



MINUTES  
TOWN OF HILLSBORO BEACH  
REGULAR MEETING OF THE TOWN COMMISSION  
OCTOBER 02, 2012

TUESDAY

9:00AM

**CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 9:00 AM. The Town Clerk called the roll with the Commission members and staff present as listed below, followed by the Pledge of Allegiance.

**Town Commission:**

Mayor Dan Dodge	Commissioner Javier Garcia
Vice Mayor Claire Schubert	Commissioner Dick Maggiore
Commissioner Jim Lambert - Absent	

**Town Staff:**

Town Clerk Jean-Marie Mark	Deputy Town Clerk, Irene George
Town Attorney D.J. Doody	Chief Thomas Nagy

Mayor Dodge opened the meeting stating he would like to amend the agenda and have Fire Services be heard first.

*Commissioner Garcia made a motion to amend the Agenda to hear item 5, Fire Services first. Vice Mayor Schubert seconded the motion, which passed unanimously.*

**5. FIRE SERVICES**

Chief Chad Brocato spoke about the carbon monoxide poisoning incident that had taken place and how carbon monoxide is a silent killer and emphasized the importance of having a carbon monoxide detector installed in your home. Chief Brocato also reported that it took approximately four hours to clear the house and that everyone was fine.

Mayor Dodge thanked Chief Brocato for his time.

**BOARD OF ZONING & APPEALS MEETING**

Mayor Dodge opened the Quasi-Judicial Hearing at 9:08 AM

- 1. ZONING** **WALTER KELLER, TOWN PLANNER/ENGINEER**  
a. 1200 Hillsboro Mile - Site Plan Amendment  
Town Attorney Doody swore in all those who would be testifying.

Mr. Walter Keller, the Town Engineer, provided a brief history on this site plan amendment and recommended the Commission grant approval subject to the comments and conditions that have been outlined in his report.

The Commission agreed the rooftop recreation was in violation of code but believed having access to the roof by means of an elevator and stairs would be fine. The Commission stated in order for the rooftop recreation the applicant would be required to apply for a variance.

Mr. Richard Jones of Richard Jones Architect reported his client are looking to actively start marketing the project and capture the buyers and to make application for a variance could delay the project further. Mr. Jones provided renderings of the project for the Commission and audience to view.

Mayor Dodge read into record an email received from Ms. Cheryl Duffy of 1199 Hillsboro Mile opposing the site plan amendment that would allow having a building greater than three stories. It was also noted into record there were other objections received citing different reasons.

Town Attorney Doody inquired if Mr. Richard Jones agrees and accepts the conditions highlighted in Mr. Walter Keller's staff report.

Mr. Jones responded stating he understood and accepts the conditions outlined.

*Vice Mayor Schubert made a motion to approve the Site Plan Amendment as amended for 1200 Hillsboro Mile. Commissioner Maggiore seconded the motion, which passed 4/1 with Commissioner Garcia voted against the motion.*

The Board of Zoning & Appeals meeting adjourned at 9:50 AM.

### REGULAR TOWN COMMISSION MEETING

Mayor Dodge opened the Regular Town Commission meeting at 9:53 AM

#### 1. APPROVAL OF MINUTES

Mayor Dodge asked if there were any additions or deletions to the minutes presented.

##### a. Minutes of the September 11, 2012 Regular Town Commission Meeting

Vice Mayor Schubert provided a correction on page 4, in the first paragraph to replace the work "good" with "productive", remove the word "and". With the last sentence read "Due to budget cuts, the Department of Environmental Protection (DEP) *sediment budget will not be able to fund a study for the inlet* but believe this joint project is a good idea and would look favorably to provide reimbursements towards a joint project.

*Vice Mayor Schubert made a motion to approve September 11, 2012 minutes as amended. Commissioner Maggiore seconded the motion, which passed unanimously.*

##### b. Minutes of the September 20, 2012 Final Budget Hearing Meeting

Vice Mayor Schubert requested the following to be paragraph be included on page 2: "*Vice Mayor Schubert stated that to keep the millage the same \$140,000 was needed from the FEMA money and since that amount was going to be used for the beach permitting there was a logic to using the FEMA money to hold the lines on taxes.*"

Mayor Dodge requested the word "approximate" be added to his comment on the anticipated \$2 million the Town may receive from FEMA.

*Vice Mayor Schubert made a motion to approve September 20, 2012 minutes as amended. Commissioner Garcia seconded the motion, which passed unanimously.*

**2. SPECIAL PRESENTATION**

- a. Proclamation – Barefoot Mailman – Mr. Art Makenian, Hillsboro Lighthouse Preservation Society

Town Attorney Doody read into record Proclamation Honoring the Barefoot Mailman, James E. “Ed” Hamilton, recognizing October 11, 2012 as “James E. “Ed” Hamilton Day.

Mayor Dodge introduced Mr. Art Makenian, President of the Hillsboro Lighthouse Preservation Society. Mayor Dodge presented a framed copy of the proclamation to Mr. Makenian.

Mr. Makenian thanked Mayor Dodge and Commissioner spoke briefly about the Hillsboro Lighthouse Preservation Society and their goal is to preserve the inlet as it use to be. The Coast Guard has turned over the maintenance of the lighthouse to the society this past July and urged everyone to become a member. Mr. Makenian also acknowledged the presence of two past presidents, former Mayor Carmen McGarry and Mr. Hib Casselbury

- b. Broward County Supervisor of Elections – Mr. Fred Bellis

Mr. Fred Bellis thanked the Mayor and Commission for today’s opportunity and reminded everyone on the upcoming general election and absentee ballots can be requested through (954) 357-7055 with early voting starting on October 27, 2012 for 8 days.

Mayor Dodge thanked Mr. Bellis for his time and acknowledged the fine work of Dr. Snipes office.

**3. BUILDING DEPARTMENT**

Mr. Julio Briceno, Town of Hillsboro Beach Building Official, reported the following:

- Starting next year plans submitted through the Broward County Environmental Department will be electronically reviewed. The approvals will be posted on the Broward County website. This change will expedite the permitting process tremendously.
- A complaint was received from the Homeowners Association Board of 1198 Hillsboro Mile (Imperial) regarding unit #302. The tenant allowed us to enter the unit to investigate the installation of a combination washer/dryer. They were advised to apply for plumbing and electrical permit for the work that was completed without a permit.
- 1051 Hillsboro Mile (LeBaron) had inquired about relocating an air conditioning unit to the same area where the pool heaters are located. This area had previously received a variance approval.
- Update on the Go Solar Program. By the end of October early November a set of pre-approved pre-engineered design plans for the online permitting system will be complete. The entire design package; structural and electrical will be through the 14 participating cities.

**4. CODE ENFORCEMENT**

Mr. Chris Weatherdon, Code Enforcement reported the following:

- 1223 Hillsboro Mile, Ocean Vista for stairs to the beach are still in progress. Mr. Weatherdon has been in contact with the Architects (John Conway Architects) and the condominium representative, Will Smith. The State of Florida has finally issued an as-built after the fact permit for the wooden stairs on September 20, 2012. There were no fines assessed. They are now in the process of submitting to the Town for an actual building permit.

- There was a complaint received for high grass and property maintenance at 999 Hillsboro Mile. The property is now in compliance along with two other properties 997 and 1011 that were contacted for the same problem.
- 1050 Hillsboro Mile in regards to drainage. They are now working with an engineer to solve the erosion issue and are in the process of submitting for permits.

6. **CITIZEN COMMENTS - NON AGENDA ITEMS ONLY / ALLOTMENT OF 3 MINUTES PER PERSON**

Mayor Dodge opened the meeting for citizen comments at 10:13 AM, with no one coming forward Mayor Dodge closed the citizen comments at 10:13 AM.

7. **CONSENT AGENDA**

*Commissioner Maggiore made a motion to approve the Consent Agenda as presented. Vice Mayor Schubert seconded the motion, which passed unanimously.*

Commissioner Garcia referred to the notes under the Financial Report and requested clarification.

8. **BEACH**

a. Beach Renourishment

Vice Mayor Schubert reported the monitoring for the beach renourishment continues but the Town can close the contract with Great Lakes Dredge & Dock (GLDD) as all the requirements by the Department of Environmental Protection (DEP) and Army Corps of Engineers (Corps) have been satisfied. Vice Mayor Schubert further stated Ms. Penny Cutt of Coastal Systems International (CSI) had provided an email with a dollar amount but believes the amount does not include the legal fees from the Town Attorney's office.

Town Attorney Doody stated he would need to review the legal fees but estimates to be around \$7,500.00.

*Vice Mayor Schubert made a motion to have Mayor Dodge approve the final payment to Great Lakes Dredge & Dock. Commissioner Maggiore seconded the motion, which passed unanimously.*

b. Florida Shore & Beach Preservation Association (F.S.B.P.A.)

Vice Mayor Schubert reported the F.S.B.P.A. is very supportive of a regional approach and the Department of Environmental Protection will be streamlining their website to include more information. Vice Mayor Schubert further stated that a comprehensive study of sand availability and need is being conducted under the acronym SAND. Both Dade and Broward Counties are close to running out of available sand. CSI did a great job on presenting the Town's renourishment project and spoke of the problems we had.

c. Tri-City Project Update

Vice Mayor Schubert reported she had the opportunity to meet with representatives from the City of Boca Raton and the Department of Environmental Protection (DEP), at the conference and discussed the Boca Inlet study on the ebb shoal and our study on the sediment project of the Boca Inlet. Unfortunately the representative of the City of Deerfield Beach had to leave due to city obligations. As a result of this discussion, both studies will be done, combined as one and submitted together and try to recover some of the cost back from the state. In order for this to be

done, an interlocal agreement with the City of Boca Raton will need to be done and the City of Boca Raton is working on the interlocal agreement. An email was received from Alex Reed from the Florida Department of Environmental Protection Bureau of Beaches and Coastal Systems provided an outline of what would be required within the interlocal agreement.

Mayor Dodge inquired what would be the cost of this study.

Ms. Penny Cutt of Coastal Systems International (CSI) stated the cost would be \$51,000 and explained the ebb shoal study that will be conducted by the City of Boca Raton which would cover the ebb shoal and its influence on the immediate down drift beaches and the study CSI will conduct will be on the sediment budget, which will identify the hot spots and cold spots, the refill rates, the erosional rates, the last study that was done was approximately 11 years ago and didn't take into account that the City of Boca Raton regularly maintains north and central beaches. This study will cover the entire 3 miles of Hillsboro Beach. Ms. Cutt further explained that potentially there could be up to 75% reimbursement.

Commissioner Lambert stated he is not fond of studies as they cost a lot of money, but when you make application for the permits the studies are required.

Vice Mayor Schubert asked Town Attorney Doody felt about this.

Town Attorney Doody stated an interlocal agreement would be needed between the two cities and it would need to come back for approval.

Ms. Cutt indicated she would contact DEP and work on obtaining a draft agreement

*Commissioner Lambert made a motion to move forward with the Sediment Study. Commissioner Maggiore seconded the motion, which passed unanimously.*

#### 9. WATER

Mr. Jim Rabideau reported there has been a lot of activity at the water plant with major equipment arriving along with electrical equipment for the beach pump. Within the next few weeks, the new beach pump will be installed and will require a temporary shutdown.

#### 10. FINANCE

Ms. Terri Lusk of Severn Trent reported the prior week staff had visited the water plant to take a physical inventory of all equipment and a list will be provided on any discrepancies. Ms. Lusk also thanked Mike George and his staff for assisting her in this task.

#### 12. POLICE

Chief Nagy reported the new truck for the Water Department is due back today with the new lights and the other truck should be here shortly, which will also need the lights. Chief Nagy also reported all the trees on property have been trimmed, the outside bathroom has been cleaned up, pavers on the south side of the bocce court have been installed and the water fountain is due in soon. Chief Nagy asked the Commission for their color preference for the scale. There was a general consensus to have the scale painted green.

Chief Nagy spoke about the carbon monoxide incident that had rendered the homeowner completely disoriented; the housekeeper was found unconscious as well as the dog. Officer James Woolsey was also disoriented. All were transported to the hospital and all are expected to make a

full recovery. Chief Nagy stated this incident was investigated and deemed as an accident.

Mayor Dodge commended Chief Nagy on his fine work.

Chief Nagy spoke briefly of another incident at 1161 Hillsboro Mile, which the Broward County Sheriff's office was called to assist in an undercover investigation resulting in an arrest for drug trafficking.

Chief Nagy reported DNA has been obtained for the burglary at 1223 and a warrant has been issued for this individual.

Chief Nagy reported the upgraded cell phones have been ordered for the Water Department. Last year the department had hosted a class for the Marine Unit where the administrators for the counties had attended and they were thoroughly impressed and through the EMLAG Grant, there are now two slots for every agency in Broward County who wishes to attend this training. The town will continue hosting the training starting next year.

### 13. ADMINISTRATION

#### a. Health Insurance.

Mayor Dodge reported the Town has a few former employees who have elected to continue their medical insurance coverage through the Town and one of the companies the Town had considered, Avmed does not accept retirees. Mayor Dodge will be considering United Health Care and have everything switched over by November 1<sup>st</sup>.

#### b. 75<sup>th</sup> Anniversary

Mayor Dodge stated there will be a meeting later this month to regarding the 75<sup>th</sup> Anniversary celebration and also stated there are quite a few older photographs that should be on display.

#### c. Records Management

Mayor Dodge instructed the Town Clerk to have the files returned from the Water Treatment Plant this week.

#### d. Bocce Court

Mayor Dodge stated a plaque will be in place to honor Carlos Travo (sp?) and his wife, will be back in town in January.

#### e. RFP 2012-04 General Consulting & Planning Services

Mayor Dodge stated there were four responses received for this RFP. A brief 5 minute presentation followed by questions was allotted for each respondent.

Commissioner Maggiore made a motion to award the General Consulting & Planning Services to Redevelopment Management Associates. With no second, the motion died on the floor.

Commissioner Lambert stated if the Town has not received any complaints about Walter Keller; he has done his job and his rates are in line.

Mayor Dodge stated the location of the office is a factor and you cannot rule out the opportunity to save. Mayor Dodge further stated he recognizes Walter's good work and should not be criticized.

Vice Mayor Schubert discussed the additional services that Redevelopment Management might provide the Town.

*Vice Mayor Schubert made a motion to award the General Consulting & Planning Services to Redevelopment Management Associates. Commissioner Maggiore seconded the motion, which passed 4/1 with Commissioner Lambert voting against.*

**14. SANITATION/RECYCLING**

a. Sanitation/Recycling Update

Commissioner Maggiore stated he had attended a meeting regarding the Solid Waste and Recycling Services Interlocal Agreements with Broward County and he will have the Town Clerk make copies and distribute to all of the Commissioners but a decision does not have to be made right away whether the town wishes to use Wheelabrator or Sun-Bergeron.

b. Choice Environmental Contract

Town Attorney Doody stated Choice Environmental has signed the contract and he has brought it with him for Mayor Dodge's signature

c. Materials Recovery Facility - Interlocal Agreement with Broward County

Commissioner Maggiore reported the deadline is October 15, 2012 and if this is not done, the town can be refused service.

Mayor Dodge requested Commissioner Maggiore to contact the City of Deerfield to see if they have agreed to this interlocal agreement.

*Commissioner Lambert made a motion to accept the Materials Recovery Facility - Interlocal Agreement with Broward County. Commissioner Maggiore seconded the motion, which failed 2/3 with Mayor Dodge, Vice Mayor Schubert and Commissioner Garcia voting against.*

Commissioner Maggiore stated he will contact the City of Deerfield on their decision.

Mayor Dodge stated a special meeting will be called next week on this matter.

**15. TRANSPORTATION**

a. Community Bus - Update

Mayor Dodge requested some type of signage be looked into for the community bus until the new bus is available.

b. Metropolitan Planning Organization (MPO) - Update

Commissioner Garcia reported Hillsboro Beach will be included under MPO's budget for the Green Street Initiative.

**14. CONSERVATION/ENERGY**

Commissioner Garcia stated he is still waiting to hear back from the gas company regarding their proposal

**15. LEGAL**

a. First Amendment Agreement for Legal Services.

Town Attorney Doody read into record the First Amendment Agreement for Legal Services and noted the firm is seeking an increase from \$185 to \$195/hour.

*Commissioner Lambert made a motion to accept First Amendment Agreement for Legal Services. Vice Mayor Schubert seconded the motion, which passed unanimously.*

COMMISSIONER'S COMMUNICATION - NON AGENDA ITEMS ONLY

Having no further business, the meeting adjourned at 12:26 PM.

ADOPTED THIS 5<sup>th</sup> DAY OF November 2012.

By:

  
\_\_\_\_\_  
Dan Dodge, Mayor

ATTEST:

  
\_\_\_\_\_  
Jean-Marie Mark, Town Clerk