



**MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING**

TUESDAY

APRIL 7, 2020

9:00 A.M.

The Town of Hillsboro Beach held a “Virtual Meeting” on Tuesday, April 7, 2020 at 9:00 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 9:01 a.m. Roll was called with the Commission members and staff present via video 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

Police Chief T. Nagy
Steve Mitchell, CG&A Building Official
Mario Sotolongo, CG&A Code Compliance

Town Manager Mac Serda shared Governor Ron DeSantis [Executive Order No. 20-69](#) allowing for online meeting and outlined the procedure to be followed. He provided instruction on the *WebEx* System being utilized to host the meeting online.

APPROVAL OF AGENDA

Mayor Tarrant asked that presentations be removed from the agenda, and that Resolution 2020-21 regarding the purchase of an ATV be added as item IV. F.

Motion made by Commissioner Baldassarre, seconded by Commissioner Brown, 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 2, 2020 Special Commission Meeting

Mayor Tarrant made corrections to typos in the minutes.

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the January 2, 2020 Special Commission Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the February 25, 2020 Special Assessment Public Hearing

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the February 25, 2020 Special Assessment Public Hearing as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Minutes of the March 9, 2020 Special Commission Meeting

Mayor Tarrant made corrections to resident names included in 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)

II. PRESENTATIONS

A. Recycling Presentation by Stephanie Steinberg with the Green Team

Item removed from the agenda.

III. DISCUSSIONS & POSSIBLE ACTIONS

A. Discussion and Possible Action on Sponsorship Support for "Cuisine of the Region" 20th Annual Charity Event, benefiting N.E. Focal Point CASA, Inc.

Mr. Serda provided information on the event, noting the Commission had awarded \$500 in the 2018/2019 fiscal year and \$350 in the previous year. He noted the event might not be happening or might be delayed due to COVID-19.

Motion made by Commissioner Baldassarre, seconded by Vice Mayor Kirdahy, to approve a \$500 donation to Cuisine of the Region. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Discussion and Possible Action on Hillsboro Beach 2020 Fair Share Allocation of \$4,060 for Aging and Disability Resource Center of Broward County, Invoice #20030

Mr. Serda explained the amount proposed of \$4,060 was the same as the previous year's contribution.

Motion made by Commissioner Baldassarre, seconded by Commissioner Brown, to approve a \$4,060 contribution to the Aging and Disability Resource Center. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Discussion and Possible Action on the Town's Water Leak Policy

Mr. Serda reviewed a proposed policy related to water leak credits. He pointed the Commissioners to research provided in the Board's Agenda packet regarding the policies of surrounding communities for credits when a leak is discovered on private property.

Continuing, Mr. Serda noted the proposed policy asked for forgiveness of costs related to a leak which is hidden, reported, and repaired by an independent licensed plumber. He stated the Town did not have a policy in place at this time.

Mayor Tarrant stated the issue had come up a few times in her tenure, and she agreed a policy should be in place. She clarified a plumber's bill was requested in the policy not for reimbursement, but to verify that the repair had taken place.

Commissioner Feaman stated she believed the notification period time frame should be extended to 45 days.

The Commissioners and staff discussed the appropriate notification period for water leaks to fall under the policy.

Mr. Serda stated he would make note of the consensus for a 45-day requirement and explained additional adjustments to the draft. He asserted the issue would be different if the Town caused the water leak.

Town Attorney DJ Doody explained the issue would not need to be in the form of an Ordinance but could be adopted as a policy by Resolution, allowing greater flexibility for future change.

IV. RESOLUTIONS & CONTRACTS

A. Resolution No. 2020-26 Consideration to Appoint Primary and Alternate Representatives to Broward League of Cities Board for 2020/2021 Term

Mayor Tarrant asked for volunteers to take on the positions as representatives to the Broward League of Cities Board, noting Commissioner Baldasarre had done an excellent job in the role as Primary Representative for current term 2019/2020.

Town Attorney DJ Doody read Resolution 2020-26 by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to adopt Resolution 2020-26 with Commissioner Baldasarre as Primary Representative, Commissioner Brown as Alternative Representative, and Mayor Tarrant as Second Alternate. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2020-27 Consideration to Authorize Proper Town Officials to Execute Non-Ad Valorem Assessment Collection Agreement Between Broward County and Town of Hillsboro Beach, FL

Mr. Serda stated the Resolution put the standards in place for Broward County to administer the agreement but did not commit the Town.

Mr. Doody read Resolution 2020-27 by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Resolution 2020-27. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2020-28 Consideration to Approve and Accept Proposal from Moffatt & Nichol, Inc. dated March 24, 2020 for Expert Witness Services Relative to the Hillsboro/Deerfield Beach Groin Field Evaluation Project

Mr. Doody read Resolution 2020-28 by title only.

Mayor Tarrant clarified a discrepancy in the proposal regarding the number of hours of expert witness services expected.

Mr. Doody stated he would seek clarification from Moffat & Nichol.

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to adopt Resolution 2020-28. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2020-29 Consideration to Approve and Authorize Appropriate Town Officials to Execute an Engagement Letter from S&P Global Ratings to Provide Rating Evaluation Services

Mr. Doody read Resolution 2020-29 by title only.

Mr. Doody noted based on further discussion with S&P Global, the reservation of rights provision had been removed.

Mayor Tarrant clarified wording regarding additional taxes and fees.

Mr. Serda stated the additional fees should not be relevant but were contemplated in the agreement for hypothetical situations.

Jay Glover, Managing Director, PFM Financial Advisors, LLC, provided additional background on the agreement and the increased obligation if the rating were to be made public in the future. He stated he would clarify the total contracted amount with S&P.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adopt Resolution 2020-29 with additional qualification to be made regarding the amount due. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Resolution No. 2020-30 Consideration to Approve and Authorize the Appropriate Town Officials to Execute the Professional Services Agreement for Chief of Police Position.

Mr. Doody read Resolution 2020-30 by title only.

Mayor Tarrant apologized for the lack of pomp and circumstance that would normally occur with this Resolution, but stated the timeline required action.

Mr. Serda stated he had spoken with each of the Commissioners regarding the new appointment. He outlined the accomplishments of Police Chief T. Nagy and again thanked him for his service. He said he believed Jay Szesnat was a perfect fit and commented on the ease of transition to the new Chief.

Commissioner Baldasarre said she was excited, and thought the hire was a perfect opportunity for the Town. She noted she was happy to support Jay Szesnat as the new incoming Police Chief. Commissioner Feaman and Commissioner Brown agreed.

Mayor Tarrant stated she was very sad when Mr. Szesnat previously left the Town but understood his wish to get additional experience. She said the Town would be benefiting from that experience now.

Vice Mayor Kirdahy said she wished Mr. Szesnat luck in a difficult job.

Incoming Police Chief Szesnat stated he was grateful and honored to serve the Town in the new capacity. He said he promised to provide leadership, professionalism, and courage in the position.

Mayor Tarrant asked for clarification regarding contract terms.

Mr. Doody provided direction and stated corrections would be made to the contract regarding the contract terms.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2020-30 with amendment. In a roll call vote, the **motion** passed unanimously. (5-0)

F. Resolution No. 2020-31 Consideration to Approve Use of Federal Forfeiture Funds in the Amount of \$18,700.00 for Purchase of All-Terrain Vehicle (ATV) for Police Department.

Item F was added to the agenda.

Mr. Doody read Resolution 2020-31 by title only.

Mr. Serda explained the addition was for the utilization of \$18,700 in Federal Forfeiture Funds for the purchase of a John Deere All-Terrain Vehicle (ATV), piggybacking off a Broward Sheriff's Office contract due to the need to replace the Town's ATV.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adopt Resolution 2020-31 as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

V. CONSENT AGENDA

- A. INFRAMARK:** Invoice 48282 Services Rendered through Jan 2020 **\$7,866.04**
- B. INFRAMARK:** Invoice 49838 Services Rendered through Mar 2020 **\$7,435.72**
- C. Akerman:** Invoice 9543309 Services Rendered through Feb 2020 **\$35,724.03**
- D. Limousines of South Florida (LSF):** Invoice 20-0229-26 Services Rendered through Feb 2020 **\$5,615.88**
- E. Calvin, Giordano & Assoc, Inc:** Invoice 75330 Services Rendered through Feb 2020 **\$11,013.55**

- F. **Shutts & Bowen, LLP:** Invoice 1437399 Services Rendered through Feb 2020 \$6,858.88
- G. **Goren, Cherof, Doody & Ezrol:** Invoice 30528 \$7,609.20 (General Matters)
- H. **Goren, Cherof, Doody & Ezrol:** Invoice 30529 \$6,280.50 (Deerfield Beach)
- I. **Goren, Cherof, Doody & Ezrol:** Invoice 30530 \$1,424.95 (Purchase from Winter Sun Investments LLC 1205 and 1206 Hillsboro Mile)
- J. **Goren, Cherof, Doody & Ezrol:** Invoice 30532 \$11,606.85 (St. of Florida Bond Validation)
- K. **Goren, Cherof, Doody & Ezrol:** Invoice 30533 \$6,978.50 (David Pratt Appeal, Seagrape Revocable Trust)
- L. **Sweetwater, Broeker, & Varkas:** Invoice 10892 \$14,975.00 (TOHB vs Deerfield Beach)

Mayor Tarrant pulled Item C for discussion.

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

Mayor Tarrant asked for clarification regarding travel time on January 21, 2020 in the Akerman invoice, Item C.

Mr. Serda stated he had sought clarification prior to the meeting, and the time included was a six (6) hour flight and a shade session, with travel billed at half hours per the Town's contract.

Motion made by Commissioner Brown, seconded by Commissioner Feaman, to approve Item C from the Consent Agenda. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. STAFF UPDATES

A. Broward County Water & Wastewater (BCWWS) Project

Mr. Serda stated the item could be removed from the agenda, as no further updates would be provided at Town Commission Meetings.

Mayor Tarrant asked for an update regarding outstanding issues at 1075 Hillsboro Mile, 1170 Hillsboro Mile, and low ARF structures which Mr. MacGregor had stated he was aware of.

B. Police Department – January 2020 Report

Police Chief T. Nagy provided the March Police Department report. He congratulated Incoming Police Chief Jay Szesnat on being named Chief and stated the Town would be in good hands.

Chief Nagy outlined adjustments made due to COVID-19 to keep officers safe. He noted most calls had been trespassing, and everything else is slowed down.

The Commissioners and staff discussed noise on the Intracoastal and the use of the police boat, which could not be repaired due to shop closures. They discussed the possibility of renting a boat to use in the meantime.

Regarding boat traffic, Mayor Tarrant asked about license plate readers and audio technology for monitoring.

Chief Nagy stated he would pass along the research he had done regarding license plate readers and cameras to the new Chief.

C. Finance Department – February 2020 Report

Stephen Bloom gave a brief overview of the financial report through February 2020, approximately 42 percent through the fiscal year.

Mr. Serda shared slides of the financial report.

Mr. Bloom noted the general fund had a surplus of \$2.3 million, largely due to collection of property taxes during the first quarter. He stated major revenue was within the budget except fines and forfeitures. He pointed out additional funds which had been received in the Federal Forfeiture fund, noting they are kept in a separate account.

Mr. Bloom reviewed spending, noting no significant variances. He reported the beach loan had been paid off on March 16, 2020.

Continuing, Mr. Bloom discussed the water fund, and shared a chart of usage. He noted a surplus of \$195,000 was present, with money set aside for operations and debt service payments due throughout the year. He stated revenue was on budget and reviewed operational expenses, which were below budget.

Mr. Bloom shared tracking of fuel spending, including usage and price per gallon, noting both were down.

Mayor Tarrant noted the obvious improvement to fuel costs over the five (5) years since it had been closely monitored. She pointed to the trend in Worker's Compensation as another area of improvement.

Continuing, Mayor Tarrant reviewed various line items including buoy removal and asked additional questions.

Mr. Bloom stated he would review the invoice for the buoy and check it was coded appropriately.

Mayor Tarrant asked questions regarding budget line items.

The Commissioners and staff discussed the reduced schedule for the shuttle.

Mr. Serda stated the Town was mirroring Broward County's shuttle service reduction.

D. Building Services Report - February 2020 Report

Steve Mitchell, Building Official with CG&A, provided his February 2020 report. He noted methods have changed for health-related concerns, but no services have been denied. He provided details on how staff is working remotely.

Mayor Tarrant commented on the good job the department had done.

Commissioner Feaman noted work is continuing on the Seabonay project and asked for an update.

Mr. Mitchell updated on the Seabonay project.

E. Code Compliance Report - February 2020 Report

Mario Sotolongo, Code Supervisor with CG&A, gave a brief update on Code Compliance. He stated old cases were being worked, but things had slowed down significantly.

Mr. Sotolongo stated he had issued courtesy notices to 13 single family residences regarding seawalls, and one (1) is at the Special Magistrate level. He noted the family owns two (2) homes and is working through the permit process on both.

Continuing, Mr. Sotolongo noted Code Compliance had responded to a complaint regarding a missing railing at a condominium, at the request of the Condo Board.

Mr. Serda provided background, stating the residence had a sliding glass door on the second or third floor, but no balcony or railing.

Mr. Sotolongo gave an update regarding vacation rentals. He noted he had notified an owner advertising a property as a Vacation Rental in Hillsboro Beach without a permit.

Mayor Tarrant asked if Mr. Sotolongo was also looking at condominiums.

Mr. Sotolongo stated the Town's code was specifically written for single family homes, and an enforcement mechanism was not in place regarding condos.

Mayor Tarrant stated condominiums should be providing tourism dollars, which would benefit the Town of Hillsboro Beach when looking for beach re-nourishment support. She said perhaps the Commission needed to look at the code regarding condominiums.

The Commissioners and staff discussed vacation rental of condos.

Mr. Serda stated he would make note to investigate the issue.

VII. TOWN MANAGER REPORT

A. Update on COVID-19

Mr. Serda provided an update regarding the Town's COVID-19 response. He noted it was his priority that Town operations must continue, with a particular eye to safety. He said the water plant had been taking on projects, working in concert with the County to address large tasks despite challenges.

Mr. Serda stated the beach had been shut down over the weekend, but, as authorized by the Mayor and with the legal approval by the Town Attorney, private beaches had since reopened.

Mayor Tarrant noted the Town had conferred with the County Commissioner and Town Attorney for the legal authority to open the private portion of the beach.

Mr. Serda addressed social distancing, stating there remained residents who needed to be educated on the importance of the issue. He outlined ways area City Managers were working together in addressing availability of services and noted participation with EOC conference calls as well as White House calls for updates.

Mayor Tarrant stated area Mayors had also been continuing conference calls, which helps to keep the Town on par with others. She gave an update regarding masks and closure

of multi-family, community swimming pools. She noted she had received a number of requests for exceptions, but no exceptions exist within Broward County [Emergency Order 20-05](#).

Mr. Serda noted some communities had taken the step to implement curfews, but he didn't see it as especially relevant in the Town. He noted utilizing a mask or face covering in public may be implemented County-wide.

Continuing, Mr. Serda provided updates on other Town matters. He stated the County had sent a contract for reimbursement regarding the palm tree that was replaced in November, as well as some additional trees on the west side of Town Hall. He noted if the purchase of 1205 and 1206 Hillsboro Mile goes through, he will ask the County for funds for trees there, as well.

Mr. Serda stated the water plant analysis has been completed in a draft stage, but details remain to be worked out. Continuing, Mr. Serda explained he did not recommend moving forward with the Town Hall redesign this fiscal year but would be looking to paint.

Mr. Serda stated he is seeking professional guidance to develop a plan to address parking on the Intracoastal side of A1A. He noted the code regarding parking and landscaping needs to be refreshed. He explained he will bring the item before the Commission at the May meeting for feedback.

Florida State Representative Chip LaMarca commented briefly, noting the meeting was well organized and thanking the Commissioners for continued service.

B. Proposed 2020 Budget Meeting Dates

April 7, 2020 – 9 a.m. (Tue)

Preliminary Discussion to Establish Budget Calendar

May 5, 2020 – 9 a.m. (Tue)

Preliminary Budget discussion to Establish Budget Priorities

July 7, 2020 – 9 a.m. (Tue)

Preliminary Budget Review and Adoption of Proposed Millage Rate

September 14, 2020 – 5:01 p.m. (Mon)

First Budget Hearing – Budget Review and Adoption of Tentative Millage Rate

September 23, 2020 – 5:01 p.m.

Second Budget Hearing – Adoption of Final Budget and Millage Rate

Mayor Tarrant reviewed the list of meetings, noting the first three (3) were regular Commission Meetings and the dates in September were budget hearings.

VIII. TOWN ATTORNEY REPORT

A. EnviroDesign & Associates Limited Phase II Environmental Site Assessment

Mr. Doody stated he was in the process of negotiating the removal of the underground tank with the counsel for the sellers of 1205 and 1206 Hillsboro Mile. He noted the Court had granted an extension to June 23 for the validation hearing. He expects ongoing negotiations and would keep the Commission advised.

Additionally, Mr. Doody said the Town would receive a response to the appeal regarding 965 Hillsboro Mile in the coming days.

IX. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

None.

B. Commissioner Barbara Baldassarre

None.

C. Commissioner Vicky Feaman

None.

D. Vice Mayor Irene Kirdahy

None.

E. Mayor Deborah L. Tarrant

The Commissioners and staff discussed controls regarding COVID-19.

Mayor Tarrant thanked Mr. Serda for his work on the technology necessary to gather the Commission for an online meeting.

X. PUBLIC COMMENTS

Mo Tarifi, 1237 Hillsboro Mile, asked if the underground tank found during the environmental audit had secondary containment.

Mr. Doody stated the tank did have diesel in it, but he would need to look into whether secondary containment existed.

Mr. Serda added soil testing was done, and it was determined any issues would be resolved with removal of the tank.

Javier Garcia, 1203 Hillsboro Mile, thanked the Commission for their leadership during a difficult time and their work to protect the rights of residents. He asked that the Commission reconsider the purchase of 1205 and 1206 Hillsboro Mile, noting the market had taken a recent hit. He said he believed there was no just reason to make the purchase at 2019 values.

Mr. Serda noted Mr. Garcia's point was well taken, and staff would have a conversation with the appraisers to get a sense of whether the value had changed and determine whether new appraisals should be sought. He said he recommended waiting 30 days to allow the market to adjust to the current situation.

The Commissioners and staff discussed moving forward with the right data to support decisions being made.

Martin Reisig, 1069 Hillsboro Mile, asked for clarification regarding the rules regarding usage of swimming pools. He noted a letter from the Mayor giving direction would be helpful, as change in the current climate is constant.

Mayor Tarrant stated the answer at the County level is that pools are closed, and pool decks are closed. She asked Mr. Doody to provide direction regarding allowing one (1) person to utilize pools at a time.

Mr. Doody said under the Broward County [Emergency Order 20-05](#) community pools/pool decks are closed for all purposes. He noted that over the weekend he had sought and received direction that private beaches could be utilized.

Mr. Reisig asked if he was allowed to jump into the ocean if he didn't come in contact with any people.

Mr. Doody stated the official answer is that the Governor has closed beaches, but private beaches have been excluded from the Broward County order.

Robert Mayer stated private land is owned to the mean high-water line.

Mayor Tarrant noted the police were working to keep people safe.

XI. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to adjourn the meeting at 11:35 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

