



MINUTES
TOWN OF HILLSBORO BEACH
SPECIAL COMMISSION MEETING
JULY 25, 2023

11:30 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Irene Kirdahy called the meeting to order at 11:30 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Irene Kirdahy

Vice Mayor Barbara B. Baldasarre

Commissioner David A. Ravanesi

Commissioner Jane Reiser

Commissioner Vinnie Andreano

Town Staff:

Town Manager William "Mac" Serda, ICMA-CM

Donald J. Doody, Town Attorney, Esq.

Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to amend the agenda to include the proposed engagement agreement received from the Law Firm of Sweetapple, Broeker and Varkas. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve the agenda as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

I. DISCUSSION

A. Overview and Discussion of Ordinance No. 2022-12 Multi-Family Site Plan Requirements

Mr. Doody explained the discussion was intended to bring to the attention of the Commission and public the existing component of the Town's Code of Ordinances and how it impacts the pending legislation.

Mr. Doody stated Ordinance 2022-12 was adopted on January 10, 2023, following two (2) public hearings. He reviewed the historical context, including variances approved and court decisions. He discussed the components of the ordinance, explaining it was intended to amend Chapter 12 of the Town Code, and reviewed the changes made. He stated it also created a text amendment entitled "property rights provision," and read that amendment for the record.

Mr. Doody explained the two (2) variances and site plan in question had received an affirmative super majority vote by the Town Commission prior to adoption of the property rights provision. He stated the Town Planner had written a compliance determination and that determination had been posted as required. He outlined the administrative approval process created by the ordinance and stated it is anticipated the property owners at 1174-1185 will pursue building permits pursuant to this process.

Mayor Kirdahy stated she was Vice Mayor at the time the ordinance was adopted and had no questions.

Mr. Doody stated the Town adheres to and respects the court's determination regarding the quasi-judicial hearings, but this enactment of the ordinance would allow for building permits to be issued, providing the criteria is satisfied.

Commissioner Ravanese clarified that the language of the ordinance allowed the project to move forward.

Mr. Doody added that the variances and site plan were valid when this ordinance was enacted.

II. RESOLUTIONS & CONTRACTS

- A. Resolution No. 2023-33** Resolution of the Town Commission of the Town of Hillsboro Beach, Florida, Appointing Robert Sweetapple, Sweetapple, Broeker, and Varkas, P.L., to Serve as Special Counsel to the Town for the Appeal of the Town's Ongoing Litigation: Richard Crusco, Charles Doherty, and Frank K. Kolb, Jr. v Town of Hillsboro Beach and Hillsboro Mile Property Owner, LLC

Mr. Doody read the Resolution by title only.

Mr. Doody stated he brought the matter forward in light of the decision of the Town Commission to pursue an appeal to the decision of the court in April 2023. He outlined Mr. Sweetapple's background briefly and stated it was his recommendation to retain special counsel to assist the Town in the appeal.

Mr. Doody stated Related Group had appealed the decision, so the Town was a party whether they chose to be or not. He explained the Commission had determined it was in the best interest of the Town to pursue the appeal and retain special counsel.

Robert Sweetapple stated he looked forward to representing the Town on this matter. He noted he had experience working with the Town on other matters.

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldassarre, to approve Resolution No. 2023-33. In a roll call vote, the **motion** passed unanimously. (5-0)

III. TOWN COMMISSION COMMENTS/REPORTS

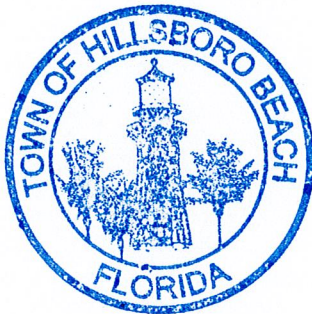
Mr. Doody requested a Shade Session to take place on a date to be determined, in Appeal Number CACE-22-001479 in the Circuit Court of the 17th Judicial Circuit Appellate Division, Richard Crusco, Charles Doherty, and Frank J. Kolb Jr. v. Town of Hillsboro Beach and Hillsboro Mile Property Owner, LLC.

IV. PUBLIC COMMENTS

None.

V. ADJOURNMENT

Motion made by Vice Mayor Baldassarre, seconded by Commissioner Ravanesi, to adjourn the meeting at 11:52 a.m. In a roll call vote, the **motion** passed unanimously. (5-0)



ADOPTED THIS 12th DAY OF Sept., 2023

By: Irene Kirdahy
Irene Kirdahy, Mayor

ATTEST:

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

9/12/2023