



MINUTES
TOWN OF HILLSBORO BEACH
SPECIAL COMMISSION MEETING
JANUARY 2, 2020

THURSDAY

4:30 P.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 4:30 p.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Commissioner Andrew R. Brown
Commissioner Barbara Baldasarre

Vice Mayor Irene Kirdahy
Commissioner Vicky Feaman

Town Staff:

Town Manager Mac Serda
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve the agenda as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant outlined the process for public comment during the meeting. She noted there would be an opportunity for everyone to speak and asked that a three (3) minute time limit to be observed.

I. RESOLUTIONS & CONTRACTS

- A. Resolution No. 2020-01** – Consideration to Approve Contract Agreement Amendment with Winter Sun Investment, LLC to purchase property located at 1205 and 1206 Hillsboro Mile, Hillsboro Beach, FL 33062

Town Attorney DJ Doody read Resolution 2020-01 by title only.

Town Manager Mac Serda explained the Resolution before the Commission was related to the purchase of 1205 and 1206 Hillsboro Mile. The Contract Agreement required all property liens be removed within 30 days. Mr. Serda noted that while the Town had met the deadline, an outstanding lien remained through the County.

Mr. Serda stated the seller had agreed to extend the deadline to February 16 to allow the County sufficient time to satisfy the lien, and the current amendment would grant Town approval of the extension.

Mr. Doody stated the removal of liens was an important component of negotiation with the sellers. At the time the negotiations were undertaken, Mr. Doody stated the Town was confident they were aware of all Town-initiated code liens, and accordingly the Commission approved release of those liens at a public meeting. However, he explained, outside the control of the Town are those liens imposed by the County while the County was serving in the capacity of Code Enforcement for the Town.

Continuing, Mr. Doody explained he had discussed the release of the County lien with the County Attorney's office and received assurances they are amendable, but the issue would need to go before the County Special Magistrate on February 6. Mr. Doody outlined the process and noted the release may be subject to an administrative fee.

In response to a question from Vice Mayor Kirdahy regarding the timeline, Mr. Doody explained the period between February 6 and 16 would be used to complete the steps required to file the lien release.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-01. In a roll call vote, the **motion** passed unanimously. (5-0)

II. TOWN MANAGER REPORT

None.

III. TOWN ATTORNEY REPORT

None.

IV. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

None.

B. Commissioner Barbara Baldasarre

None.

C. Commissioner Vicky Feaman

None.

D. Vice Mayor Irene Kirdahy

None.

E. Mayor Deborah L. Tarrant

None.

V. PUBLIC COMMENTS

Mayor Tarrant opened the public comment section of the meeting by putting to rest inaccuracies floating around in the community. She stated the purpose of the purchase was not to open a public beach, but to give the Town a way to get sand onto the beach without relying on Deerfield Beach or private property owners.

Continuing, Mayor Tarrant stated the north end of Town is currently devastated. She noted the Town received FEMA funding (from Hurricane Irma) and can get sand. She stated that for the people on the north end with no beach, this is a very important purchase.

Mayor Tarrant explained the four (4) small re-nourishments which had been done previously were done with the assistance of FEMA money. She stated there is no public access requirement to utilize FEMA funds. Mayor Tarrant asserted the Town was not building a fire station and explained the purchase of the properties at 1205 and 1206 Hillsboro Mile would give the Town options for the future.

Mr. Doody explained it was important to understand that under the terms of the Contract for Sale, the Town was under a 120-day inspection period and was not yet fully committed to the transaction. He noted the Town was doing its due diligence.

Mayor Tarrant outlined the process to determine the purchase price, which included two (2) independent appraisals and negotiations. She stated the purchase price was approximately \$3 million less than the original asking price for the property.

Heidi Burke, 1203 Hillsboro Mile (Shoreland), asked who had negotiated the purchase price. She stated it was sold for \$12 million to be developed into condominiums two (2) years prior and said she felt the current price was exorbitant. She questioned the statement regarding the public beach, stating the issue was discussed at a prior meeting.

Mayor Tarrant agreed the public beach option was discussed, but the Commission had listened to the public and chosen not to follow that path.

Harry Ambrose, 1169 Hillsboro Mile, stated he felt it was premature to jump to the conclusion that acquiring this asset would result in a public beach like the pier in Deerfield Beach. He said all kinds of options are available in the future, such as selling the property. He stated he saw the purchase as a no-brainer which would leave the Town well served.

Manny Hernandez, 1021 Hillsboro Mile (Landmark), asked how the project would be financed.

Mr. Serda explained the Commission entertained a motion at a previous meeting to move forward with the assessment methodology, similar to how the 2010 beach re-nourishment was funded. He stated the bond and financial consultants would provide guidance at the next meeting.

Vice Mayor Kirdahy addressed the correlation between beaches and property values, noting the Town needed to keep the beach nourished to maintain property values for the sake of the residents.

Beth Falgo, 1170 Hillsboro Mile, asked how public access would be defined if that option was explored in the future, and what would be required to be eligible for State funding.

Mayor Tarrant explained the number of parking spaces and bathrooms available is used to determine primary access and secondary access. She stated if a future Commission

were to pursue it, primary access would require more than 100 parking spaces, and secondary space could have less spaces and features like a bike rack and shuttle stop.

Mark Silver, 1200 Hillsboro Mile, asked questions regarding the Contract for Sale and the appraisals used to determine the purchase price. He asked if the appraisal contemplated the value of the property after the easement was carved out.

Mr. Serda stated the market value of the east parcel without the 15-foot easement was not developed at the time of appraisal.

JR Fishman, 1203 Hillsboro Mile, stated the property had been available for years, and nothing was happening with it. He argued the asking price was inappropriate and not enough options had been explored.

Mr. Serda provided background on the engineering and coastal science related to beach nourishments and the appraisals used to assess the market value of the parcels.

Mr. Fishman expressed concern with the code liens related to 1205 and 1206 Hillsboro Mile being forgiven as part of purchase negotiations.

Mr. Serda explained the Town's leverage of code liens to encourage development in this case and others. He noted the lien amount was a soft cost and not necessarily revenue to the Town. He explained if the deal falls through, the liens would be reinstated.

Jane Reiser, 1050 Hillsboro Mile, stated she had been through enough Town meetings to know that no one in the room wanted a public beach. She encouraged residents to attend the monthly Commission Meetings, not just when there's a perceived problem.

Jay S. Levin, Esq. attorney for 1200 Hillsboro Mile, stated the meeting had allayed a lot of his client's concerns regarding location of a fire station or public beach, but he still had questions regarding purchase versus eminent domain. He argued eminent domain of a 15-foot easement would be a less expensive process and stated the question of public access should be more definite.

Mayor Tarrant stated the Commission would be willing to grant public access if it were the will of the property owners and said a straw poll would need to be used to give owners who were not local registered voters a chance to voice their opinions.

Mr. Levin asked if the Commission would consider renewing the independent appraisals of 1205 and 1206 Hillsboro Mile with and without the 15-foot easement.

Mr. Doody stated the question could not be decided at this time but could be discussed by the Commissioners and staff.

In response to a question from Mr. Levin, Mr. Doody stated the public comment requirement prior to executing the Contract for Sale was satisfied.

Javier Garcia, 1203 Hillsboro Mile, expressed concern regarding the potential for public access in the future and stated he felt the decision to purchase the property was rushed. He challenged the Commission to seek alternative ways to nourish the beach and to build relationships with the City of Deerfield Beach.

The Commissioners and Mr. Garcia discussed the previous time the issue of purchasing the property adjacent to Town Hall came before the Commission.

Mayor Tarrant clarified the relationship with Deerfield Beach was better than it had been in a decade, noting the Town testified on behalf of Deerfield Beach on a recent issue.

Vice Mayor Kirdahy stated she is on the Metropolitan Planning Board (MPO) and spoke on behalf of Deerfield Beach. She said she took umbrage to a comment that the Commission always agreed and expressed that everyone on the dais does their job for the good of the Town.

Commissioner Brown addressed the process the Commission had gone through leading up to the choice to pursue the purchase, including litigation against Deerfield Beach. He discussed the issues of fire protection and an easement for beach nourishment and stated the purchase of the property gives the Town options.

Mayor Tarrant addressed questions regarding financing, stating the financing model would be based on that worked out in 2010 for the beach nourishment.

VI. ADJOURNMENT

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldassarre, to adjourn the meeting at 5:45 p.m. In a roll call vote, the **motion** passed unanimously.

ADOPTED THIS 7th DAY OF April, 2020

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk

