

Jay G. Foy, Mayor
James E. 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 OF HAVERHILL
Regular Town Council Meeting
Thursday, March 22, 2012
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SWEARING IN OF COUNCIL MEMBERS
- V. REORGANIZATION OF TOWN COUNCIL
 - a. Nomination for Mayor
 - b. Nomination for Vice Mayor
- VI. APPROVAL OF AGENDA
- VII. APPROVAL OF THE CONSENT AGENDA
 - a. Approval of the February 23, 2012 Regular Meeting minutes
- VIII. PRESENTATIONS AND PROCLAMATIONS
- IX. COMMENTS FROM THE PUBLIC
- X. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- XI. SECOND READINGS AND PUBLIC HEARINGS
 - a. ORDINANCE NO. 407
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW PAIN MANAGEMENT CLINICS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL THROUGH JUNE 30, 2012, PENDING THE ADOPTION OF NEW CODE PROVISIONS BY THE TOWN; PROVIDING A CONFLICTS CLAUSE, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE
- XII. FIRST READINGS AND REGULAR AGENDA
 - a. Status Update and report from Town Attorney re: Application for Land Use Amendment and Rezoning as filed by Shiloh SDA Church and proposed Ordinances 405 and 406
 - b. Consider approval of two 2-year contract term extension between the Town of Haverhill and Solid Waste Systems, LLC with the terms as proposed by Southern Waste Systems in letter of December 26, 2011.
 - c. Consider offer to terminate lease per the offer of Clear Wireless LLC dated February 28, 2012 and received by the Town of Haverhill on March 13, 2012.
- XIII. REPORTS
Town Attorney
Mayor
Consultants
Administrator's Report
Committee/Delegate Report
Treasurer's Report (included in packet)
- XIV. UNFINISHED BUSINESS
- XV. NEW BUSINESS
- XVI. 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, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, March 22, 2012
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 22, 2012 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor; Lawrence Gordon, Council Member and Mark C. Uptegraph, Council Member. Also present were Town Attorney John Foster, and Town Administrator, Janice C. Rutan.

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 were present with the exception of Council Member Beavers.

SWEARING IN OF COUNCIL MEMBERS

Attorney Foster administered the Oath of Office to James E. Woods.

REORGANIZATION OF TOWN COUNCIL

- a. Nominations for Mayor: The floor was opened up for nominations for the position of Mayor. Council Member Woods nominated Jay G. Foy to serve as Mayor for the ensuing one year term. Council Member Gordon seconded the nomination. Mr. Foy accepted the nomination. With no other nominations forthcoming, the nomination for Jay G. Foy as Mayor was voted upon and passed unanimously (4-0).
- b. Nominations for Vice Mayor: Council Member Uptegraph nominated James E. Woods to serve as Vice Mayor for the ensuing one year term. Council Member Gordon seconded the nomination. Mr. Woods accepted the nomination. With no other nominations forthcoming, the nomination for James E. Woods for Vice Mayor was voted upon and passed unanimously (4-0).

APPROVAL OF AGENDA

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

APPROVAL OF THE CONSENT AGENDA

Approval of the February 23, 2012 Regular Meeting minutes

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to approve the Consent Agenda as presented.

PRESENTATIONS AND PROCLAMATIONS

None.

COMMENTS FROM THE PUBLIC

Mayor Foy took the opportunity under Public Comment to introduced Battalion Sergeant Michael Mackay of Palm Beach County Fire Rescue. Mr. Mackay explained that he has been with Fire Rescue for over 23 1/2 years and had been appointed Battalion Chief 3 1/2 weeks ago.

He looked forward to working with the Town of Haverhill in this capacity.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 407: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW PAIN MANAGEMENT CLINICS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL THROUGH JUNE 30, 2012, PENDING THE ADOPTION OF NEW CODE PROVISIONS BY THE TOWN; PROVIDING A CONFLICTS CLAUSE, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

The title was read by Attorney Foster. **A motion was made by Vice Mayor Woods, seconded by Council member Uptegraph and unanimously passed to adopt Ordinance No. 407 on second reading.**

Status Update and report from Town Attorney re: Application for Land Use Amendment and Rezoning as filed by Shiloh SDA Church and proposed Ordinances 405 and 406

Attorney Foster reported on the matter that had come before Council at their meeting of March 8, 2012. The Public Hearing to amend the Town of Haverhill's Comprehensive Plan and to amend the Town's official zoning map as filed by Claudis Zatrene (owner) and Shiloh Seventh Day Adventist Church was heard by the Town of Haverhill's Local Planning Agency and Town Council on March 8, 2012. The Local Planning Agency had recommended Town Council denial of the applications. Although motions were made by Council Members at the Public Hearing, all failed due to a lack of a second. He explained that in addition to the Land Use Resolution Act, Section 58-100 of the Town of Haverhill Code of Ordinances states that the Town Council, after conducting the Public Hearing shall either vote to approve the application, approve the application subject to modifications or deny the application. As such, it was his recommendation that the matter be revisited by the Town Council at their May meeting. He referred to case law Frank McKinney v. the Town of Ocean Ridge.

Discussion followed. Council Member Gordon commented that he would want to give the Church the option to present their plans to the Town Council.

Mayor Foy reiterated his concern in rezoning the land to R-2.

Mayor Foy opened the floor to comment.

Kevin McGinley, Agent for the applicant stated that he was present only to hear Council comments.

Thelmalee Brandenburg, 4894 Cyprus Lane. Mrs. Brandenburg asked the Council to rethink the rezoning of the property. She suggested that conditions of approval include requiring a police officer to direct traffic, to limit the number of permitted revivals, include stop signs on the property, and teach a traffic management class to the congregation.

Howard Brandenburg, 4894 Cyprus Lane. Stated he was in support of the Church.

The Reverend from Shiloh Seventh Day Adventist addressed the Town Council. He stated that his Church felt very comfortable in the Town of Haverhill. He believed the values and respect of the Church had been a contribution to the betterment of the Town. He asked the Town Council to give them a chance to see what they can accomplish and achieve as a Church.

Attorney Foster commented that the matter would need to be readvertised. He invited the applicants to submit supplemental information should they choose.

He also stated that Council action on the matter would need to be decided on substantial and competent information; the applicants would be guaranteed a Town Council decision through due process.

A brief discussion followed as to the difference between a formal and informal hearing. Vice Mayor Woods asked if compatibility with neighboring properties could be a factor in the decision.

Attorney Foster closed by reminding Council that the Local Planning Agency had made a recommendation to the Town Council so the matter needed be heard only by the Town Council and would be scheduled for the first and second meetings in May.

It was the consensus of all Council Members to move the matter forward.

Consider approval of two 2-year contract term extension between the Town of Haverhill and Southern Waste Systems, LLC with the terms as proposed by Southern Waste Systems in letter of December 26, 2011.

Staff and Council Members expressed satisfaction in working with Southern Waste Systems.

Patti Hamilton was present representing Southern Waste Systems. She commented that they have enjoyed working with the Town of Haverhill and that Haverhill was one of the first municipal contracts they had entered into in South Florida.

A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to approve extending the existing contract between the Town of Haverhill and Southern Waste Systems, LLC for two years, expiring on September 30, 2014 at a 1 1/2 percent increase for the first year of the two year extension and no further increases for the second year of the term extension and to authorize the Mayor and Town Administrator to execute the contract on behalf of the Town.

Consider offer to terminate lease per the offer of Clear Wireless LLC dated February 28, 2012 and received by the Town of Haverhill on March 13, 2012.

A motion was made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously passed (4-0) to notify Clear Wireless LLC that they would not accept the offer made by Clear Wireless LLC for a lump sum payment in the amount of \$24,000 in exchange for an immediate termination of the lease.

REPORTS:

Attorney:

Attorney Foster addressed the Town Council in matters pertaining to the Public Hearings being scheduled to revisit the application to amend the Town of Haverhill's Comprehensive Plan and to amend the Town's official zoning map as filed by Claudis Zatrenne (owner) and Shiloh Seventh Day Adventist Church. He explained that the burden was on the applicant; however the decision of the Town Council has to be made on the evidence presented. Once a Council decision was made, the applicants would have thirty days to appeal if they were aggrieved by the decision. He cautioned Council as to the sensitivity of the matter and asked that all inquiries, comments, etc. be filtered through the office of the Town Administrator.

It was suggested that the Traffic Engineer John Kim be asked to look at the site and determine if the traffic resulting from the Church would cause a health, safety or welfare issue to either or both of the existing users and new users and do the roadways have capacity.

Discussion continued concerning site requirements and rezoning issues.

COMMENTS FROM PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Samples was present representing Palm Beach County Sheriff's office and offered no crimes to report for the previous two week period.

Attorney Foster reported that he had conversation with Attorney Brad Biggs and learned that the matter between American Traffic Solutions and the Village of Royal Palm Beach had reached a stalemate. He referred to an opinion from Pascoag County citing that the legislation supporting the red light camera program was illegal as it shifts the burden of proof onto the defendant.

Mayor

Mayor Foy reported on John Kim's most recent traffic data analysis for Belvedere Road supports the Town's contention that the County's future projections for Belvedere Road were incorrect.

Consultants

None.

Administrator's Report

The Town Administrator updated the Town Council as to the Energy Grant and Residential Rebate program.

Committee/Delegate Report

Mayor Foy reported on the Code and Ordinance Committee meeting held earlier in the day.

Vice Mayor Woods reported on the Special Events Committee meeting and the upcoming annual picnic scheduled for April 21, 2012.

Council Member Beavers reported on the Palm Beach County League of Cities District II and III meeting held in Atlantis.

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 8:10 p.m.

Approved:

April 26, 2012



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor