



**MINUTES
TOWN OF HILLSBORO BEACH
CODE ENFORCEMENT 1ST HEARING
JULY 19, 2016**

TUESDAY

10:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The Town Clerk called the meeting to order at 10:00 AM., followed by the Pledge of Allegiance.

Special Magistrate

Alexia Gertz, Esq.

Town Staff:

Town Manager Robert Kellogg
Yude Alvarez, CMC

Town Clerk Alvarez swore in all of the intended speakers.

Notice of Violation:

Seaboney Hotel
1159 Hillsboro Mile
Hillsboro Beach, FL 33062
Case No. 16-621

Code Enforcement Officer Erwin Steele presented the violation to Special Magistrate Alexia Gertz.

Officer Steele testified that according to Section 6-46 and 6-47 the Town sent a certified letter hand-delivered on July 6, 2016 and mailed on July 11, 2016 to Kaitlin Powali, Assistant Manager of the Seaboney Hotel, 1159 Hillsboro Mile, return receipt requested to the Town of Hillsboro Beach, FL informing them of the need to remove the two (2) Australian Pine trees located on the west side of the property which was in violation of **Code Sections 6-46 and 6-47**.

Special Magistrate Gertz asked several questions relating to the Australian pine trees - vegetation falling from the trees, area under the trees, and whether that area will be cleaned.

Ms. Powali, Seaboney Hotel Assistant Manager, said she had done a lot of research regarding the trees and testified they would have the trees trimmed appropriately and remove the cuttings. She went on to say the tree was scheduled to be brought down to approximately 25' on Thursday (July 21st).

Landscaper Peter James of 'No Worries Property Maintenance', said he was attending this hearing at the request of the Seaboney Hotel. He said he understood their (Seaboney) concern for the shallow root system on the Australian Pines and the tree had been hit by lightning with a lot of internal decay. He noted they would not be able to cut straight through the tree as it may affect the health and safety of the tree. He went on to say they would remove the limbs at their origin and that would reduce wind damage. He also indicated they should wait to do any work [on the trees] until a decision was made by the Town at the next hearing.

Officer Steele said trimming the trees would not resolve the code violations in reference to the Town's ordinance stating Australian Pines are not native to this area.

Special Magistrate Gertz was reading the Code and wanted to know how the contractor came up with 25'.

Responding, Landscaper James said the trees have not been trimmed in about eight (8) years, and he was not aware of any statute that say the Australian Pines need to be removed.

Resident Robert Burns wished to speak - Town Clerk Alvarez swore him in. He went on to say the State of Florida declared the Australian pine to be a "weed, and the Town has every right to trim them to the ground."

Special Magistrate Gertz said she did not see anything in the Code and ruled to cut the tree down to 25' feet and indicated she would like to hear from an arborist. She also asked to set up another Hearing/Code Violation.

Town Manager Kellogg questioned if it should be within two (2) weeks.

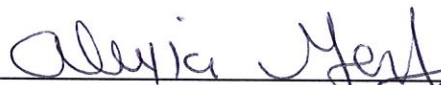
Special Magistrate Gertz responded, "It must be corrected within seven (7) days, by July 26th due to hurricane season. Concluding, she said the Respondents are in violation and wants everything cleared out underneath. The violation fee is \$150/day and \$150 an Administrative fee.

Discussion ensued.

Code Enforcement Hearing was adjourned at 10:19 a.m.

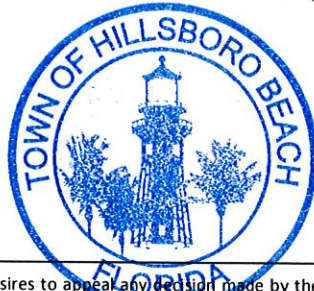
ADOPTED THIS 9th DAY OF AUGUST, 2016

By:


Alexia Gertz, Special Magistrate

ATTEST:


Yude Alvarez, CMC



PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Yude Alvarez, Town Clerk at (954) 427-4011 - 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. valvarez@townofhillsborobeach.com