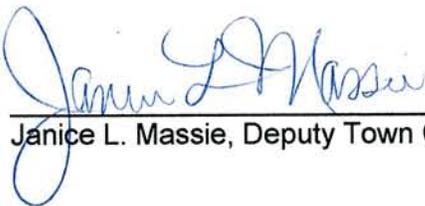
NEW BUSINESS

None.

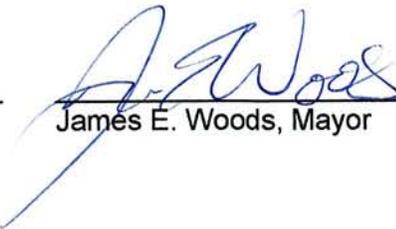
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:47 p.m.

Approved: January 13, 2011



Janice L. Massie, Deputy Town Clerk



James E. Woods, Mayor