



**MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
MARCH 3, 2020**

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:00 a.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 Baldassarre

Vice Mayor Irene Kirdahy
Commissioner Vicky Feaman

Town Staff:

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

Mayor Tarrant called for a moment of silence in honor of late Mayor Justin Flippen, City of Wilton Manners, Florida.

APPROVAL OF AGENDA

Motion made by Commissioner Feaman, seconded by Commissioner Baldassarre, to add a Proclamation to the City of West Park to the Commission agenda. In a roll call vote, the **motion** passed unanimously. (5-0)

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

I. APPROVAL OF MINUTES

A. Minutes of the January 7, 2020 Regular Commission Meeting

Mayor Tarrant made a correction to the minutes.

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the January 7, 2020 Regular Commission Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the January 21, 2020 Special Commission Meeting

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the January 21, 2020 Special Commission Meeting as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Minutes of the February 4, 2020 Board of Zoning & Appeals Meeting

Mayor Tarrant made a correction to the minutes.

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the February 4, 2020 Board of Zoning & Appeals Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Minutes of the February 4, 2020 Regular Commission Meeting

Mayor Tarrant made clarifications to the minutes.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the minutes from the February 4, 2020 Regular Commission Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

II. RESOLUTIONS AND CONTRACTS

A. Resolution No. 2020-16 Consideration of the Hillsboro Beach Town Commission to Oppose Senate Bill 1128 Regulating Short Term Rentals and Preempting Local Regulations to the State

Town Attorney DJ Doody read Resolution 2020-16 by title only.

Mayor Tarrant explained she had requested this Resolution in support of Home Rule. She read a statement she sent to the Legislative Rules Committee and stated she saw the issue as a power grab out of Tallahassee.

The Commissioners and staff discussed amendments to the legislation and the potential impact on local condominiums.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-16. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2020-17 Consideration to Authorize Proper Town Officials to Execute Engagement Letter with Mark E. Raymond for Bond Counsel Services

Mr. Doody read Resolution 2020-17 by title only.

Mr. Doody explained the item was associated with the loan through Bank United. He stated the bank had requested bond counsel, and as the Town had previously worked with Mr. Raymond, it was his recommendation that the Commission consider engaging him again.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2020-17. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2020-18 Consideration to Authorize the Proper Town Officials to Execute Agreement with Sweetapple, Broeker, & Varkas, P.L. for Legal Services

Mr. Doody read Resolution 2020-18 by title only.

Commissioner Brown stated he had spoken with staff regarding this issue and believed the item might need to go into shade for further discussion.

Mr. Doody clarified that if a shade session were the will of the Commission, Mr. Sweetapple would not be able to attend. He stated it was his intention to request a shade session at the end of the meeting for a future date.

Commissioner Brown stated he had concerns regarding this item.

Mayor Tarrant said her recommendation would be that because Mr. Sweetapple works on an hourly basis, passing the Resolution would allow him to attend the shade session and then have a decision made from there.

Commissioner Brown asked for clarification as to whether that decision would allow Mr. Sweetapple to become engaged working on the case prior to the shade discussion.

The Commissioners and staff discussed timing of a shade session.

Vice Mayor Kirdahy stated the Commissioners had each met with Mr. Sweetapple individually and her questions were answered satisfactorily. She said she believed if he

was not engaged at this time, the Town would not be able to get to the bottom of the issue. She noted she's in favor of Mr. Sweetapple's approach.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldassarre, to adopt Resolution 2020-18. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2020-19 Consideration to Authorize Approval to Pay Off the Balance of the 2011 Beach Re-Nourishment Loan

Mr. Doody read Resolution 2020-19 by title only.

Stephen Bloom, Finance Director with Inframark, provided a brief history on the beach loan, which technically was not up for repayment until 2021. He explained each year an additional amount had been collected through assessment, so funds were available to pay in advance. He noted this would save the Town interest.

Vice Mayor Kirdahy asked the savings which would be realized by the early payment.

Mr. Bloom stated it would be about \$22,000 in savings.

Vice Mayor Kirdahy thanked the residents for continuing to pay for their beach on time.

Mr. Bloom explained the payoff date contemplated in the documents was March 15. He pointed out assessments for the year would still be collected, as the payoff amount included payments scheduled for the remainder of 2020.

The Commissioners and staff discussed the estimated amount which would remain after collections from 2020 and the options which would be available at that time.

Mr. Bloom stated he estimated \$40,000 would remain to be assessed or paid from cash reserves. He explained a decision would be made when all information was available.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-19. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Resolution No. 2020-20 Consideration to Adopt and Approve the Amended Town of Hillsboro Beach Investment Policy

Mr. Doody read Resolution 2020-20 by title only.

Mr. Bloom explained the Town approved an investment policy several years ago, and from time to time that policy is adjusted to meet current needs. He stated two (2) small changes were being proposed at this time.

Continuing, Mr. Bloom informed the Commission the first request was to increase the maximum percentage to be invested in the SBA account from 25 percent to 45 percent. He noted this is not a requirement but gives flexibility to adjust with interest rates. Mr. Bloom explained the SBA is a governmental surplus fund which pools investments with no penalties or fees.

Mr. Bloom stated the second proposal came from the Town's financial advisors to change the benchmark used for investments.

Mayor Tarrant said it was uncommon for an advisor to ask to be held to a higher standard and asked for details on the change.

Mr. Bloom stated it was more about the advisor's software and aligning with it. He noted he invited the financial advisors to speak before the Commission at a meeting in the coming months.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-20. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant asked to double back and nail down the shade session.

Mr. Doody requested a shade session regarding the pending Hillsboro Beach/Deerfield Beach litigation.

The Commissioners and staff discussed timing for the session. The meeting was tentatively set for Monday, March 9 at 3 p.m. if counsel was available to be present, with Thursday morning as an alternative date.

III. CONSENT AGENDA

A. INVOICES FOR APPROVAL

1. **Akerman:** Invoice 9535071 Services Rendered 01312020 **\$32,420.76**
2. **CG&A :** Invoice # 74617 Services thru 01312020 **\$22,206.94**
3. **Goren, Cherof, Doody & Ezrol:** Invoice #30092 Jan Feb 2020 **\$ 7,609.20**
(General Matters)
4. **Goren, Cherof, Doody & Ezrol:** Invoice # 30093 JanFeb 2020 **\$6,523.75**
(Deerfield Beach)

5. **Goren, Cherof, Doody & Ezrol:** Invoice #30094 Jan Feb 2020 \$ **8,462.40**
(Purchase from Winter Sun Investments LLC 1205 and 1206 Hillsboro Mile)
6. **Goren, Cherof, Doody & Ezrol:** Invoice #30095 Feb 2020 \$**416.00** (Bond Validation)
7. **INFRAMARK:** Invoice # 49019 Feb. 2020 \$**9,056.88**
8. **LSF:** Invoice # 20013126 Jan. 2020 \$**6,551.86**
9. **RMA:** Invoice 4464 Services Rendered 01202020 to 02142020 \$**4,725.00**
10. **Shutts & Bowen LLP:** Invoice # 1430691 Professional Services rendered thru Jan. 31,2020 \$**8,020.50**

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve the Consent Agenda invoices as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

B. INVOICES FOR RATIFICATION

1. **Sialia Environmental Consulting, Inc.:** Services Rendered July 7, 2019 to Feb. 11, 2020 \$**5,239.56**

Commissioner Brown asked for additional information regarding the invoice.

Mr. Serda explained Sialia Environmental Consulting, Inc. was an expert witness utilized by the Town and pointed the Commission to the backup materials. He noted the item had been reviewed by legal counsel.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the Sialia Environmental Consulting, Inc. invoice for ratification. In a roll call vote, the **motion** passed unanimously. (5-0)

C. PROCLAMATIONS

1. **West Park, Florida 15th Anniversary**

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the proclamation. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. STAFF UPDATES

A. Broward County Water & Wastewater (BCWWS) Project

Mr. Serda noted Greg Balicki, Director of Engineering Services for BCWWS, was present in addition to Pat MacGregor.

Mr. MacGregor provided an update on completion of the wastewater project. He stated the project was down to resident concerns and small items. He noted three (3) driveways have tire marks and work to remove those is expected by week's end.

Vice Mayor Kirdahy asked that workers be prepared to do entire driveways if necessary.

Mr. MacGregor stated the contractor had vacated the laydown yard (staging area) and the owner had signed off.

Commissioner Feaman asked for an update on manhole covers, noting there was one by her property at 1172 Hillsboro Mile which made noise when driven over.

Mr. MacGregor stated he would follow up.

B. Police Department - January 2020 Report

Police Chief T. Nagy provided the January Police Department report. He stated he had announced his retirement, and his last day would be June 1, 2020. He said it had been an honor and a privilege to serve the Town of Hillsboro Beach, and he was leaving the Town in good hands.

Commissioner Brown commented on the good job the Police Department had done. He noted when a builder comes in, he shares the low crime rate.

Chief Nagy stated the accreditation was completed and it was flawless. He said several agencies did not do as well and he was proud of the Town for being up to date.

Mayor Tarrant commented that when she first came on the Commission, one of the first challenges she received from a resident was to learn what the Town gets for accreditation. She noted she now sees it is hugely important and not an easy thing to do.

Chief Nagy stated there are a lot of good plans for the future and someone will have a new vision to take over.

The Commissioners and staff discussed the police boat, which was in the shop for a warranty repair.

C. Finance Department – January 2020 Report

Stephen Bloom gave a brief overview of the financial report through January. He noted the general fund had a surplus of \$2.5 million, largely due to the nature of collection of property taxes. He stated revenue was about 80 percent of total budget.

Mr. Bloom reviewed spending, noting no significant variances. He discussed running totals for special funds and pointed out the beach loan which had just been approved for pay off. He noted the permitting fund had experienced more activity.

Continuing, Mr. Bloom discussed the water fund, and shared a chart of usage. He noted it remained basically level and on budget. He stated spending was below budget. Mr. Bloom shared tracking of fuel spending, including usage and price per gallon.

Commissioner Baldassarre clarified the amounts in the forfeiture fund.

Mr. Bloom stated the report reflected actual amount received and explained the funds are invested in a money market fund as a separate account.

D. Building Services Report – January 2020 Report

Steve Mitchell, Building Official with CG&A, provided his January report.

Mr. Serda pointed out the review time for Building Services was down to 1.9 days.

Mr. Mitchell stated plans which previously were being turned away are now being dealt with in the plan review process in order to provide a higher level of customer service. He said things are going well and complaints are low.

The Commissioners and staff discussed the Seabonay project, which continues to move forward slowly.

Mr. Serda noted issues are not on the Town's end.

Mr. Mitchell stated structural work is the majority of work, with window replacements and kitchen remodels continuing. He said various site plan approvals and inquiries are also outstanding, and the future looks positive.

Mayor Tarrant stated in addition to the Police report, a Town Manager and a Building Department that actually functions are her favorite developments. A local builder echoed the progress. She asked Mr. Mitchell to thank staff for a job well done.

Mr. Mitchell said Building Department staff was available to speak at condominium association meetings.

E. Code Compliance Report

Mario Sotolongo, Code Supervisor with CG&A was absent from the meeting. Steve Mitchell, Building Official with CG&A, gave a brief update on Code Compliance. He stated it had been a typical month, with three (3) cases opened and two (2) closed. He noted the first case for water intrusion had been sited and seawall projects had been moving forward.

Mr. Mitchell stated the Island House had a canopy by the pool, which was never permitted, and they were hoping the change in ordinance would help them to keep it, but that is not the case. He said there was a new Board in place, and they had come to a hearing, but the Special Magistrate had insisted the fines remain in place.

Mr. Doody asked that the reduction of lien come before the Town Commission.

Mr. Mitchell stated the fines had not been imposed but were in place to keep the correction moving forward, so the Special Magistrate still had jurisdiction.

Mayor Tarrant stated she was happy to see that seawall projects were beginning and asked if the Town should be proactive regarding the issue or wait for complaints. She asked that conversations be had earlier rather than later.

Mr. Mitchell said Code Compliance could be proactive where appropriate.

V. TOWN MANAGER REPORT

A. Paper Recycling Update

Mr. Serda provided an update on paper recycling in Hillsboro Beach. He stated the information available is convoluted and murky, but as of now Waste Pro is still accepting paper and bringing it to Waste Management. He said fair notification was required in the contract before a stop was put in place, but the Town did need to be vigilant regarding reducing contamination.

The Commissioners and staff discussed recycling issues in the community and how to pass information without being punitive. They discussed a mailing to property owners.

Commissioner Feaman stated she had an upcoming meeting and would be able to provide an update soon.

Mayor Tarrant asked Commissioner Feaman to also ask if any municipalities were happy with their recycling programs, and if so, how they got there.

Roberta Meshcaw, 1043 Hillsboro Mile, shared a story from earlier in the day where a Waste Pro employee had combined trash and recycling.

B. Hurricane & Sea Turtle Guide

As an aside, Mr. Serda stated he would share plans to celebrate Chief Nagy's tenure with the Town as they develop.

Mr. Serda stated after the last Hurricane & Sea Turtle Guide, he had challenged Chief Nagy to find a way to upgrade the guide and come up with a pamphlet the Town would be proud to hand out. Mr. Serda handed out copies of the result of that conversation, which had been created in house by a Police Department Communication Dispatcher.

Continuing, Mr. Serda said if the Commissioners were happy with the product, copies would be made to hand out in advance of turtle season.

Chief Nagy gave credit to Tyler Franco, stating he handed over the project and she did a great job.

Mayor Serda stated she would be receiving movie tickets from the Town through the "You're a Star" campaign.

C. Pedestrian Crosswalk Flags

Mr. Serda stated new flags with the Town logo have arrived and will be dispatched to the most popular crosswalks.

Mayor Tarrant asked where the Town is with FDOT getting flashing lights at crosswalks like in Deerfield Beach.

Mr. Serda stated the lights were not approved prior to the redesign which is a year or two away. He noted he would look into using forfeiture funds for the project.

Continuing, Mr. Serda said he and Commissioner Brown had gone to the area and taken photos to send to FDOT but had not received funding.

The Commissioners and staff discussed options for the crosswalks and requests which had been made to FDOT. They reviewed issues with safety on the highway.

D. Hounds of Hillsboro Beach Wrap Up

Mr. Serda gave a review of the Hounds of Hillsboro Beach event, noting the rain clouds broke to allow for a nice day. He said he thought all participants, both human and canine, enjoyed the event, and pictures are up on the website.

Mayor Tarrant asked for an update on the 2020/2021 Residents Information Guide.

Mr. Serda stated the guide was being edited, and he was waiting for the Commission organization meeting for complete information.

Commissioner Brown asked for an update on the shuttle.

Mr. Serda stated he does not have any new news, as the specific requirements for ADA compliance as applicable to individual condominiums are not yet in place. He outlined the conversations he had in trying to answer questions.

VI. TOWN ATTORNEY REPORT

Mr. Doody confirmed that Ms. Laquidara was available for a shade session on Monday, March 9. He confirmed a shade session would be held regarding the Hillsboro Beach/Deerfield Beach litigation on that date at 3 p.m. He noted Ms. Laquidara would attend by phone.

A. Memo No. 2020-003 Drones (also known as Unmanned Aircraft Systems, "UAS")

Mr. Doody stated he prepared a memorandum regarding the use of drones in response to a request from Chief Nagy. He said the next step would be if there were interest in the Town acquiring a drone, the creation of a policy regulating use would be required. He noted it would be highly restricted.

The Commissioners and staff discussed the law enforcement purpose of a drone and requirements which would make it a challenge.

Mr. Doody stated he and Mr. Serda would look into the issue further and report back.

Continuing, Mr. Doody pointed the Commissioners to their backup for a copy of the validation complaint prepared by his office and filed on February 28.

Mr. Doody stated the inspection period associated with the purchase from Winter Sun Investments was expiring on April 2. He said if a validation hearing and appeals process

were not in place, a special meeting may be required to request an extension of the inspection period.

Mr. Doody explained that if the validation hearing were to fail, the Town could not go forward with the purchase, and without an extension, the \$350,000 deposit would be forfeited. He stated he spoke with counsel for Winter Sun to put them on notice a request for an extension may be required and would report back to the Commissioners individually with developments in that conversation.

Finally, Mr. Doody stated based on the termination of variance granted to 965 Hillsboro Mile, the adjoining property had filed an appeal in Circuit Court. He noted this was standard process asking the Appellate Court to overturn the Commission's decision based on a lack of competent substantial evidence.

Mayor Tarrant asked if the Town would be liable for any legal fees. Mr. Doody stated the neighbors were not seeking damages, but an overturn of the Commission's decision. He noted he would be filing a brief in support of the Commission.

VIII. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

Commissioner Brown stated the local Costco at 1800 W. Sample Road in Pompano Beach was sold out of toilet paper due to the Coronavirus.

The Commissioners discussed shortages related to the virus.

B. Commissioner Barbara Baldassarre

None.

C. Commissioner Vicky Feaman

None.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy stated the MPO is utilizing a consultant to conduct pedestrian and bicycle counts throughout Broward County in 2020. She said she asked them to come to Hillsboro Beach because she sees increases each year.

Continuing, Vice Mayor Kirdahy said the MPO is in cycle one (1) recommendations related to the surtax for transportation related plans and projects.

E. Mayor Deborah L. Tarrant

Mayor Tarrant stated she received an email from a resident who is a member of the Boca Cycling Club, concerned with safety of pedestrians and cyclists. She shared details of the conversation relating to riders on A1A.

Chief Nagy pointed out a bike lane was being built on US 1 and may relieve some bicycle congestion in Town.

The Commissioners and staff discussed bicycle and pedestrian safety.

VIII. PUBLIC COMMENTS

None.

IX. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adjourn the meeting at 11:04 a.m. In a roll call vote, the **motion** passed unanimously.

ADOPTED THIS 5th DAY OF MAY, 2020

TOWN OF HILLSBORO BEACH, FLORIDA

Deborah L. Tarrant

Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson

Sherry D. Henderson, CMC
Town Clerk

