MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING

TUESDAY NOVEMBER 10, 2020 9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:04 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 Baldasarre
Vice Mayor Irene Kirdahy
Commissioner Vicky Feaman

Town Staff:
Town Manager Mac Serda
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC (via video)

Town Manager Mac Serda explained this was the first live meeting following the expiration of the Governor's order allowing for online meeting and outlined the procedure to be followed for online participation by the public. He explained the notice given and provided instruction on the Zoom video conference system being utilized to host the meeting online. He further noted public comment was being accepted by email, as well as on Zoom.

APPROVAL OF AGENDA

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

I. Approval Of Minutes

A. Minutes of the September 14, 2020 First Budget Hearing (Virtual)

Motion made by Commissioner Feaman, seconded by Commissioner Baldasarre, to approve the minutes from the September 14, 2020 First Budget Hearing (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the September 23, 2020 Special Commission Meeting (Virtual)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the minutes from the September 23, 2020 Special Commission Meeting (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Minutes of the September 23, 2020 Second Budget Hearing (Virtual)

Motion made by Commissioner Feaman, seconded by Commissioner Brown, to approve the minutes from the September 23, 2020 Second Budget Hearing (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Minutes of the October 6, 2020 Board of Zoning and Appeals Meeting (Virtual)

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the minutes from the October 6, 2020 Board of Zoning and Appeals Meeting (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Minutes of the October 6, 2020 Regular Commission Meeting (Virtual)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve the minutes from the October 6, 2020 Regular Commission Meeting (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

F. Minutes of the October 9, 2020 Special Commission Meeting (Virtual)

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the minutes from the October 9, 2020 Special Commission Meeting (Virtual) as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

A. State Road A1A Preliminary Redesign Presentation

Binod Basnet, Project Manager for Florida Department of Transportation (FDOT) and Amin Ahmed, Project Manager for Stanley Consultants, provided a brief update on the progress of the planned SR A1A improvements. Mr. Basnet noted the last update to the Commission was in May 2019, and though there had been a delay while waiting for the sewer project to be completed, the project was on track.

Mr. Ahmed went through a *PowerPoint* presentation which outlined the project progress and schedule. Mr. Ahmed explained the anticipated construction schedule, as follows:

- Public information meetings – Around June 2021
- Letting Date – March 2022
- Anticipated Construction Start – Fall 2022
- Duration of Construction – Approximately 12 months

Mr. Ahmed noted no road detours were planned for the project. He stated a mix of 11- and 12-foot travel lanes currently exist along A1A, and the project proposes a consistent 11-foot road width throughout the corridor. He reviewed an overview map of the project and discussed low grade segments, noting the objective was to make the profile consistent as part of an overall road raising with a slope toward the Intracoastal.

Mr. Ahmed discussed harmonizing with adjacent land, showing the need for license agreements with property owners. He stated coordination with the individual property owners was expected to begin February 2021, with execution of the agreements in June 2021.

Vice Mayor Kirdahy asked if there was any area of the project where the timeline could be sped up with assistance from the Town.

Mr. Ahmed stated the design was delayed because of the County project already under construction on A1A at the time the design was scheduled to start, but design tasks were accelerated to remain on schedule. He noted the Town could assist in coordinating with licensing agreements, as not obtaining those in time could cause delays.

Mr. Basnet asserted the schedule was already expedited and agreed any assistance in the licensing agreement project would be welcome. He stated he could look into whether there were other accelerations available, but that would be outside the scope of the design team.

Mr. Ahmed reviewed mid-block pedestrian crossing enhancements which could be applied to the project, noting there were options available.

Mayor Tarrant pointed out three (3) issues she had with the presentation, including the timeline, height of road raising, and the parameters of the project. She provided historical context regarding discussion on bike lanes and lane size changes, noting residents adamantly argued against a previous proposal of the project.

Mayor Tarrant stated the Commission worked with the residents to reconsider the project, with the agreement that the input of the residents would be included as follows:

- Driving lanes would not be reduced in size
- Bike paths would be four (4) feet
- Sidewalk on the west side from Opal Towers north to Deerfield
- Road raised in low-lying areas on the south end

Mayor Tarrant stated willing cooperation from the residents was achieved because the Town was led to believe the Metropolitan Planning Organization (MPO) and FDOT agreed to provide a benefit for all three (3) sections of Town. She added that she had brought up the concerns repeatedly and was told there were no problems anticipated in having the parameters included.

Mayor Tarrant pointed out the project at 30 percent design did not meet the specifications previously agreed to and noted it looked as though the wishes of the residents were being blatantly ignored, and said she hoped it was an oversight, not intentional disregard.

Continuing, Mayor Tarrant noted there were multiple places throughout Broward and Palm Beach Counties where marked bike lanes were four (4) feet or less. She added there was no reason for the sidewalk to go beyond Opal Towers as was originally agreed and pointed to the map to show the originally agreed upon end of the sidewalk.

Vice Mayor Kirdahy pointed out only one (1) brief meeting had been held with the design team due to COVID-19. She stated she had not been aware of the Opal Towers restriction and had suggested that sidewalks start earlier because it would allow residents of the Le Baron and Landmark Condominiums to utilize them. She noted the 11-foot road was included to maintain consistency with Deerfield Beach and places where it needed to be narrower.

Vice Mayor Kirdahy stated she had approached the project from an engineering and practicality point of view and had been convinced of changes to make the road consistent and better configured.

Mr. Serda stated the presentation was for the purpose of feedback, not to demonstrate what was being designed. He reiterated the concerns the Mayor had brought forward and noted there were no shovels in the ground, so parts of the preliminary plan were easily adjustable.

He stated the sidewalk could go as short or as long as they wanted, but the elevation was going to be a much more difficult issue to address.

Vice Mayor Kirdahy pointed out that when she presented the project to the MPO, it was presented with options, and the Town not only received approval, but was applauded for a well-documented, well-presented project. She stated many residents had spoken to her during that time regarding addressing the flooding.

Mayor Tarrant asked for clarification regarding the extent of the section of road to be raised, stating that the map showed it stopping at 1021 Hillsboro Mile, but the flood waters were extending farther north than that with storms. Additionally she asked if the crosswalk at Hillsboro Imperial which was previously discussed had been added to the plan.

Mr. Ahmed explained the three (3) crosswalks shown were in existing locations.

Mr. Serda stated the design team was aware of the requests for crosswalks at Hillsboro Imperial and Le Baron.

Mayor Tarrant asserted it was important those two (2) locations be included.

Mr. Ahmed stated he was making note.

Mayor Tarrant stated sea level rise was already causing sunny day flooding at times along Hillsboro Mile. She stated she wanted to be sure the anticipated rise was considered and asked if FDOT was completing a resiliency study to ensure the project was sufficient into the future.

Mr. Ahmed stated the goal of the design was to raise the road as much as practical. He noted the actual height was yet to be determined, adding it was bound by a list of restraints including harmonization with private owners.

Mayor Tarrant asserted her main point was that resiliency be considered.

Vice Mayor Kirdahy stated she had pointed out before that at the portion of the road that becomes impassable, a two (2) foot rise was probably necessary, along with the incorporation of pump ups and other elements. She noted she understood this made the project much more difficult, and that the design work was not complete.

Commissioner Brown asserted he was confused by the presentation, including the location of the sidewalk and addressing the problems at the south end. He asked whether the area in front of the Hillsboro Club was being addressed. He stated he had taken a drive the previous day in response to concerns brought to him and to look at the areas without storm drains in the roadway and expressed concern with where the tremendous amount of water on the roadway would go.

Vice Mayor Kirdahy explained there were storm drains at many individual properties, but due to sea level rise, the water was coming up through the storm drains because there were no backflow preventers currently incorporated.

Commissioner Feaman stated she had reviewed her notes from 2014 and 2015 and found backflow preventers were a huge part of the discussion at that time.

Vice Mayor Kirdahy asserted those considerations were a part of the project, but that stage of design had not yet been reached.

Mr. Ahmed agreed, noting there was a subconsultant for drainage on the project and options for those items were being reviewed and would be available for future review and comments.

Mayor Tarrant pointed to a slide in the presentation regarding low grade segments and noted the extremely low place at 925 Hillsboro Mile was south of the end point shown for the road leveling. She noted she wanted to make sure the project included that area.

Mr. Ahmed stated they were utilizing previous studies but also fine-tuning the limits. He noted the current survey data was being integrated into the plan.

Mayor Tarrant stated she was fine with the roadway being consistently 11-foot as long as it was not 10 feet. She noted the real concern was with taking space from the roadway and giving it to the bike lane and asserted the sidewalk needed to stop at Opal Towers.

Vice Mayor Kirdahy stated she would like to see additional input from the residents of the buildings further down regarding the sidewalk.

Commissioner Baldasarre stated there were a lot of walkers in her community, but she had not had time to survey people about what they would want because she was not aware of the options. She added that right now, they walk on both sides of the road.

Mayor Tarrant agreed they could go to ask the residents again, but asserted when the limit was originally agreed upon, it was a give and take between residents of different areas. She noted this list of parameters she had provided allowed for something for each area of Town because no one wanted anything to be done when it was brought up originally.

Vice Mayor Kirdahy stated that position was just not practical, adding that sometimes what was best for the greatest amount of people had to be looked at, along with State Law and the parameters of the community they live in. She noted if the road was fixed at all, the law required complete streets, to include bike lanes.

Continuing, Vice Mayor Kirdahy stated she knew there were a lot of walkers from the Le Baron and some had spoken with her, were excited to not have to walk on the roadways anymore. She pointed out they cannot please everyone all the time but were trying to do the right things for the Town and please the residents, while and incorporating the laws and addressing the sea level rise.

Commissioner Baldasarre stated past Kingsley Arms, the road was narrower, and she was not sure there was space for sidewalks. She asked what happened to the trees when the project moves forward, noting there was one area that was especially beautiful which she would want to see preserved.

Vice Mayor Kirdahy responded that she was correct about the topography, but there was space for the sidewalk.

Mr. Serda asked Mr. Ahmed to comment on whether he had a sense of what sort of landscape effect the project would have.

Mr. Ahmed stated part of the scope was to have a landscaping consultant inventory what was currently there and to outline what impacts the project would have. He noted there would be some impacts and there may be need for some relocation of landscaping.

Mr. Serda asked for a more detailed explanation to be provided regarding the tree canopy.

Mr. Ahmed stated as soon as the 30 percent engineering plan was submitted, the consultant would be in the field to complete the landscaping inventory.

Discussion ensued regarding the extent of impact on trees and other landscaping, and maintaining that landscaping being a factor in the extension of the sidewalk.

Mr. Basnet stated the FDOT landscape architect would also review the impacts once the plan was submitted at 30 percent. He noted he would ask the Commission to review the plan during the four (4) week review and comment period at that time and submit any written comments they might have.

Mayor Tarrant stated it was her understanding that the extent of the sidewalk was up to the Town Commission. She noted it was not material to the MPO or FDOT project.

Mr. Basnet explained if the limit were revised, that revision would be included in the 60 percent plan.

Discussion ensued regarding integrating comments prior to the submission of the plan at 30 percent completion.

Mr. Basnet stated the designers would work hard to integrate the comments prior to the three submission, but it may be too late to make those changes and not cause delay to the timeline.

III. ORDINANCES

A. **Ordinance No. 2020-07** An Ordinance of the Town Commission of the Town of Hillsboro Beach, Florida, amending the Town's Code of Ordinances by Amending Chapter 7 Entitled "Offenses and Miscellaneous Provisions" by Specifically Amending Article 1 Entitled "In General" and Creating Section 7-4 to be Entitled "Discharge Prohibition"; Prohibiting the Discharge of Pollutants into the Atlantic Ocean or the Intracoastal Waterway; Providing for Specific Prohibition; Providing for Enforcement by the Town Manager; Providing for Enforcement Actions; Providing for Severability; Providing for Conflicts; Providing for Codification; Providing for an Effective Date.

Town Attorney DJ Doody read the Ordinance by title only.

Mayor Tarrant stated the item was brought up by resident Stephanie Steinberg, who heads up a group of environmentally conscious residents.

Mayor Tarrant opened the Ordinance to public comment, however there being none to speak, closed the public hearing.

Motion made by Commissioner Feaman, seconded by Commissioner Baldasarre, to approve Ordinance 2020-07. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. RESOLUTIONS & CONTRACTS

A. **Resolution No. 2020-66** Ratifying the Subaward Agreement Between Broward County and the Town of Hillsboro Beach for CARES Act Funding.

Mr. Doody read the Resolution by title only.

Mr. Serda provided additional background, noting the item related to Federal funding which had been funneled through the State and then the County. He explained a formula was used that included various calculations to determine the amount to be funded to each municipality for COVID-19 expenses submitted by the end of the year. He noted the total amount was approximately $230,000 with realignment of about $70,000 to the County due to the Town not having those specific programs.

Mr. Serda stated items being contemplated included the purchase of about 500 branded face masks and plexiglass shields for the Commission Chambers.

Discussion ensued regarding the virus and behavior adjustments.

Mayor Tarrant asked if the plexiglass had to be installed to receive funding.

Mr. Serda noted the shields would not be hard installed and could be added and removed as necessary.

Commissioner Brown stated he would rather be safe than sorry and added that he was not sure 500 masks would be enough.

Discussion ensued regarding methods for distribution of masks.

Mr. Serda stated he was looking at the masks as a part of a public information campaign to encourage the community to mask up and as part of a community policing effort. He noted he would double to order of masks to 1,000. He explained the logistics of the plexiglass for the Commission Chambers and stated the use could be phased in and out as needed.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve Resolution 2020-66 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2020-67 Consideration to Approve and Authorize the Use of Law Enforcement Trust Funds for Police Department; Use of $5,000 of Law Enforcement Trust Funds for Tactical Vests and Use of $2,500 Law Enforcement Trust Funds for Wall Charger for Radios.

Mr. Doody read the Resolution by title only.

Mr. Serda stated the request was to repurpose a previously approved funding request to be used for tactical vests and incorporating additional funding for a bank of wall chargers for the police radios. He explained the use of the vests was to make body camera equipment easier to position.

Police Chief Jay Szesnat stated the vests were also taking the weight off the backs of the Police officers and making them more secure. He noted the wall mounting of the charger would make it easier to keep surfaces clean.

Motion made by Commissioner Brown, seconded by Vice Mayor Kirdahy to approve

Resolution 2020-67 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

C. **Resolution No. 2020-68** Consideration to Approve and Accept $99,135 from FEMA for a Beach Erosion Mitigation Feasibility Study Related to Loss Associated from Hurricane Dorian.

Mr. Doody read the Resolution by title only.

Mayor Tarrant stated there had been a presentation at the October meeting by Dr. Jackie Brower and Tim Blankenship from Moffat & Nichol regarding the study. She asked for clarification regarding the amount.

Mr. Serda stated the FEMA reimbursement was set for the full amount, but the Town would only receive 75 percent of the cost and would be responsible for the other 25 percent.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to approve Resolution 2020-68 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

D. **Resolution No. 2020-69** Consideration to Authorize Proper Town Officials to Execute Amendment to Agreement Work Order No. 3 (October 29, 2020) and Accept the Proposal from Moffat & Nichol, Inc. Relative to Conducting a Feasibility Study for the Town, Part of Hurricane Dorian Public Assistance Request.

Mr. Doody read the Resolution by title only.

Mayor Tarrant asked for clarification on how the study differed from the 2012 study which was to determine how to solve the beach problem.

Dr. Brower explained there were several differences, including the scope. Additionally, she noted FEMA requires a current feasibility study in order to be eligible for future mitigation funds. She stated recommendations from the first study would be moved forward to the new study, with a broader scope being addressed.

Mayor Tarrant asked why the modeling done in 2012 could not be reused.

Dr. Brower responded the modeling does include what was done in the original 2012 study, but also includes sediment modeling from the inlet to inlet system. She noted additional separate pieces were also proposed, with a focus and refinement of the original modeling included in the scope.

Mayor Tarrant asked Dr. Brower to confirm that sea level rise was being included in the study.

Dr. Brower stated that was correct. She noted resiliency projections for the future were an important piece of what was being addressed as part of the study.

Motion made by Commissioner Feaman, seconded by Commissioner Baldasarre, to approve Resolution 2020-69 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

E. **Resolution No. 2020-70** Consideration to Approve and Authorize Submittal of Vendor Automated Clearing House (ACH) Payment Enrollment Form, Allowing Vendors the Ability to Receive Payments from the Town via Electronic Transfer.

Mr. Doody read the Resolution by title only.

Mayor Tarrant noted the Resolution allowed for payment of vendors via electronic transfer.

Mr. Serda stated it was a small step forward. He noted checks were still signed with dual signatures and couriers were utilized on both ends. He added that as vendors were working from home more, they did not want to deal with having to cash checks. Additionally, he stated hurricanes had caused issues at times in getting in-person checks to vendors.

Continuing, Mr. Serda asserted that he looked at every invoice in Town. He stated every payment would still be done that way, and the Commissioners would also provide a system of checks and balances.

Mayor Tarrant pointed out two (2) typos on the ACH form for correction.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve Resolution 2020-70 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

F. **Resolution No. 2020-71** Consideration to Approve and Authorize Proper Town Officials to Execute Renewal Agreement with United Healthcare for Employee 2021 Health Insurance Benefits.

Mr. Doody read the Resolution by title only.
Mayor Tarrant noted this item was the renewal agreement with United Healthcare for employee health benefits.

Mr. Serda explained this renewal was annual, and noted Graeme Pentland, the Town's broker, was present to answer any questions. He stated the Town shops the medical insurance plan each year, reviewing all existing providers that service the market.

Mr. Serda stated his recommendation was to continue with the existing plan. He noted he had put together an employee committee but had not utilized it as well as he would have liked to. He asserted he would make an effort to get more buy-in from that committee in the coming year.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve Resolution 2020-71 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

G. **Resolution No. 2020-72** Consideration to Approve and Authorize Proper Town Officials to Execute the Second Amendment to PCS Site Agreement Between the Town of Hillsboro Beach and Sprint Spectrum Realty Company, LLC.

Mr. Doody read the Resolution by title only.

Mr. Serda noted an edit, stating he would like item four (4) to include both the tenant and the landlord having a right to terminate.

Mr. Doody stated he had comments on paragraph seven (7). He asked for the addition of notice and that consent would not be unreasonably withheld, noting the Town was the landlord. He stated the contract was a bit overreaching.

Mayor Tarrant agreed, adding that it was written as though the Town were doing them a favor. She noted that the way it was written, the company could sublet to anyone they chose.

Mr. Doody stated the Town should have control over who goes on their tower.

Mayor Tarrant asked for clarification regarding additional sections.

Discussion ensued regarding the footprint currently held and potential future construction, as well as who would pay for any permits required.

Mr. Doody recommended the item be tabled to allow time for changes to be made.

Mr. Serda stated there was a November deadline.

Mr. Doody asserted the contract could be approved conditionally.

Mayor Tarrant asked if the rental rate had been researched.

Mr. Serda responded it varies substantially but goes as low as $30,000 per year. He noted he did not have market study or information regarding proximity to the beach. He added that he had thought it was fair based on what he knew of cell towers and stated the Commission was not required to approve it at this time. He stated the rate included a three (3) percent automatic annual increase as contracted.

Mayor Tarrant stated she was OK with letting it go through this year but thought they should figure out if it was a reasonable rate moving forward.

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve Resolution 2020-72 subject to clarifications of items 5, 7, and 10. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. CONSENT AGENDA

A. Proclamations

1. **Proclamation to Recognize National School Choice Week, January 24-31, 2021**

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the Proclamation to Recognize National School Choice Week. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Invoices for Approval

1. **Akerman:** Invoice # 9610445 Services rendered thru 09/30/2020 **$29,692.10**

2. **Gardner, Bist, Bowden, Bush:** Invoice #10008 Services rendered from 9/01/2020 thru 9/30/2020 $11,341.11

3. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #33297 Services rendered from 9/30/2020 thru 10/26/2020 $2,771.12 (General Matters)

4. **Goren, Cherof, Doody & Ezrol P.A. :** Invoice #33298 Services rendered thru 10/01/2020 $68.20 (Deerfield Beach)

5. **Goren, Cherof, Doody & Ezrol P.A. :** Invoice #33299 Services rendered from 10/01/2020 thru 10/14/2020 $635.44 (Purchase from Winter Sun Investments LLC)
6. **Goren, Cherof, Doody & Ezrol P.A. :** Invoice #33300 Services rendered from 9/30/2020 thru 10/09/2020 $450.00 (adv. State of Florida (Bond Validation 2020)

7. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #33301 Services rendered thru 10/01/2020 $315.00 (adv. David Pratt (Seagrape Revocable Trust) Appeal)

8. **Inframark:** Invoice #56445 October 2020 $7,350.12

9. **Nabors, Giblin & Nickerson:** Invoice #1060 20093 43782 Services rendered from 9/1/2020 thru 9/30/2020 $9,219.00

10. **RMA:** Invoice #4258 09/10/2020 $1,290.00

11. **Shutts & Bowen LLP:** Invoice #1492422 Services rendered from 9/1/2020 thru 10/6/2020 $7,050.00

12. **Sweetapple, Broeker & Varkas:** Invoice #11004 Services rendered from 9/28/2020 thru 10/13/2020 $850.00

13. **Public Financial Management, Inc (PFM):** Invoice #112015 Special Assessment Report $25,000.00

14. **Mark E. Raymond:** Invoice for Beach Nourishment Land Acquisition Project $46,853.01

15. **RMA:** Invoice #4544 Services rendered from 9/01/2020 to 9/30/2020 $4,525.00

16. **CG&A:** Invoice # 81199 10/31/2020 $26,610.58

17. **LSF:** Invoice #20103126 October 2020 $6,083.87

18. **Moffatt & Nichol:** Invoice # FB000056 10/30/2020 $40,038.00

Mr. Serda asked that item one (1) be removed from the Consent Agenda and tabled.

Commissioner Feaman asked to pull item two (2) for additional information.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve the Consent Agenda invoices item three (3) through 18. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to table item one (1) until Mr. Serda brought it back to the Commission with backup documentation. In a roll call vote, the **motion** passed unanimously. (5-0)

Commissioner Feaman asked for clarification on a section of the Gardner, Bist, Bowden, and Bush invoice which was highlighted in yellow.

Motion made by Commissioner Feaman, seconded by Commissioner Baldasarre, to approve the Consent Agenda item two (2). In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant adjourned the meeting for a break at 11:20 a.m.

Mayor Tarrant called the meeting to order at 11:28 a.m.

VI. Beach Report

A. Presentation from Rene Males on "Sea Level Rise"

Mayor Tarrant explained the Commission had asked Hillsboro Beach resident Rene Males to summarize a white paper he submitted on sea level rise. She thanked Mr. Males for his involvement in the Town and always doing his homework. She stated she really appreciated all the work he puts in on behalf of the Town of Hillsboro Beach.

Mr. Males stated he had researched the white paper on sea level rise after being teased by friends that he had purchased property which would be under water in 10 years. He explained his findings were a forecast of a two (2) inch rise in sea level by 2030, translating to a beach inundation of two (2) feet. He provided perspective on those numbers and added that storm surge could be a larger issue, but there was not much data on that matter. He stated it was his hope that Dr. Jackie Brower's research would further illuminate storm surge and the surrounding danger.

Mr. Males noted the projected rise by 2060 and beyond was much more serious. He stated there were several items the Town should be concerned about, including educating people on the issues. He asserted getting sand for nourishment and replacement of inundation was likely to be increasingly difficult and expensive.

Mayor Tarrant stated Mr. Males' white paper was available upon request.

B. Staffing Consideration – Resiliency Manager

Items B and C were discussed together.

C. Mayor's Beach Update

Mayor Tarrant stated that she asked this item to be included on the agenda because the Commission had gotten away from discussing the beach, in part because litigation kept them from discussing it. She noted there was no beach section on the monthly agenda because there was not a beach staff person, but there were a number of beach management issues which needed oversight and discussion.

Continuing, Mayor explained the Commission needed to start taking a more holistic look at resiliency and what needs to happen to protect the beach. She noted the settlement with Deerfield Beach was not an end, but the first step.

Mayor Tarrant noted a summary of the Florida Shore and Beach Preservation Association (FSBPA) Conference was on the table for each Commissioner. She asked that they each take the notes away and take time to review it individually.

Mayor Tarrant shared highlights from a talk by Noah Valenstein, Secretary of the Florida Department of Environmental Protection (DEP) including:

- All projects receiving State funding will now be required to complete a resiliency/ sea level rise study
- The Governor wants a unified front between agencies regarding resiliency
- DEP plans to focus more on enforcement

Mayor Tarrant shared highlights from a talk by Jason Harrah, Project Manager out of the Jacksonville District with the Army Corps of Engineers (Corps), including that his department has billions in Federal funding, far more than the State, and projects done with the Corps get priority for State funding. With that said, at this point in time, the alliance with Deerfield Beach does not qualify Hillsboro Beach for Corps funding.

Continuing, Mayor Tarrant stated that since the Conference, she and Mr. Serda, along with representation from Moffat & Nichol, met with Mr. Hara's boss to gain a better understanding of how the Town might qualify for Federal funding and noted it was something the Town should work toward, adding that it would require very specific effort and focus.

Mayor Tarrant reviewed additional conference topics, including:

- Recovery from Hurricane Matthew by towns similar to Hillsboro Beach
- Information shared by local engineer Tom Pierro regarding a 2.8-mile project in Palm Beach restoration which consisted of 839,000 cubic yards of sand being trucked
- The availability of DEP funding for projects, criteria for funding, and the availability of FEMA funding

Mayor Tarrant asserted that as a beach community, she was concerned the Town did not have designated staff responsible for the beach and/or focusing on resiliency. She noted Deerfield Beach has 2/3 the shoreline of Hillsboro Beach and has a team dedicated to the beach. She added that she was not suggesting a team or even a full-time person, but that someone be involved every week with staying current on what is going on with neighboring shorelines.

Mayor Tarrant stated neither she nor Mr. Serda were able to keep up with the issues, and listed examples of items that could be corrected with availability of staff for beach resiliency and to spearhead beach issues. She asserted that she believed the reason the beach had been nearly destroyed was because for decades it was no one's responsibility.

Commissioner Feaman stated Mayor Tarrant was absolutely right to bring this to a head, noting for years there was no one who even thought about the beach, until she and Mayor Tarrant got on the Commission.

Mayor Tarrant asserted there were residents who thought about it prior to this Commission, but this Commission was willing to step up and put it on the line and do something about it. She stated it would have happened much sooner if the Town had a designated beach person.

Commissioner Feaman said it was an excellent idea and said she would research and make some suggestions.

Commissioner Baldasarre stated there is so much information out there, it is almost overwhelming. She noted when you think about what needs to be known, there is no way the Commission can do it.

Mayor Tarrant added that it was time to recognize that this was not a one-shot need, the beach was an ongoing need. Additionally, she stated Mr. Males' points also needed to be addressed, the Town could not wait 10 years until it was too late.

Mr. Serda stated he would not contradict any of the points Mayor Tarrant had made, as the Town has six (6) miles of coast and three (3) miles of road. He noted close to half the Town's budget is spent protecting the road.

Discussion ensued regarding the qualifications and experience needed and putting that information out to informed residents and consultants to help in the search.

D. Deerfield Beach Kickoff Meeting Update

Mr. Serda stated he first had an update on the Tourist Development Tax (TDT). He explained he reached out to multiple people, and no one seemed to know how to move it forward, but Mr. Doody was going to help to get an appointment with the County Attorney's office to review the qualification for the TDT and try to determine how to count vacation rentals to be eligible for the program.

Mayor Tarrant asserted that was something a beach staff person could be focusing on. She noted there was an entire complex that was all vacation rental, a hotel that would be up and running at some point, and other properties sprinkled through the community.

Commissioner Brown asked if snowbirds working through a real estate agent were supposed to report those stays, and if the Town was losing money if they did not.

Mayor Tarrant stated rentals through associations might be different, but anything that went through Airbnb or VRBO or similar was supposed to have taxes collected on it.

Commissioner Baldasarre noted a lot of the condominium rentals were done through word of mouth. She added that she had heard that when a condominium was rented, tax was paid as part of the process, but she would have to check.

Mr. Doody confirmed that under that type of lease there should be a sales tax provision, which was different from TDT.

Discussion ensued regarding the limitations on renting a condominium, collection of TDT, and seasonal rentals.

Mr. Serda stated a meeting had been held between staff members of Hillsboro Beach and Deerfield Beach. He noted Deerfield Beach staff had already engaged Boca Raton regarding participation in a joint effort, and they seemed agreeable. He stated Boca Raton had agreed to allow participation on a dredging effort planned in the next year, but the details were not yet worked out. He added that there would be cost savings associated with the project and it would serve as a good source of sand.

Continuing, Mr. Serda stated Deerfield Beach had sent a scope of work for a Request for Qualifications (RFQ) for an engineer for the joint project. He noted a selection committee would be formed to rank and recommend an engineer, and the plan was to move forward quickly, with the committee formed in the next week and the RFQ out by month end.

Discussion ensued regarding timing, as well as the historical importance of the regional effort for beach sand management, with multiple municipalities and counties working together.

Mr. Serda stated that all in all, the conversation with Deerfield Beach staff was positive and up-tempo, and seemed there was motivation to work together from both sides.

VII. Staff Updates

A. Police Department

1. September 2020 Report

Police Chief Jay Szesnat commented on flooding due to the previous week's weather. He thanked the Town Clerk and Town Manager for their preparedness and the planning that goes into storm-related logistics.

Chief Szesnat reported the electrical system had gone out on the marine unit, and that issue was still being worked through. He explained the body cameras were squared away and ready to go. He asked if there were any questions on his activity report.

Mayor Tarrant thanked the Police Department for keeping the road clear for several days straight, getting drenched to remove limbs from the street and other activities. She also commended Chief Szesnat for his personal miles racked up on the street, thanking him for being present.

2. County Commission Meeting Update

Mayor Tarrant shared details of the Broward County Commission meeting on October 20, where agenda items included the Broward County Police Review Board. She noted a copy of the comments she made at the meeting was included in the backup materials.

Mayor Tarrant stated as she sees it, there are a number of issues with the creation of the Broward County Police Review Board, including:

- Municipalities like Hillsboro Beach that fund their own police departments will be subject to this Review Board without any say in the makeup of the Board
- A recommended requirement for being appointed to the Board is to have had a bad experience with the police
- Of the 24 members on the Board, at least eight (8) represent special interest groups with known anti-police bias
- 22 of the 24 Board members have no experience in, or understanding of, law enforcement

Mayor Tarrant asserted that untrained individuals with grudges and special interests should not serve in an advisory capacity to people who actually put their lives on the line every day. She stated that a letter from a new Hillsboro Beach resident was going to be printed in the following day's *Pelican Newspaper* taking umbrage with her perspective, and the same edition would also include her response.

Commissioner Baldasarre shared of an individual in her building who had needed assistance related to the storm due to her husband's oxygen dependence. Commissioner Baldasarre stated the Police Department had sent someone to check on the couple after receiving a worried phone call and added that she wanted to share the heartwarming story with the Commission.

Mr. Serda stated this was evidence of the Town's efforts to turn potential problems into opportunities, pivoting to engage one-on-one. He noted it was an outstanding effort.

B. Finance Department – September 2020 Report

Steven Bloom presented the Fiscal Year End 2020 Report, noting a final discussion would be held once the results were audited.

Mr. Bloom started with a report on the General Fund. He stated the plan was to use $700,000 in fund balance (or cash reserves) to cover the General Fund for the year, with the largest piece being for the beach legal costs. He explained the full amount did not end up being used, and the amount was reduced to $640,000. He noted some of these funds would be reimbursed, through the CARES Act and FEMA funding. He showed a chart explaining revenues over all types were at 99 percent collected for the year, and most did well even with the pandemic. Mr. Bloom noted they had been watching Inter-governmental revenues with the expectation that those would be impacted by COVID-19, but it had come it at about 93 percent, which was less impact than expected.

Continuing, Mr. Bloom explained expenditures had ended up at about 98.1 percent of the budgeted figures. He stated the largest variance was in inter-fund transfers, noting that was related to the beach project and would be reimbursed. He explained the partial payment already received from FEMA was enough to close out the beach loan.

Mr. Bloom reviewed the Special Revenue Funds, noting the largest items to look at were forfeitures, which are down to $180,000 after some purchases, and the Community Bus Fund, which has a surplus which will be used for future repairs and projects. He reviewed the beach loan, FEMA bridge loan, and capital projects, which totaled $4.09 million for the year. He stated the Water Fund ended the year in a surplus, noting all funds were intended for future water plant maintenance needs. He showed charts of water usage and expenses.

Mr. Bloom shared data for the year regarding fuel costs, noting the number of gallons was up from the year before, but the average price per gallon was down. He stated the expense was at about $58,000 in 2012 and was at about $34,000 in 2020. He reviewed Worker's Compensation Insurance expenses and historical data regarding claims.

Mayor Tarrant stated she and Mr. Serda had attended the FSBPA Conference in September and the cost did not show up under the Commission budget.

Mr. Bloom said he would review.

Mayor Tarrant pointed out the variance in the Police Department budget was almost entirely related to a cash-out for former Chief Thomas Nagy.

Mayor Tarrant thanked everyone for keeping their department budgets in line in the face of tons of unexpected events throughout 2020.

C. Building Services Report

Steve Mitchell, Building Official with CG&A, provided his report. He noted the hurricane season was almost over and nothing had fallen down, so he would take that as a win. He stated the end of the year was expected to be quiet for construction and commented that projects inside condominiums were down over past years.

Mr. Mitchell stated inspections were up, and the projects anticipated for completion were still on track.

Mayor Tarrant asked if there would be any additional certificates of occupancy by the end of the year.

Mr. Mitchell stated there would be one (1) completion of a large single-family home at 923 Hillsboro Mile, and potentially there would be a hotel back on the tax rolls.

D. Code Compliance Report

Mario Sotolongo, Code Supervisor with CG&A, gave a brief update on Code Compliance. He stated four (4) new case were generated in September and two (2) were closed out, both property maintenance issues.

Mr. Sotolongo stated one of the cases which remained open was 1205 Hillsboro Mile due to some issues with the pool, but the contractor had responded right away. He noted a few issues remained, and he was monitoring it proactively.

Continuing, Mr. Sotolongo stated the other open case was 961 Hillsboro Mile, which came in through a complaint regarding the balcony. He explained the brick veneer started falling off, and the property manager and owner responded to the issue but had not painted the area repaired. He stated he had just received a text message that the painters were on the way to take care of the issue.
Mr. Sotolongo provided an update on his efforts regarding vacation rentals in the community. He stated a notice had already gone out to the Royal Flamingo, requesting both registering and inspections. He noted he is currently working with Sunrise Villas, but that issue is not as obvious and organized, so he is going into VRBO weekly to see which units are being rented out.

Continuing, Mr. Sotolongo noted he had a piece of good news regarding the seawalls. He stated 1015 had received its license from the County to increase the height of their seawall. He added that had been a long process and they were still waiting for approval from the Army Corps of Engineers but are moving forward with submitting permit application to the Town.

Mayor Tarrant asked what the new owners of 961 Hillsboro Mile were planning to do with the property.

Mr. Sotolongo responded it was a tear-down, but the open Code violation would be an issue in getting permits.

VIIII. Town Manager Report

A. Paint Town Hall Update

Mr. Serda provided a brief recap on the tropical storm the previous week, noting it had come up as an issue quickly. He spoke to the Town's resources and how the team had pulled together to respond.

Continuing, Mr. Serda stated the storage room, which had long been a project of the staff, was more than half cleared out and categorized. He noted this was a great move forward, and he had reached out to an auction company regarding the 20 or so extra file cabinets left behind when files were digitized.

Mr. Serda provided an update on the Town Hall painting project. He shared a sample of the shutter to show the color.

Commissioner Feaman asked if it was possible to get the shutter in blue to provide contrast on the building.

Mr. Serda stated if the Commission wanted to see different colors, he could request new samples. He noted the lead time on the shutters was two (2) to three (3) months.

Discussion ensued regarding revisiting the shutter color and upgrades to the inside of the Town Hall, and the list of capital projects that had been deferred due to uncertainty surrounding the beach litigation.

B. Underground Utility Easements Contract

Mr. Serda explained the selection committee for the underground utility easements contract had some delays but met to rank the firms and the recommendation would be on the agenda for the December Commission meeting to pursue securing the easements for undergrounding the utilities should that project come forward.

C. Town Hall Holiday Lights

Mr. Serda stated the tree trunks had been wrapped, and the lights were to be lit up the next week. He noted some communities were lighting early due to the pandemic, and he was attempting to follow suit.

D. Shredding and Household Hazardous Waste Drop-Off Event

Mr. Serda asked the Commissioners to check their calendars to let him know if January 16 worked for a shredding and household hazardous waste drop-off event. He noted there would not be music and a tent at this year's event due to social distancing.

Continuing, Mr. Serda stated Chief Szesnat was able to come up with a solution for sharps disposal as well as prescription drug disposal.

Mr. Serda asked for feedback from the Commissioners regarding whether the drop-off should be for residents only, rather than also covering property companies disposing of records and things like diesel fuel. He explained the Town was responsible for expenses.

Discussion ensued regarding requiring proof of residency and sharing the intent of the event in marketing materials.

Mr. Serda stated the past budget period had included funding of $3-$5,000 for bocci ball enhancement. He noted trip hazards were being corrected and the court would be spruced up before the end of the month. He stated once it was refurbished, he would like to reopen the courts and allow people to utilize the courts.

Vice Mayor Kirdahy asserted she believed there would be less people coming down this year due to COVID-19 restrictions.

IX. TOWN ATTORNEY REPORT

Mr. Doody reported he had received confirmation from Winter Sun that they had received their property tax assessment for 2020. He stated he had sent an email to counsel to determine if they would be seeking proration, and noted that if they do, he would like the authority to work with the Town Manager and Mr. Bloom to quantify the amount and take advantage of the four (4) percent early pay discount.

The Commissioners agreed by consent to allow Mr. Doody to work with the appropriate Town officials to handle the taxes.

Mr. Doody stated the invoice approved during the Consent Agenda for the Seagrape Revokable Trust was the remaining lawsuit. He noted all briefs had been filed and the Town was awaiting a decision.

Mayor Tarrant asked Mr. Doody to confirm the Town had no liability in that matter.

Mr. Doody stated that was correct, the Court could quash the decision of the Zoning Appeal Board and deny the variance, but there were no monetary damages being sought.

X. Town Commission Comments/Reports

A. Commissioner Andrew R. Brown

Commissioner Brown reported he was asked to attend a roundtable talk at 1155 Hillsboro Mile on October 29, and it had gone well. He stated it was a group of residents and no board members, and he provided them with information on how the Town was run and the accomplishments of the Commission. He said he noted to them the shuttle was a selling point the owners could use in the future.

Continuing, Commissioner Brown stated the residents at 1155 Hillsboro Mile were complaining of some issues with water and Mr. Serda sent someone to flush the fire hydrant to be sure the issue was not coming from the Town end.
Commissioner Brown stated a resident had been in contact with Mr. Serda regarding putting up a pickleball court and had identified the location of the old weigh station as a potential site. He asked if the other Commissioners would be amenable.

Mayor Tarrant responded that she had no objection and asked if the weigh station would go away.

Mr. Serda stated that could be evaluated, noting it was not in use now. He added that he had requested a quote from a pickleball vendor to get an idea of the cost and pointed out it would result in new issues for the Town, but nothing that was insurmountable.

Discussion ensued regarding charging for usage, how it was handled in other communities, and limiting use. The Commissioners agreed by consensus to allow Mr. Serda to research the issue.

B. Commissioner Barbara Baldasarre

None.

C. Commissioner Vicky Feaman

None.

D. Vice Mayor Irene Kirdahy

None.

E. Mayor Deborah L. Tarrant

None.

XI. PUBLIC COMMENTS

Town Clerk Sherry Henderson shared a public comment emailed ahead of the meeting from John Carlson.

John Carlson, 975 Hillsboro Mile, commented regarding the height the roadway would be raised. He noted the previous discussion stated the amount the road could be raised was restricted by the cost of harmonizing with driveways and stated he had received a quote for harmonizing his own driveway with the raised road. Mr. Carlson argued that the cost was not significant enough to restrict the project and said it should be covered by the one (1) cent sales tax for infrastructure. He asked that the Commission pass a Home Rule or whatever was necessary to require the road be elevated to a minimum of four (4) feet to properly address sea level rise with a fix rather than a patch.

Mayor Tarrant stated he was not wrong, the issue needed to be addressed, but the island was not wide enough to allow for the ramps necessary to blend a four (4) foot increase. She asked Mr. Doody if there was a way for the Town to pass an Ordinance saying the road had to be raised a certain amount.

Mr. Doody responded that an Ordinance to that effect was not an option. He added that the reference to Home Rule was not applicable because it applies to what is not regulated by the State, and State roads are highly regulated. He asserted the Town had limited legal authority to rely upon.

Mayor Tarrant noted the sales tax referenced was a County tax, and it was a State road. She asked that Mr. Serda send an email explaining the response.

Discussion ensued regarding a project in Miami Beach and whether parallels could be drawn with the Hillsboro Beach project.

XII. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to adjourn the meeting at 1:23 p.m. In a roll call vote, the **motion** passed unanimously. Commissioner Feaman voted visually.

ADOPTED THIS 1st DAY OF DEC, 2020

By: Deborah L Tarrant
Deborah L. Tarrant, Mayor

ATTEST:
Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk 12/1/2020

Written public comments & documents entered into the record

NOVEMBER 10, 2020 | 9AM

Regular Town Commission Meeting

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

Town Clerk

From: Sea <seafront@comcast.net>
Sent: Tuesday, November 10, 2020 8:58 AM
To: TownClerk@TownofHillsboroBeach.com
Subject: Road Comments

975 Hillsboro Mile
Hillsboro Beach, Florida 33062
954-781-7356, cell 954-778-4430
SeaFront@Comcast.net

John Carlson @ 975 says:

Among the arguments why A1A can only be raised 6 inches--is harmonizing driveways into the roadway.

I received a bid to raise my paver driveway to blend with a higher 6 inch road. Price was $2,500.00 which should be included in the current plan. If the road was elevated to 2-feet, that cost would increase by the amount of concrete border plus sand and the labor to place it—say $800.00 extra.

When our sewer pipes were installed, it was easy to see that A1A is basically built on sand. Adding two feet of sand over 2510-feet is not cost prohibitive. Driveway connection cost will increase but the addition is only about 1/3 more. Figuring 30 driveways at $800.00 additional cost each, the extra cost is $24,000.00.

Our one-percent sales tax is for infrastructure improvements. The $24,000.00 for driveway harmony is a drop in this tax bucket.

Please pass a Home Rule measure or whatever it takes, requiring A1A to be elevated to a minimum of 4-feet. We need a fix, not a patch. The time to address global warming and sea level rise is--right now.