



MINUTES
TOWN OF HILLSBORO BEACH
VIRTUAL COMMISSION REORGANIZATION MEETING

TUESDAY

MARCH 24, 2020

9:30 A.M.

The Town of Hillsboro Beach Re-organization Meeting was a “**Virtual Meeting**” held **Tuesday, March 24, 2020 at 9:30 a.m.** utilizing Communications Media Technology (“CMT”), in accordance with Governor Ron DeSantis [Executive Order No. 20-69](#), dated March 20, 2020, relating to Emergency Management and Conducting Local Government Public Meetings in response to Coronavirus (COVID-19) global health pandemic. Municipalities may conduct meetings of their governing bodies without having a quorum of its members present physical or at an specific location, and utilizing communication media technology such as telephone or video conference, as provided by [Section 120.54 \(5\)\(b\)2](#) Florida Statutes.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:30 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 (at 9:42 a.m.)

Commissioner Barbara Baldasarre

Vice Mayor Irene Kirdahy

Commissioner Vicky Feaman

Town Staff:

Mac Serda, Town Manager

DJ Doody, Town Attorney

Sherry D. Henderson, CMC Town Clerk

Town Manager Mac Serda shared Governor Ron DeSantis Executive Order 20-69 allowing for online meeting and outlined the procedure to be followed. He provided instruction on the *GoTo Meeting* system being utilized to host the meeting online.

APPROVAL OF AGENDA

Mayor Tarrant noted the Town Manager’s Report and Town Attorney’s Report had been left off the agenda, and should be added.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the agenda with the addition of a Town Manager’s Report and a Town Attorney’s Report. In a roll call vote, the **motion** passed unanimously. (4-0)

I. SWEARING-IN CEREMONY FOR TOWN COMMISSIONERS

A. IRENE KIRDAHY

Mr. Serda stated Vice Mayor Kirdahy had been sworn in remotely earlier in the day.

B. ANDREW R. BROWN

Mr. Serda stated Commissioner Brown had been sworn in remotely the previous day.

Mayor Tarrant congratulated the Commissioners on their swearing in.

Clerk's Note: Signed Oath of Office for Town Commissioners were entered into the record.

II. APPOINTMENTS

A. MAYOR

- 1. Resolution No. 2020-21** - PURSUANT TO ARTICLE VIII, SEC. 5 OF THE TOWN CHARTER, A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPOINTING THE MAYOR OF THE TOWN OF HILLSBORO BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney DJ Doody read Resolution 2020-21 by title only.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to name Deborah Tarrant as Mayor of the Town of Hillsboro Beach. In a roll call vote, the **motion** passed unanimously. (4-0)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-21. In a roll call vote, the **motion** passed unanimously. (4-0)

B. VICE MAYOR

- 1. Resolution No. 2020-22** - PURSUANT TO ARTICLE VIII, SEC. 5 OF THE TOWN CHARTER, A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPOINTING THE VICE MAYOR OF THE TOWN OF HILLSBORO BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read Resolution 2020-22 by title only.

Motion made by Commissioner Feaman, seconded by Commissioner Baldasarre, to name Irene Kirdahy as Vice Mayor of the Town of Hillsboro Beach. In a roll call vote, the **motion** passed. (4-0)

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2020-22. In a roll call vote, the **motion** passed. (4-0)

C. TOWN TREASURER

- 1. Resolution No. 2020-23 - PURSUANT TO ARTICLE VIII, SEC. 5 OF THE TOWN CHARTER, A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPOINTING THE TOWN TREASURER OF THE TOWN OF HILLSBORO BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Doody read Resolution 2020-23 by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to name Vicky Feaman as Town Treasurer of the Town of Hillsboro Beach. In a roll call vote, the **motion** passed unanimously. (4-0)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to adopt Resolution 2020-23. In a roll call vote, the **motion** passed unanimously. (4-0)

III. DISCUSSION & POSSIBLE ACTION

A. UPDATE ON CORONAVIRUS (COVID-19)

Commissioner Brown joined the meeting at 9:42 a.m.

Mayor Tarrant shared regarding ongoing discussion with the other mayors to get all municipalities in the County on the same page regarding Broward County COVID-19 emergency orders. **She noted a copy of Broward County Emergency Order 2020-01 should be included with the minutes.**

Continuing, Mayor Tarrant noted the Police Department is on high alert regarding a rise in trespassers related to beach closures. She asked for input from the Commission regarding a curfew.

The Commissioners and staff discussed the issue of a City or County curfew related to controlling the spread of COVID-19. The Commissioners decided by consensus that a curfew would not apply to Hillsboro Beach's situation.

Vice Mayor Kirdahy commented on the issue of trespassers due to the closure of the beach.

Mr. Serda stated the Police Department is proactively sweeping the area looking for unfamiliar vehicles and people.

Lieutenant Pugliese noted there had been 50 calls for trespassers the previous week.

IV. RESOLUTIONS & CONTRACTS

A. RESOLUTION NO. 2024 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO COMMERCIAL CONTRACT BETWEEN THE TOWN OF HILLSBORO BEACH AND WINTER SUN INVESTMENTS, LLC; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read Resolution 2020-24 by title only.

Mr. Doody provided a brief update on the contract with Winter Sun Investments, LLC. He explained the intent of the Resolution was to extend the date of the inspection period for the purchase of 1205 and 1206 Hillsboro Mile, which was set to expire on April 2, 2020.

Continuing, Mr. Doody explained the legal process which would be followed for a validation hearing, but noted the extension was necessary due to suspended court proceedings in response to COVID-19.

Mr. Doody pointed out there were minor issues related to the Phase II Environmental Audit. He noted fuel was identified in an underground tank, and he would like the Commissioners to authorize him to negotiate for the removal of the tank by the sellers prior to the end of the inspection period.

The Commissioners agreed by consensus that it was their position the sellers should be responsible for the liability surrounding removal of the tank.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve Resolution No. 2020-24. In a roll call vote, the **motion** passed unanimously. (5-0)

B. RESOLUTION NO. 2025 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILSLBORO BEACH, FLORIDA, AUTHORIZING THE TOWN TO BORROW UP TO \$5,000,000 FOR THE PURPOSE OF FINANCING CAPITAL EXPENDITURES RELATING TO AN APPROXIMATELY 70,000 CUBIC YARD BEACH RE-NOURISHMENT PROJECT; AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE AND A LOAN AGREEMENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read Resolution 2020-25 by title only.

Mr. Doody explained the Resolution was for funding related to a recently completed beach re-nourishment.

Mayor Tarrant clarified the funding would be temporary to cover until FEMA funds came through, and noted acquisition was previously approved.

The Commissioners and staff discussed the terms of the debt service.

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve Resolution No. 2020-25. In a roll call vote, the **motion** passed unanimously. (5-0)

V. CONSENT AGENDA INVOICES

A. Sweetapple, Broeker, & Varkas, P.L. \$15,000

B. Moffatt & Nichol - Invoice #741995 Services 10/28/2018 4/27/2019 **\$10,933.76**
(Deerfield Beach Groin Field Evaluation)

C. Moffatt & Nichol - Invoice #745260 Services 4/28/2019 7/27/2019 **\$28,040.75**
(Beach Nourishment Monitoring)

D. Moffat & Nichol - Invoice #746674 Services 4/28/2019 7/27/2019 **\$10,933**
(Sand Testing)

Commissioner Brown asked that Invoice A (Sweetapple, Broeker & Varkas, P.L.) be pulled for discussion.

Motion made by Commissioner Brown, seconded by Commissioner Baldasarre, to approve the Consent Agenda Invoices with Item A removed. In a roll call vote, the **motion** passed unanimously. (5-0)

Commissioner Brown stated during the process of litigation with Deerfield Beach, he felt the addition of Mr. Sweetapple was something the Commission needed to discuss. He said he was happy with counsel and did not believe additions were necessary.

Mr. Serda referenced the threshold in the procurement code, which allows for up to \$15,000 to be approved administratively in some cases. He noted the invoice was related to a one-time cost to assess legal counsel related to the litigation and prepare for one-on-one engagement with each of the Commissioners to make recommendations.

Mayor Tarrant stated the presentation of the settlement proposal recommended to the Town for approval led to a need for further assessment.

Commissioner Brown said he believed the legal representation was top-heavy and sought additional discussion regarding the addition of Mr. Sweetapple to the team.

Mayor Tarrant noted the discussion was regarding \$15,000 of a more than \$3 million investment related to the beach.

Commissioner Brown expressed concern the lead attorney had not sought additional support, and stated he was not in favor of the payment to Mr. Sweetapple.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldassarre, to approve the invoice for Sweetapple, Broeker, and Varkas, P.L. In a roll call vote, the **motion** passed by majority vote (4-1). Commissioner Brown voted no.

VI. TOWN ATTORNEY'S REPORT

Mr. Doody stated the issues regarding removal of the tank had been previously addressed, as were the issues surrounding the date for a validation hearing. He noted pleadings representing various residents opposing the validation had been received, but the Town believes it is on strong legal footing.

Mr. Doody made a public announcement requesting a Shade Session, Attorney-client session pursuant to Section 286.011 of the Florida Statutes. The Closed Session will be held between the Town Commission, Town Attorney, and Special Counsel to discuss the lawsuit presently pending in the 17th Judicial Circuit in and for Broward County, Fla. – Town of Hillsboro Beach v. City of Deerfield Beach [Case No: 17-007784 (08)]. He noted the date would be pursuant to availability of counsel.

The Commissioners and staff discussed how a shade session would be held under the current circumstances, tentatively setting a remote session to follow the April 7 Regular Commission meeting.

Mr. Doody stated an answer brief related to the appeal of the Commission's decision regarding 965 Hillsboro Mile would be submitted on behalf of the Town. He noted this was an ongoing process and should not necessarily be delayed by the COVID-19 situation.

VII. TOWN MANAGER'S REPORT

Mr. Serda read an excerpt of an email of accolades for RaShawn Bullard, Town employee at the Water Plant, from the Sea Club (1221 Hillsboro Mile), and noted Mr. Bullard had been awarded the Star Employee honor.

Mayor Tarrant provided background on Mr. Bullard's response to an early morning water break on the Sea Club property and thanked him for his efforts.

Vice Mayor Kirdahy echoed the positive experiences with Mr. Bullard.

VIII. PUBLIC COMMENTS

None.

IX. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adjourn the meeting at 10:31 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, Mayor

ATTEST:



Sherry D. Henderson, CMC
Town Clerk

