

Jay G. Foy, Mayor  
Lawrence Gordon, Vice Mayor  
Mark C. Uptegraph, Council Member  
Remar M. Harvin, Council Member  
Daniel H. Sohn, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**TOWN COUNCIL WORKSHOP**  
**Town Hall Council Chambers**  
**Thursday ~ January 9, 2020**  
**6:00 p.m.**  
**AGENDA**

- I. Call to Order**
- II. Council, Attorney and Staff Reports**
- III. New Business**
  - A. Review of Proposed Ordinance 480 - Fences and Hedges**
- IV. Old Business**
- VI. Adjournment**

**TOWN OF HAVERHILL**  
**LOCAL PLANNING AGENCY**  
**Thursday, January 9, 2020**  
**6:45 p.m.**  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
  - a. MAKE RECOMMENDATION TO TOWN COUNCIL RE: ORDINANCE NO. 477**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL REGARDING AN APPLICATION FOR A REZONING, BY REDESIGNATING A 1.83 ACRE PARCEL OF LAND FROM THE EXISTING TOWN OF HAVERHILL ZONING DESIGNATION OF R-2 - TWO FAMILY RESIDENTIAL DISTRICT TO THE TOWN OF HAVERHILL ZONING DESIGNATION OF R-3 - MEDIUM DENSITY RESIDENTIAL DISTRICT, AS REQUESTED BY CHAD RIDDLE, AGENT FOR MF ASSOCIATES HAVERHILL POINT, LLC, CONTRACT PURCHASER FOR THE PROPERTY (OWNER, HAVERHILL BAPTIST CHURCH), WHICH PARCEL IS LOCATED APPROXIMATELY 0.377 MILES SOUTH FROM THE INTERSECTION OF BELVEDERE ROAD AND NORTH HAVERHILL ROAD ON THE WEST SIDE OF NORTH HAVERHILL ROAD ON THE SOUTHEAST CORNER OF CLUB ROAD (EAST) AND HAVERHILL ROAD, BEING A PORTION OF PARCEL CONTROL NUMBER 22-42-43-35-01-008-0016; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF**

**TOWN COUNCIL WORKSHOP**  
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**Call to Order**

Mayor Foy called the workshop to order at 6:07 p.m. by welcoming those in attendance and further explained the workshop was scheduled to receive public input on the proposed ordinances that were before Council for review. He noted Ordinances are never perfect, however, Council was trying to work with residents to bring the Ordinances that as written were causing problems more into line for the Town and its residents.

There had been a workshop on January 7, 2020. He turned the meeting over to Attorney Foster for an update. Attorney Foster referred to the present Ordinance limiting hedges to 6' on the rear and side yards and 4' feet in the front setback area. It was the general consensus that these heights were too restrictive and after review at the workshop he was presenting a proposed Ordinance that would allow for 8' in rear and 10' for those properties abutting Belvedere and Haverhill Roads.

They Council would also be looking into allowing for a grandfather provision allowing those properties with existing hedges in excess of the height limitation to be grandfathered in as a non-conforming use. The Ordinance would also include a variation procedure. He offered scenarios that could qualify for the variation.

Mayor Foy introduced the Town Attorney and the Town Administrator to those in attendance. He also introduced Council Member Daniel Sohn, Vice Mayor Gordon, himself and the newly hired Code Inspector for the Town, Michael Jordan explaining that although the former Code Inspector may not have enforced all of the Ordinances of the Town, it was Mr. Jordan's job to enforce all of the Codes and that was what he had been doing. He then introduced Town Engineer Todd McLeod.

He opened the floor to public comment.

The Town Administrator had received a phone call earlier in the day and had been asked if Areca Palms were going to be considered a bush, hedge or tree.

Attorney Foster responded that the current Ordinance refers to hedges as being made up strictly of shrubs. Using language enacted by the City of West Palm Beach as supplied to him by Ray Caranci, a hedge means a row of unbroken shrubs or certain tree species. Attorney Foster was quite pleased with that language.

**Tom Burns, 890 Briarwood Drive.** What was the rationale for the height of the hedge?

Attorney Foster replied that the proposed height was consistent with most other Code provisions of other municipalities that they reviewed. He also noted that there was a concern that once you got over 8' in height, it could become a safety factor with maintenance.

**Ray Caranci, 819 Mimosa Court.** He works for the City of West Palm Beach as their Landscape Architect and had worked with the City to rewrite their landscape code. He asked what was the rationale for limiting heights in the side and rear yards. He felt the height is needed to provide privacy and as long as the hedges are maintained and not a nuisance to the neighbors, the height should not be an issue. He felt the issue of safety should be left to the discretion of the

property owner. The City of West Palm Beach does allow the hedges to go to a height of 10', rear, and front and side as long as it doesn't affect the safe corner issues, site lines or other safety issues. He noted that there was a lot of flexibility afforded by WPB. He added that as long as the hedges are maintained and does not affect the neighbors, ten feet should be allowed. As to the issue of areca palms, they are not considered hedges because the palms have only one growth stem and once cut, it leaves only stubs as they cannot be trimmed.

Mayor Foy inquired of Mr. Caranci and learned that the City does not regulate Areca Palms unless they are causing a safety issue such as interfering with overhead lines, etc. Hedges are specific in that they must be maintained.

Mr. Caranci responded to Vice Mayor Gordon explaining that ficus falls into the category of shrubs to be maintained at 10'. Fences and structures limited to 6'.

Bamboo again comes down to maintenance. Areca palms should be addressed separately.

**Carl Brome, 882 Briarwood Drive.** The selling point in purchasing the property was the hedges and when he was cited by the code officer, he cut his hedges. It is a corner lot and he has not yet cut the rear hedges. There is an apartment complex in the rear and he would like to maintain the privacy and comfort of privacy of keeping the hedges at the present height.

Mayor Foy explained to those present that the Town was looking at the perimeter of its boundaries and as such included the provision for the variation so those properties can maintain the privacy of adjacent properties. They did not want to infringe upon the privacy of the property owners.

**Kathy Bryant, 1053 Melinda Lane.** A resident of the Town for over 20 years. Took a very long time to find their dream home. They moved into the community for the privacy and the beauty of the neighborhood. She noted that the great United States is not a communist country and she wants the freedom of making their own decisions as to their property – she is feeling violated with the new Code Officer as asked if he is watching and trespassing on their property without their knowledge. She was assured that was not the case.

Council Member Daniel Sohn thanked her for sharing her concerns. He noted that was the reason for the work sessions.

**Eliana Brome, 882 Briarwood Drive.** Ms. Brome echoed the comments of Mrs. Bryant noting that when they cut their edge, it looked horrible and reiterated that the privacy hedge was the reason they purchased that house. She said the hedge looks barren now and in the future she would have preferred a conversation be initiated and not just a letter.

The Town Administrator explained that there had been a series of letters sent that had later been rescinded and she apologized that the Bromes had already taken action concerning their hedge prior to getting the second letter.

Council Member Sohn clarified that the initial round of letters had been initiated by the then Code Enforcement Officer, who is no longer with the Town, who Michael Jordan replaced.

**Tom Burns, 882 Briarwood Drive.** He is in favor of the grandfather provision being considered.

Mayor Foy commented that the burden of proving the nonconformity would be on the property owner. Discussion followed.

Mayor Foy reminded all that the Council would not be able to address specific cases as they would be the appeal board should a resident question code enforcement action.

Michael Jordan addressed those present explaining how the Code Enforcement process works.

**Carol Newhart, 4940 Luwal Drive.** She doesn't understand the variation procedure and would neighbors affected by the height of the hedge be noticed. She commented that she would take exception to someone planting a bougainvillea hedge, yet can see the other side of frustration being told what she can and cannot plant. Her concern is the infringement that might be caused to the neighbors affected.

Discussion followed as to whether the variation would be for existing hedges or for new growth.

The Town Administrator inquired as to whether a variation would be allowed for bamboo. Ray Caranci once again addressed Town Council specific to bamboo and areca palms. He explained that neither of those species can be trimmed.

Mayor Foy commented that the further discussion would occur at the regular meeting when the Council would be addressing these items during first reading.

The Town Administrator reminded all that there would be a second workshop held on January 16, 2020 at 6:00 p.m. to address recreational vehicles, boats, and sports vehicles, trailers, etc. Copies of the proposed Ordinances would be available prior to the workshop and all were invited to contact her office.

The Mayor and Attorney reminded all that any major change to the proposed Ordinances would result in a new public hearing process.

The Town Administrator further invited affected residents to contact the Code Enforcement Officer with any questions they may have.

**Kathy Bryant, 1053 Melinda Lane.** Ms. Bryant asked how all these revisions came about. It was explained that these Ordinances had been on the books for many years but did not come to the forefront until the retirement of 25 year employee Joseph Roche. The Code Enforcement Officer hired to replace him strictly enforced the laws and Ordinances as written as that is what a Code Enforcement officer should do. When the actual Ordinances and their intent were brought to the attention of the Town Council, the Town Council agreed to revisit those Ordinances as they realized the harsh restrictions being placed on the residents and Council began to take the steps necessary to make the laws more lenient and not as restrictive.

**Ray Caranci, 819 Mimosa Court.** He agreed with all the Mayor had to say and added that he had moved here because he did not want an HOA, and has enjoyed living here for 15 years. He commented that it all should boil down to the maintenance of the properties within Town.

**Resident, Tall Pines Road.** Complained that on his way home the prior day he had seen a warning on someone's trash can. He complained that there has been no police coverage. He wants the higher hedges to protect their own property. His own vehicles had been broken into. He spoke of one break at gun point and other neighbors whose property, including a motorcycle, had been stolen.

**Don Smith, 1131 Palmetto Road.** Needed clarification that no major changes can be made to the proposed Ordinances. Hay noted there could be a minor change or the public hearing would need to be deferred.

Mayor Foy clarified that if there were major changes to any of the Ordinances that would be before the Town Council this evening, the matter would be deferred. All the Ordinances would be up for first hearing after the close of the LPA hearing.

**Ray Caranci, 819 Mimosa Court.** He commented that his next concern was the proposed Ordinance on Commercial vehicles. He cited his 5 neighbors who would be adversely affected by restrictive regulations as they make their living using the Commercial vehicles. .

Attorney Foster responded and clarified the intent of the Ordinance. They were not amending that portion of the Ordinance. Commercial vehicles have not been addressed.

Mr. Caranci clarified what the Town Council would be acting on later in the evening. Mayor Foy noted that each time an Ordinance would come before the Town Council, the Council would decide on action to take.

Council Member Sohn requested clarification as he did not understand what action the Council would be taking. He questioned how the Council could vote on a matter that had not been addressed. Mayor Foy commented that Council has addressed these issues and it would be his recommendation that any of the controversial Ordinances be deferred. It was further explained that the first reading would allow for minor amendments.

**Carol Newhart, 4940 Luwal Drive.** Questioned how Council could move forward on an Ordinance that the public has not even addressed. Discussion followed. Mayor Foy suggested that any controversial Ordinances be deferred and that would be his recommendation.

Attorney Foster stated that the statute is specific in that any Ordinance being brought before Council would require 2 public hearings. The first public hearing is only to read title, receiving comment, deciding on changes, etc.

Those in attendance complained that the Town Council would hold a first hearing on Ordinances that they haven't received public input on.

Mayor Foy agreed and noted it would be his recommendation to defer action on all Ordinances until they received public input and he expressed his appreciation to all those who came out to express their ideas and concerns.

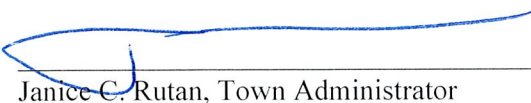
Vice Mayor Gordon noted that the Council has extended invitations to all residents to attend meetings and he, too, was glad for the input.

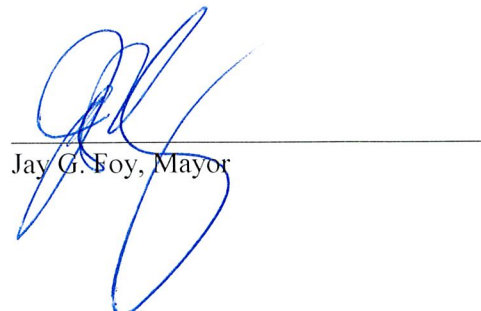
**Resident.** He questioned that he had been told that he had to remove an unlicensed vehicle from his property. Council cannot address specific cases.

**Adjournment:**

Mayor Foy noted that there would be a workshop on the 16<sup>th</sup> and closed the workshop at 7:15 p.m. to reconvene as the Local Planning Agency.

Approved: 5.14.2020

  
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Janice C. Rutan, Town Administrator

  
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Jay G. Foy, Mayor



# SIGN IN SHEET

Regular Council  
meeting followed

TOWN OF HAVERHILL  
TOWN COUNCIL  
PROPOSED ORDINANCE WORKSHOP - HEDGES  
Thursday, January 9, 2020  
6:00pm - 7:00pm

Name	E- Mail Address	Signature
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