



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

TUESDAY

JUNE 2, 2020

9:00 A.M.

The June 2, 2020 Regular Commission Meeting was a “Virtual Meeting” 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 9:05 a.m. Town Clerk Henderson called roll 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

Town Manager Mac Serda shared the Governor’s order allowing for online meeting and outlined the procedure to be followed. He explained the notice given and provided instruction on the WebEx system being utilized to host the meeting online. He further noted public comment was being accepted by email, as well as on the WebEx system.

Mayor Tarrant read a statement paying tribute to the bravery and sacrifice of those service men who took part in the Normandy Landings on June 6, 1944. Codenamed Operation Neptune and often referred to as D-Day, it was the largest seaborne invasion in history – a turning point in World War II. The Board and staff observed a moment of silence.

APPROVAL OF AGENDA

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

I. APPROVAL OF MINUTES

A. Minutes of the May 5, 2020 Regular Commission Meeting (Virtual)

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

B. Minutes of the May 13, 2020 Special Commission Meeting (Virtual)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the minutes from the May 13, 2020 Special Commission Meeting (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

A. Performance Recognition for Hillsboro Beach Police Officer Alex MacLellan by Chief Szesnat

Chief Jay Szesnat recognized Officer MacLellan for his performance when he recently responded to a distress call while on the Marine Unit. Officer MacLellan was able to rescue two (2) paddle boarders who had become stranded. Chief Szesnat noted Officer MacLellan's supervisor had shared how impressed he was with the officer's actions.

Mayor Tarrant thanked Officer MacLellan for his heroics, and for his visibility amidst all the activity on the Intracoastal over the past few weeks.

III. ORDINANCES

A. Ordinance No. 2020-02 Amendment to Town Code of Ordinance and Enforcement Code Violations when the Town's Emergency Orders are not Followed (Second Reading)

Town Attorney DJ Doody read Ordinance 2020-02 by title only.

Mr. Serda stated this was second reading of the Ordinance, and previous comments to integrate a higher penalty amount had been integrated.

Mayor Tarrant opened public comment on the matter.

Mr. Serda called for any wishing to speak in the virtual meeting to raise their hands. None responded.

Town Clerk Henderson checked the email account published for public comment and found no comments.

Mayor Tarrant closed the public hearing.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to adopt the second reading of Ordinance 2020-02. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Ordinance No. 2020-03 Amendment to Town Code of Ordinance to Amend Vacation Rental Ordinance (Second Reading)

Mr. Doody read Ordinance 2020-03 by title only.

Mr. Serda explained the Ordinance extended oversight of vacation rental beyond single family residences, to include condominiums. He noted the Ordinance applied to rentals of less than 30 days or more than three (3) times in a year.

Mayor Tarrant stated transient public lodging establishments which have on-site management are treated as hotels or motels and were not covered under this Ordinance. She noted both types of rentals should be contributing to Tourist Development Tax (TDT), a subject which is an ongoing challenge for the community when seeking funding.

Mayor Tarrant opened public comment on the matter.

Mr. Serda called for any wishing to speak in the virtual meeting to raise their hands. None responded.

Town Clerk Henderson checked the email account published for public comment and found no comments.

Mayor Tarrant closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt the second reading of Ordinance 2020-03. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Ordinance No. 2020-04 Amendment to Town Code of Ordinance, Chapter 4 - Buildings and Building Regulations, Article II. Contractors, Section 4-18 Limitation on Hours of Construction (First Reading)

Mr. Doody read Ordinance 2020-04 by title only.

Mr. Serda explained the Ordinance was created at the request of the Commission during the May meeting. He noted the request had been for allowable construction hours to apply year-round, rather than having different allowances during the off-season.

Mr. Serda noted the Ordinance also changed the request for extensions to be made through the Town Manager, rather than through the Town Clerk. He noted public comment had been received asking that the dates when construction are not allowed be expanded from Thanksgiving, Christmas, and New Years to include all Federal holidays.

Mr. Doody asked that holidays be identified to avoid confusion.

The Commissioners and staff discussed the holidays they wanted to include in the Ordinance. They agreed to the following six (6) holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Mayor Tarrant opened public comment on the matter.

Mr. Serda called for any wishing to speak in the virtual meeting to raise their hands. None responded.

Town Clerk Henderson checked the email account published for public comment and shared a written comment from Robyn McCarty.

Ms. McCarty emailed to ask for clarification regarding the hours construction was allowed and to ask who to file a complaint with when restrictions were not followed. She also asked that the list of holidays when construction is not allowed be expanded to include all Federal holidays.

Mayor Tarrant closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to amend the first reading of Ordinance 2020-04 to include the six (6) holidays discussed and to amend

the wording of the Ordinance to state the hours of construction were 8 a.m. to 6 p.m. year-round. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt the first reading of Ordinance 2020-04 as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. DISCUSSION & POSSIBLE ACTION

A. Discussion on Broward County Land Use Policy 2.21.7 and the Town's Seawall Ordinance; Chapter 12-Land Development, Div. 5-Zoning, Article XIII., Sec. 12-268 Seawalls

Mr. Doody explained the County had adopted new wording surrounding tidal flood barriers in its Land Use Policy and sought direction from the Commission regarding whether a Town amendment was needed.

Continuing, Mr. Doody explained in the Broward County Ordinance their newly adopted definition of tidal barriers was broader than that of the Town. He asked if the Town wanted to allow tidal barriers other than seawalls to be consistent with the County Ordinance or remain more restrictive.

The Commissioners and staff discussed whether rip rap could be utilized as a tidal flood barrier under the County code, as well as whether it should be allowed in the Town.

The Commissioners and staff discussed whether language should be included differing between the northern portion of Town and the southern part, as well as historical flooding areas.

Mr. Doody stated he would bring forward an Ordinance at the July meeting for discussion.

V. OLD BUSINESS

A. Resolution No. 2020-32 Consideration to Approve and Adopt the Town of Hillsboro Beach Water Leak Policy (Tabled from the May 5, 2020 Commission Meeting.)

Mr. Serda stated Resolution 2020-32 had been tabled during the May meeting. He explained he had since spoken with Steven Mitchell, Building Official, and believed a policy would be helpful for those times a resident wants to request assistance so a process is in place.

Continuing, Mr. Serda noted the Resolution before the Commission was a scaled down version of the previous language, noting requests would come before the Commission rather than having amounts set.

Mayor Tarrant agreed it would be helpful to have a policy. She asked for amendments to match previous Commission discussion to exclude vandalism and Acts of God from the policy, as well as restricting the time to report to 30 days after repair.

Mr. Doody read Resolution 2020-32 by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt the Resolution 2020-32 as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. RESOLUTIONS & CONTRACTS

None.

VII. CONSENT AGENDA

1. **Akerman:** Invoice 9564368, April 2020 ~~\$39,190.00~~ (Clerk's Note: correction \$46,897.36)
2. **Calvin, Giordano & Assoc, Inc (CG&A):** Invoice 76696, Services Rendered through April 2020 \$6,959.43.43
3. **Goren, Cherof, Doody, & Ezrol P.A.:** Invoice 31317, April/May 2020 \$6,959.43 (General Matters)
4. **Goren, Cherof, Doody, & Ezrol P.A.:** Invoice 31318, May 2020 \$8,488.75 (Deerfield Beach)
5. **Goren, Cherof, Doody, & Ezrol P.A.:** Invoice 31319, April/May 2020 \$1,622.50 (Purchase from Winter Sun Investments LLC)
6. **Goren, Cherof, Doody, & Ezrol P.A.:** Invoice 31320, May 2020 \$5,670.00 (Adv State of Florida – Bond Validation 2020)
7. **Goren, Cherof, Doody, & Ezrol P.A.:** Invoice 31317, April/May 2020 \$4,252.50 (Adv David Pratt – Seagrape Revocable - Appeal)
8. **Inframark:** Invoice 51433, May 2020 \$7,322.17
9. **Moffat & Nichol:** Invoice 747538, Services Rendered through Nov 2019 \$5,636.00
10. **Moffat & Nichol:** Invoice 747948, Services Rendered December 2019 \$36,838.27
11. **Moffat & Nichol:** Invoice 748689, Services Rendered July 2019 through January 2020 \$17,413.17
12. **Moffat & Nichol:** Invoice 749590, Services Rendered January 2020 through February 2020 \$17,413.77
13. **Moffat & Nichol:** Invoice 750936, Services Rendered March through April 2020 \$46,881.75
14. **Shutts & Bowen LLP:** Invoice 1452282, Services Rendered through April 2020 \$6,150.00

15. **Sweetapple, Broeker, & Varkas:** Invoice 10921, Services Rendered through April 2020 **\$5,025.00**
8. **RMA:** Invoice 4493 (March/ April 2020) **\$3,075.00**
9. **RMA:** Invoice 4494 (April/May 2020) **\$2,075.50**

Mayor Tarrant asked item 1 be pulled for discussion.

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

Mayor Tarrant stated the disbursements were left out of the invoice item 1.

Mr. Serda stated corrections would be made to the invoice.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve Item 1 from the Consent Agenda as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

VIII. STAFF UPDATES

A. Police Department – May 2020 Report

Police Chief Jay Szesnat stated the department had been busy. He noted he was on his second official day as Chief, and equipment overviews and operational reviews were currently in process.

Vice Mayor Kirdahy said she was receiving complaints from residents regarding bicyclist clubs coming through too fast. She noted there had been near misses by elderly residents, but she wasn't sure what could be done.

Chief Szesnat stated surrounding communities also have this issue, and it is something that is being worked on. He said they had been in contact with bicycle associations, as well as coordinating agencies, and working on a plan.

Continuing, Chief Szesnat asserted he takes the safety and security of the Town very seriously, and the County is working as a team. He noted cyclists may be a bit down on the list currently due to COVID-19 and hurricane season.

The Commissioners and staff discussed ongoing issues with large bicycle groups.

Mr. Serda commended Chief Szesnat for his team's efforts to be proactive in addressing issues surrounding large gatherings in the community.

B. Finance Department – May 2020 Report

John R. Mousseau, President & Chief Executive Officer with Cumberland Advisors gave an overview of the Town's investment portfolio and market trends.

Stephen Bloom reviewed a memo updating the Commission on the beach loan, explaining sufficient revenue was in place to pay off the loan in 2020 and there was no need to assess in 2021 as originally planned.

Mr. Bloom gave a brief overview of the financial report through April, sharing slides. He started with the General Fund, where revenue is at 91.4 percent of budget for the year due to collection of property taxes. He noted all departments are doing well in relation to the General Fund budget.

Continuing, Mr. Bloom reviewed special revenue funds, highlighting that building permits were down, and the fund had required an additional transfer. He noted the water fund had a surplus of \$211,000, which is set aside for future debt payment as well as repairs and maintenance.

Mr. Bloom shared an analysis of Workers Compensation claims, a 2020 taxable value report, and ongoing fuel expenses. He showed a chart including the trends in the Town's investment portfolio over the past four (4) years since investing began.

Mayor Tarrant reviewed line items in the report and asked questions. She pointed to the funds to move the buoys and encouraged staff not to lose sight of the issue.

C. Building Services Report – March 2020 Report

Steve Mitchell, Building Official with CG&A, provided his report. He stated workflow has been down over the past few months, with permitting dropping dramatically. However, he noted the large projects are still moving forward.

Mr. Mitchell referenced a memo he sent to Commissioners, noting positive feedback had been received on systems which had been adapted and streamlined to keep up with necessary closures. He stated plans for reopening the department are being examined with the Town Manager.

Mr. Serda pointed out appointments in the Building Department office will be available beginning Monday, June 8.

Mr. Serda asked for an update regarding FEMA elevation documents needed from Seabonay to move forward with work.

Mr. Mitchell stated documents have not been received, and work would be stopped later in the day due to noncompliance.

The Board and staff discussed ongoing issues surrounding the Seabonay project.

D. Code Compliance Report – February 2020 Report

Mario Sotolongo, Code Supervisor with CG&A, gave a brief update on Code Compliance. He stated it had been a good month, with four (4) cases opened and all four (4) now in compliance and preparing to close.

Continuing, Mr. Sotolongo stated maintenance notices have been given to 1205 and 1206 Hillsboro Mile. He said he is meeting this week to discuss mowing, coconut removal from trees for hurricane season and necessary pool cleaning.

Mr. Sotolongo said currently there aren't any Hillsboro Beach properties advertised on short-term rental websites. He stated he is checking every two (2) weeks.

Mr. Doody asked Mr. Sotolongo to update him regarding compliance on 1205 and 1206, as he is in contact with their counsel.

IX. TOWN MANAGER REPORT

A. Update on Painting Town Hall

Mr. Serda stated an RFP is on the street for painting and related construction on Town Hall. He asked for consensus from the Commission regarding the paint color.

The Commissioners and staff discussed entry way sign plans.

B. Update on Florida Department of Transportation (FDOT) A1A Re-Design

Mr. Serda stated the survey for the A1A re-design should be completed in the next few weeks. He noted he reemphasized the priorities of the Town related to the project, but progress remains in a holding pattern from the Town perspective.

Mayor Tarrant asked if there were any updates from the MPO related to the project.

Vice Mayor Kirdahy provided updates from the MPO meeting. She stated the State is \$8 million below budget estimates as of the end of April and there are concerns some projects may be dropped or postponed. She said she hopes it won't impact this project, because it is fully funded.

Mr. Serda stated he had also asked if the project was impacted by the shortfall at the State level, and he was assured by the FDOT project manager that deadlines would be met. He noted there is still a lot to be learned as things come together.

C. Update on Final Draft of Information Guide

Mr. Serda stated a draft of the Information Guide has been distributed to the Commissioners and asked for input on content by the end of the week.

Mr. Serda noted the hurricane guide was also ready and would also be disseminated later in the month.

D. Update on Florida Power & Light Overhead/Underground Conversion Project

Mr. Serda provided an update on the progress of the underground conversion project. The Town issued RFQ 2020-001 "Easement Acquisition and Burying Utility Lines" to secure an engineering company to assist with the easement acquisition. Brannon & Gillespie, Inc. previously identified 75 easements will be needed for this project. The solicitation bid for RFQ 2020-001 closes 7/1/2020 @ 2pm, upon review staff will be able to offer the Commission a recommendation to proceed.

X. TOWN ATTORNEY REPORT

Mr. Doody provided an update regarding the ongoing process of trying to reach a settlement agreement with Deerfield Beach. He requested a Shade Session during the month of June on a date acceptable to the Commission.

Mr. Doody stated the validation hearing regarding the purchase of 1205 and 1206 would be held on June 23 starting at 10:15 a.m., but the courthouse has been closed through July. He explained the hearing would be virtual and he would work with the provider to allow Commissioners to attend and keep them advised.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

None.

B. Commissioner Barbara Baldasarre

Commissioner Baldasarre reported the Broward League of Cities installed Commissioner Traci Callari of Hollywood, Florida as the new President on May 14, 2020 for the 2020/2021 term.

Commissioner Baldasarre stated she held a first Virtual Meeting for Condo Presidents and Property Managers on May 14. She said the group was small due to short notice, but additional contacts have been made since and another virtual meeting is planned for June 11.

C. Commissioner Vicky Feaman

Commissioner Feaman reported a solid waste and recycling virtual meeting was held on May 11. She stated the group is still in a fact-finding situation, which will be long term. She noted she will update as information becomes available.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy updated regarding the recent MPO meeting. She stated Florida is preparing to start phase two (2) of recovery from COVID-19 and noted revenue sources are an issue.

E. Mayor Deborah L. Tarrant

Mayor Tarrant stated Broward County mayors continue to discuss reopening efforts.

Continuing, Mayor Tarrant said there has been an issue with communication from the Broward County Administrator, and stated she expects changes to come down regarding the County's method of government. She noted it has been difficult to get 31 mayors agreeing without a cohesive umbrella to work under.

XII. PUBLIC COMMENTS

Town Clerk Henderson checked the email account published for public comment and shared submitted comments.

Nicole Geiser emailed regarding the Code Enforcement report. She stated the pool at 1205 and 1206 Hillsboro Mile looks better, so someone has been there. In addition, she asked that the Commission be informed Mr. Serda has been excellent at keeping residents informed.

Jane Reiser spoke in the virtual meeting to thank the Police Department, staff, and Commissioners for keeping residents informed during the recent trying times.

Mr. Serda thanked Chief Szesnat for stepping up and being engaged. He stated there has been excellent communication and coordinated effort with surrounding municipalities.

Continuing, Mr. Serda stated there is a picture frame outside Town Hall during business hours so that residents can come by to leave well wishes for Chief Nagy's retirement as a token of appreciation for his years of service to the Town.

XIII. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Commissioner Baldassarre, to adjourn the meeting at 11:55 a.m. In a roll call vote, the **motion** passed unanimously.

ADOPTED THIS 7th DAY OF JULY, 2020

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

ATTEST:

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

