MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
APRIL 6, 2021

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:43 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Vice Mayor Irene Kirdahy
Commissioner Barbara Baldasarre
Commissioner Andrew Brown

Town Staff:

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

Absent:

Commissioner Vicky Feaman

Town Clerk Sherry D. Henderson explained the Town Commission Meeting was being held with a quorum physically present at Town Hall, following the expiration of the Governor's Executive Order 20-246 allowing for meetings of a municipality's governing boards without having a quorum of its members present physically or at any specific location. She outlined the procedure to be followed for online participation by the public. She explained the notice given and provided instruction on the Zoom system being utilized to host the meeting online. She further noted public comment was being accepted by email, as well as on the Zoom system.

APPROVAL OF AGENDA

Town Attorney DJ Doody asked that item 4A (Seawall Ordinance) be considered on First Reading as item 3C.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to amend the agenda by moving item 4A (Seawall Ordinance) to item 3C. In a roll call vote, the **motion** passed unanimously. (4-0)

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve agenda as amended. In a roll call vote, the **motion** passed unanimously. (4-0)

I. APPROVAL OF MINUTES

A. Minutes of the March 2, 2021 Regular Meeting

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve the minutes from the March 2, 2021 Regular Meeting as printed. In a roll call vote, the **motion** passed unanimously. (4-0)

B. Minutes of the March 16, 2021 Reorganization Meeting

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve the minutes from the March 16, 2021 Reorganization Meeting as printed. In a roll call vote, the **motion** passed unanimously. (4-0)

C. Minutes of the March 18, 2021 Joint Commission Meeting with City of Deerfield Beach Commission

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the minutes from the March 18, 2021 Joint Commission Meeting with City Deerfield Beach Commission as printed. In a roll call vote, the **motion** passed unanimously. (4-0)

Mayor Tarrant noted that a draft of the minutes was provided in advance of the meeting and the Commissioners submitted corrections ahead of time.

II. PRESENTATIONS

A. Proclamation in Honor of John H. ("Jack") Holland, Hillsboro Inlet District Board of Commissioners Chair, Special Recognition of 35 Years of Service.

Mayor Tarrant stated Jack Holland was a legend. She read a statement about Mr. Holland and his years of service to the Hillsboro Inlet District Board. She stated Mr. Holland is respected from Tallahassee to the Florida Keys for his coastal knowledge. She read the proclamation for the record.

Mr. Holland thanked Mayor Tarrant for her comments and for the recognition and gave some insight into his next steps.

Mayor Tarrant stated that the Hillsboro Inlet had been managed beautifully during the 35 years that Mr. Holland was leading the Board.

III. ORDINANCES

A. Ordinance No. 2021-03 Amendment to the Town's Code of Ordinance, Amending the Land Development Code and Creating "Conditional Use" for Restaurant and Hotel Bar (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY AMENDING ARTICLE XII TO BE RETITLED "SPECIAL USE AND CONDITIONAL USE REGULATION"; PROVIDING FOR THE CREATION OF A SECTION 12-252 TO BE ENTITLED "CONDITIONAL USE"; PROVIDING FOR THE CRITERIA FOR CONDITIONAL USE; PROVIDING FOR ENFORCEMENT ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Mr. Serda provided background on the item, explaining the Town now had a hotel in place and did not have an Ordinance related to restaurants and bars.

Mr. Doody stated that the item had been tabled at the March 2 meeting, and since that time legal had met with Mr. Serda as well as the legal counsel for the Seabonay Hotel. He noted potential changes that had come from those conversations, including amendment to the section titled "review criteria," as well as changes to "principal use," "noise and fumes," and addition of two (2) new provisions to require seating of the restaurant and bar be inside, and payment through a key card system exclusive to the hotel. He noted the final item was meant to preclude members of the public from utilizing the services.

Continuing, Mr. Doody addressed the definition of hotel/motel bar. He stated the Commission may want to add a minimum number of rooms as a threshold to qualify. He reviewed square footage discussions and summarized the proposed changes. Mr. Doody clarified that any changes would be added between first and second reading.

Mayor Tarrant clarified that the public hearing required prior to conditional approval would be a public Quasi-Judicial hearing and asked that the language be amended to state that.

Mr. Doody noted that Quasi-Judicial is triggered by site specific application.

Mayor Tarrant added that amending the Code as was being discussed did not grant any permission to proceed, the process still required coming before the Town Commission to

request an approval of conditional use. She asked for clarification regarding the 25 percent figure contemplated for building use.

Mr. Serda stated staff had discussed several numbers with Jim Hickey with CG&A, and asked Mr. Hickey if he would like to weigh in.

Mr. Hickey explained the 25 percent was a customary number utilized to determine accessory use, as the Town does not want accessory use to be larger than the main use of the property.

Debbie Orshefsky, legal counsel for the Seabonay, stated if the entire hotel was used to determine the 25 percent, it would be a very large number. She noted there was a limitation on the size of a restaurant or restaurant/bar in the Ordinance.

Vice Mayor Kirdahy stated she thought it would be punitive to not allow outdoor seating. She commented on the issues related to the provision of fumes.

Mr. Doody agreed BBQ fumes could be problematic. However, He noted he did not see the Town prevailing in Code Enforcement concerning this matter.

Discussion ensued regarding the difference between service outside and the main kitchen remaining inside, behind closed doors.

Mr. Serda stated the trigger words of noise, fumes, and existing zones helped to keep the property harmonious with the neighborhood.

Mayor Tarrant asserted that they did not want an outdoor kitchen or band.

Mr. Doody noted that each restaurant bar would be a separate application and language could be further addressed at that time.

Commissioner Brown commented that alcohol and eating outside created issues for the adjoining neighbors, who had not experienced that in the past. He noted that those neighbors did not buy into that, and it should be well controlled. He expressed concern about how far the issue was being allowed to go.

Vice Mayor Kirdahy asserted that condominium associations have frequent celebrations for things like holidays.

Commissioner Brown stated that holidays happen a few times a year, not nightly.

Mayor Tarrant stated that the issue weighs on her. She asserted that the Commission wanted the hotel to be a positive addition to the community, and stated she had a fear that if there

were too many restrictions, the price of the rooms would not be able to stay high enough to get the kind of clientele they want.

Discussion ensued regarding the appropriate balance.

Commissioner Baldasarre stated that personally she agreed that she would not want to stay at a hotel without food or drinks available. She noted that geographic isolation of the hotel was also a factor. She shared her experience with the Residence Inn in Pompano Beach.

Mr. Doody reminded the Board that individual applications would allow the discussion of specifics. He recommended the revision of section F be "all food and beverages served to patrons shall be prepared in an enclosed kitchen and bar."

Vice Mayor Kirdahy asked about the idea of a pool bar.

Discussion ensued regarding service outside or a window to the outside, but the pool and restaurant being located inside.

Commissioner Brown asked Mr. Serda to provide his feedback on the discussion.

Mr. Serda stated that he believed there would be frequent complaints if there was amplified music and outdoor cooking. He stated the Ordinance provided a tool for the Commission to decline a restaurant coming forward, and he felt that was key.

Mayor Tarrant pointed to the definition of hotel/motel bar and stated that she did not want to imply that they would consider a stand-alone bar. Mayor Tarrant asked for clarification regarding the allowable size of the restaurant/bar within the Ordinance.

Mr. Doody stated counsel for the Seabonay could give additional clarification regarding the type of liquor license they planned to apply for, and Mr. Hickey could comment on what portion of the restaurant would be the kitchen.

Mayor Tarrant asserted the question of what type of liquor license would be applied for was also an important discussion.

Mr. Doody stated the State had preempted licensing matters and advised the Commission not get into the issue. He noted the Commission would be approving a bar that was incidental to the restaurant. He stated he would like to get clarification from Ms. Orshefsky.

Mayor Tarrant commented on revocation of conditional use and whether it was transferrable with sale of the land.

Mr. Doody stated that approval typically ran with the land. He noted the clause referenced allowed for revocation to also transfer and stated he would clarify for second reading.

Ms. Orshefsky thanked staff, Mr. Doody, and the Town Commission for the thoughtfulness with which they were approaching the Ordinance. She stated they wholeheartedly appreciated the conditional use process, and thought they were close to an Ordinance which would be workable for both sides.

Ms. Orshefsky outlined the proposed site, noting there would be a dining area with a restaurant and seating area, and outdoor food and beverage service within the parameters discussed. She noted the liquor license being purchased for was a 4COP Quota License and explained the associated restrictions and requirements.

Continuing, Ms. Orshefsky addressed the discussion regarding outdoor service. She stated they wanted to have some type of wait-service at the pool, but all food preparation being indoors was fine. She stated the plan included 774 square foot dining area, excluding the kitchen and back of house, and asked that the wording be adjusted to be limiting the seating area but not kitchen.

Ms. Orshefsky stated the plan included 72 rooms, and the platted plan included 76 rooms. She stated she was not familiar with the Town's noise ordinance but noted that may be how the Commission wanted to address issues with noise. She added that if amplified music was going to be excluded, she might ask that it be allowed for special events.

Ms. Orshefsky noted that the Seabonay hoped to bring forward the Town's first application right after the Ordinance was enacted.

Mayor Tarrant opened the item to public comment.

Jane Reiser, 1050 Hillsboro Mile, stated it had been an interesting conversation, and thanked Ms. Orshefsky for clarifying the details. She asked that the Commissioners put themselves in the position of living next door to the Seabonay, and not approving something they would not want to live next door to.

Jim Hickey provided additional clarification to the wording of the definition of restaurant/bar. He recommended a change to the maximums included within the Ordinance and the number of people to be served.

Ms. Orshefsky stated that she would confirm the back of house measurements between first and second reading.

Commissioner Baldasarre noted that this Ordinance was not specific to the Seabonay and stated they should be careful not to tailor it to that project.

Mayor Tarrant closed the item to public comment.

Discussion ensued regarding limiting the square footage of the restaurant and maintaining it as accessory use rather than principal use, as well as what portions of the property were counted in the square footage.

Town Clerk Sherry D. Henderson read a question posed in the comments of the Zoom platform. Beth Vogl asked if the restaurant was wholly owned by the Seabonay.

Ms. Orshefsky stated that it was her belief that it would be wholly owned by the hotel, but she would get more detail and include that clarification in future application.

Mr. Doody asked if the hotel owners had hired a management company for the hotel.

Ms. Orshefsky stated she did not have that information but would report back. She noted the location was not to exist under a particular flag (franchise).

Steve Mitchell, CG&A, stated when discussing square footage of the building, it was important how it was calculated. He highlighted a list of considerations to be taken into account when defining the square footage.

Mr. Doody stated he and Mr. Serda would need Mr. Mitchell's input in clarifying the definition utilized for measuring the square footage.

Mr. Doody summarized the proposed amendments:

1. Under A – procedure – identify that it shall be a public Quasi-Judicial hearing
2. Under B – review criteria – substitute 10 percent for 25 percent, replace principal use with the building area under air conditioning excluding all parking, strike residential
3. Strike hotel/motel bar definition completely
4. Take out under restaurant definition the reference to residence and incorporate language into the definition that the restaurant shall be coincidental to operation of the hotel
5. Add the words "seating area" to the maximum size of the restaurant
6. Under restaurant/bar, insert "not more than" 50 or more patrons occupying not more than 500 square feet of space
7. Address wording under enforcement to clarify issues
8. Add F to state all food and beverages served to patrons must be prepared in an enclosed kitchen and bar
9. Add G to address restricting cash and credit card use

Discussion ensued regarding whether fumes were covered by requiring the kitchen to be located inside, and whether noise needed to be addressed separately.

Mr. Doody asserted that noise was a tricky enforcement issue, and recommended it be taken up at the time of application with specifics to what was being proposed.

Commissioner Baldasarre noted there was an existing noise ordinance, and that would apply to anyone in Town.

Ms. Orshefsky recommended the applicant be required to show how they would comply with the Town's noise ordinance, to force the factual information to come before the Town Commission as part of the decision making.

Discussion continued regarding hours of use of the swimming pool, televisions outside, and other potential noise situations.

Motion made by Commissioner Brown, seconded by Vice Mayor Kirdahy, to approve Ordinance 2021-03 as amended on First Reading. In a roll call vote, the **motion** passed unanimously. (4-0)

B. Ordinance No. 2021-04 Amendment to the Town's Code of Ordinance, creating a Section Entitled "Dumpster Enclosure." (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY CREATING SECTION 6-42 TO BE ENTITLED "DUMPSTER, COMPACTION, AND ROLL-OFF CONTAINERS ENCLOSURE"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Mayor Tarrant requested a date when compliance would be required be included in the Ordinance and asked how many properties were impacted.

Mr. Serda stated there were photos of the (three) parcels impacted included in the backup materials. He suggested a compliance date of six (6) months with a discretionary 90-day extension available.

Mayor Tarrant asked that November 1, 2021 be added as the date for compliance.

Mr. Doody clarified that the extension could be requested from the Town Manager.

Vice Mayor Kirdahy asked if the materials shown in the images were required.

Discussion ensued regarding requirements.

Mayor Tarrant opened a public hearing on the first reading of the Ordinance, however there being none to speak, closed the hearing.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the amendments to include the date of compliance and extension to be requested from the Town Manager. In a roll call vote, the **motion** passed unanimously. (4-0)

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve Ordinance 2021-04 on First Reading as amended. In a roll call vote, the **motion** passed unanimously. (4-0)

Mayor Tarrant called for a brief recess at 11:22 a.m.

Mayor Tarrant called the meeting to order at 11:29 a.m.

C. Ordinance No. 2021-05 Amendment to the Town of Hillsboro Beach Seawall Ordinance (First Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE", BY SPECIFICALLY AMENDING SECTION 12-268 ENTITLED "SEAWALLS" BY AMENDING SECTION 12-268 TO PROVIDE FOR ADDITIONAL PURPOSES IN ORDER TO PROTECT PROPERTIES WITHIN THE TOWN IMPACTED BY TIDAL WATERS; PROVIDNG FOR THE FAILURE TO MAINTAIN SEAWALLS IN GOOD REPAIR SHALL RESULT IN CITATIONS BEING ISSUED TO THE OWNER OF THE PROPERTY; PROVIDING FOR THE ISSUANCE OF CITATIONS IN THE EVENT PROPERTY OWNERS FAIL TO PREVENT TIDAL WATERS FROM FLOWING OVER LAND AND LEAVING THEIR PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Mr. Doody stated the item was before the Commission due to recommendations by the Broward County Attorney's office.

Mr. Serda stated he found the amendments contrary to many of the conclusions the Town had come to when reviewing the original Ordinance.

Mr. Doody noted that he did not necessarily agree with all of the comments, as the Town was not required to be consistent with the County Ordinance.

Discussion ensued regarding maintaining the disallowance of riprap within the Ordinance.

Mr. Doody agreed that the Town had a unique situation.

The Commissioners and staff discussed the additional comments made by the County Attorney's office and the potential for alternative materials.

Mayor Tarrant opened a public hearing on the item.

Ms. Henderson read a written public comment from John Carlson, 975 Hillsboro Mile, with an objection to approving the Ordinance because it did not address road height.

Mayor Tarrant stated this was an Ordinance related to the seawalls, and the road height was being addressed with Florida Department of Transportation (FDOT).

Mayor Tarrant closed the public hearing.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the amendments to incorporate the changes recommended by the County Attorney with the exception of lines 41 and 42 on page two (2). In a roll call vote, the **motion** passed unanimously. (4-0)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve the ordinance as amended. In a roll call vote, the **motion** passed unanimously. (4-0)

IV. DISCUSSION & POSSIBLE ACTION

A. Discussion on Amendment to the Town of Hillsboro Beach Seawall Ordinance; Chapter 12 – Land Development, Division 5 – Zoning, Article XIII, Section 12-268 Seawalls.

Item addressed as item 3C. (First Reading)

V. RESOLUTIONS & CONTRACTS

A. Resolution No. 2021-17 Resolution of the Mayor and Town Commission of Hillsboro Beach, Florida Urging the Bahamian Government to Deny Offshore Oil Drilling Exploration Licenses and Permanently Ban Offshore Oil Drilling Activities in the Bahamas.

Mr. Doody read the Resolution by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve Resolution 2021-17. In a roll call vote, the **motion** passed unanimously. (4-0)

B. **Resolution No. 2021-18** Resolution of the Town of Hillsboro Beach Commission Opposing Unwarranted and Overly Broad Preemption of Municipal Home Rule Powers.

Mr. Doody read the Resolution by title only.

Commissioner Baldasarre asserted that the Town absolutely needed to stand up for itself in this way.

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve Resolution 2021-18. In a roll call vote, the **motion** passed unanimously. (4-0)

Mayor Tarrant asked that the letter also be copied to the Florida League of Cities, Broward County municipalities, and the Florida League of Mayors.

C. **Resolution No. 2021-19** Resolution of the Town of Hillsboro Beach, Florida Appointing Commissioner Baldasarre, Vice Mayor Kirdahy, and Mayor Tarrant as its Primary Representative and Alternatives to the Broward League of cities for the Term of 2021-2022.

Mayor Tarrant asked for nominations to the slate. She stated Commissioner Baldasarre had done an excellent job and asked that she continue serving.

By consensus, the Commission agreed to appoint Commissioner Baldasarre as Primary Representative, Vice Mayor Kirdahy as First Alternative, and Mayor Tarrant as Second Alternate to the Broward League of Cities for the term of 2021-2022.

Mr. Doody read the Resolution by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve Resolution 2021-19. In a roll call vote, the **motion** passed unanimously. (4-0)

D. **Resolution No. 2021-20** Resolution of the Town of Hillsboro Beach Adopting the Town's Donation Policy.

Mr. Doody read the Resolution by title only.

Mr. Serda clarified the Resolution was related to the Town receiving donations, not giving.

Mayor Tarrant pointed to a typographical correction in the document.

Mr. Doody asked if the idea was to encompass in-kind donations in addition to currency.

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve Resolution 2021-20. In a roll call vote, the **motion** passed unanimously. (4-0)

E. Resolution No. 2021-21 Resolution of the Town of Hillsboro Beach Commission Approving the Ranking as Recommended by the Selection Committee for 'RFP 2021-01 replacement of Beach Pump Station Roof' and Authorizing the Proper Town Officials to Accept Proposal and Enter into Agreement with ACC Mastercraft Roofing Contractors.

Mr. Doody read the Resolution by title only.

Mr. Serda stated the beach pump house needed to be reroofed, and three (3) responses had been considered. He noted staff had negotiated on behalf of the Town.

Mayor Tarrant asked for clarification as to why the Miami-Dade Code was being followed.

Mr. Serda explained that code had the most stringent hurricane requirements.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve Resolution 2021-21. In a roll call vote, the **motion** passed unanimously. (4-0)

F. Resolution No. 2021-22 Resolution of the Town of Hillsboro Beach Commission Authorizing the Appropriate Town Officials to Execute a Consultant Contract Between the City of Deerfield Beach, the Town of Hillsboro Beach, and Coastal Protection Engineering, LLC and Authorizing the Proper Town Officials to Execute a Work Authorization Between the City of Deerfield Beach, the Town of Hillsboro Beach, and Coastal Protection Engineering, LLC.

Mr. Doody read the Resolution by title only.

Mayor Tarrant pointed out that time is of the essence was noted on page two (2). She noted that the settlement had been reached six (6) months ago, and the municipalities were attempting to coordinate with dredging and other issues.

Mayor Tarrant pointed to blanks not filled in within the document.

Mr. Doody stated those blanks would be filled in following the meeting. He asserted there

would not be substantial changes and noted that Deerfield Beach had been exceptionally cooperative.

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve Resolution 2021-22. In a roll call vote, the **motion** passed unanimously. (4-0)

G. **Resolution No. 2021-23** Resolution of the Town of Hillsboro Beach Commission Waiving Competitive Procurement and Approving the Use of $50,802.00 of Federal Forfeiture Funds for the Purchase of Two (2) Outboard Motors for the Police Boat from MBS of South Florida, Inc.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Brown, seconded by Vice Mayor Kirdahy, to approve Resolution 2021-23. In a roll call vote, the **motion** passed unanimously. (4-0)

H. **Resolution No. 2021-24** Resolution of the Town of Hillsboro Beach Commission Approving the First Addendum (Federal Provisions) to the Rio-Bak Construction Contract Agreement, Dated February 6, 2020.

Mr. Doody read the Resolution by title only.

Mr. Serda stated there were a few small reimbursements related to Hurricane Irma being held up by FEMA due to contracts not including language as required, and this amendment was to correct those issues.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve Resolution 2021-24. In a roll call vote, the **motion** passed unanimously. (4-0)

I. **Resolution No. 2021-25** Resolution of the Town of Hillsboro Beach Commission Approving the First Addendum (Federal Provisions) to the Moffat & Nichol Professional Services Agreement, Dated October 1, 2019.

Mr. Doody read the Resolution by title only.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve Resolution 2021-25. In a roll call vote, the **motion** passed unanimously. (4-0)

VI. CONSENT AGENDA

A. Invoices for Approval

1. **Akerman:** Invoice #9552570 Services Rendered through 3/31/2020 **$62,461.99**
2. **Akerman:** Invoice #9598233 Services Rendered through 8/31/2020 **$18,591.10**
3. **Akerman:** Invoice #9650234 Services Rendered through 1/31/2021 **$2,995.10**
4. **CG&A:** Invoice # 81869 Services rendered through 11/30/2020 **$14,812.43**
5. **CG&A:** Invoice # 83861 Services Rendered through 2/28/2021 **$21,708.16**
6. **CG&A:** Invoice # 84624 Services Rendered through 3/31/2021 **$58,905.65**
7. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #35121 Services 2/19/2021 through 3/29/2021 **$8,519.90 (General Matters)**
8. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #35122 Services rendered through 3/15/2021 **$1,267.50 (Deerfield Beach)**
9. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #35123 Services 3/18/2021 through 2/26/2021 **$1,732.50 (Development)**
10. **Inframark:** Invoice #61518 Services rendered through 3/12/2021 **$7,423.47**
11. **Moffat & Nichol:** Invoice #00756917 Services rendered through 11/28/2020 **$14,628.34**
12. **RMA:** Invoice #4549 Services rendered through 10/31/2020 **$4,050.00**
13. **RMA:** Invoice #4570 Services rendered through 11/30/2020 **$3,550.00**
14. **RMA:** Invoice #4571 Services rendered through 12/31/2020 **$3,200.00**
15. **RMA:** Invoice #4572 Services rendered through 1/31/2021 **$3,725.00**
16. **RMA:** Invoice #4579 Services rendered through 2/28/2021 **$3,650.00**

Mr. Doody stated that Invoice #35122 would be remitted to the court reporter.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the Consent Agenda as presented. In a roll call vote, the **motion** passed unanimously. (4-0)

VII. BEACH REPORT

Mr. Serda stated that four (4) buoys had been lost, and once the water calmed down, there would be investigation to determine the cause. He noted that he had reached out to Deerfield Beach to see if they had lost any but learned they did not have any to lose because they had been lost previously. Mr. Serda stated that there were 30 in total and he had contacted Moffat & Nichol as well as the buoy manufacturer. He noted that he would report back on the cause.

VIII. STAFF UPDATES

A. Police Department

Police Chief Szesnat presented his report, noting that he was calling from leave in Albany, New York.

Chief Szesnat stated officers had been working to enforce the ordinance related to dogs on the beach, and that was reflected in the report. He noted FDOT had noticed the Police Department's efforts regarding bicyclists and had installed two (2) new signs to let riders know they needed to wait for the arms to lift before proceeding over the bridge. Chief Szesnat addressed issues with pedestrians and reported on the constant battle of keeping the Marine Unit operational. He noted an increase in inexperienced boat operators.

Chief Szesnat shared four (4) letters of commendation received for officers assisting residents and highlighted the accomplishments of those officers. He commented on a bathroom renovation as well as involvement in a multi-jurisdictional arrest and seizure of a 30 pounds of marijuana and a large amount of cash.

Mayor Tarrant asserted how impressive the photos of the evidence were and stated she was blown away by the professionalism of the Police Officers in the face of stressful situations. She recognized the officers involved along with the leadership for their efficiency and effectiveness.

Chief Szesnat commented on enforcement related to speeding on the water and the differences between speeding and wake. He noted there was a learning curve, but he was starting to understand, and the Police Department was getting out there a lot more. He stated that signage was being investigated and they would be reaching out to the Coast Guard regarding existing signage. He commented on increasing hours to further suppress speeding.

Mayor Tarrant asked if it was possible to have flashing lights around the no wake signs.

Mr. Serda stated that the speeding and no wake signs were authorized by FWC. He noted they could ask, but it was not something they could control. He added that the Town could put up signs regarding noise to enforce its ordinance.

Discussion ensued regarding signage options.

Chief Szesnat responded that he would look into radar-based signage that triggers lights.

Vice Mayor Kirdahy commented on an increased number of bicycle accidents and close calls she had witnessed and asked if there was some way to get the bicycles to detour around Hillsboro Beach before someone got killed.

Mr. Serda stated that he had proposed changes to the Florida League of Cities regarding places where there is one (1) lane in each direction and no bike lane, but had not had any luck with that.

Commissioner Baldasarre asked if bicyclists riding the wrong direction was enforced and asked if information could be shared with nearby outlets providing bicyles for rent.

Chief Szesnat stated the direction was enforced. He noted that he would visit the bicycle rental shop and discuss sharing safety information at the time of rental.

Mayor Tarrant asserted that the bike situation was out of control.

Discussion continued regarding issues related to bicyclists and citations.

Mayor Tarrant called for a lunch recess at 12:44 p.m.

Mayor Tarrant called the meeting to order at 1:16 p.m.

B. Finance Department

Steven Bloom presented the February report. He reviewed the General Fund, noting a surplus of approximately $1.92 million as property tax collections were at 89.7 percent. He discussed each of the revenue sources within the budget and stated each was at or above budget through February.

Mr. Bloom reviewed expenditures through February, noting at 42 percent through the year, the General Fund expenditures were at 43.6 percent of the annual budget. He pointed out the interfund transfer at 100 percent, noting those funds were used to pay off the FEMA bridge loan at the beginning of the year.

Continuing, Mr. Bloom discussed the Special Revenue Funds. He noted highlights included a small surplus in the Community Bus Fund and a balance of $87,800 in the Federal Forfeitures. He stated capital expenditures were at $181,600 or 83.3 percent of the annual budget.

Mr. Bloom reviewed the Water Fund, noting a surplus of $91,500 and an operations deficit of $18,200. He stated the deficit was due to invoices related to the water main project which were previously held for payment. He pointed to revenue in the Water Fund, stating usage was down over the previous year but was trending up. Mr. Bloom explained Water Fund expenses were at 26.3 percent of annual budget and broke down personnel services, operating expenses, and debt service.

Mr. Bloom provided an update on fuel costs and Workers' Compensation Insurance costs and claims. He shared details of the CARES Act funding agreement with Broward County and the assistance funded. He noted that the Finance Department would continue to track the unused funds and changes in reimbursement.
Mayor Tarrant asked for clarification regarding the police vehicles shown in the expenditures.

Mr. Bloom broke down the expenses listed and stated he would do additional research as to coding of software.

Mr. Serda stated the software cost was to be reimbursed by Florida Department of Law Enforcement (FDLE) on a grant.

Mr. Bloom presented the four (4) year forecast. He noted the purpose and goals of sharing the overview, including reviewing long-term project, determining potential shortfalls, and examining other revenue options.

Mr. Bloom opened with an overview of the budget Fiscal Year 2019 through 2025. He discussed the extremely conservative planning techniques when projecting revenue and expenditures. He reviewed revenue assumptions utilized for the revenue forecast and then walked the Commissioners through the forecast itself. Mr. Bloom reviewed expenditure assumptions utilized for the expenditure forecast and then walked the Commissioners through the forecast.

Continuing, Mr. Bloom presented opportunities to discuss for increased revenue or increased flexibility, including:

- Collecting solid waste fees on utility bill
    - Advantages:
        - Not coming through property taxes

        - The burden of that expenditure is no longer on General Fund
        - Increased flexibility for millage rate
- Solid waste assessment
    - Advantages similar benefits to utility bill
- Beach assessment
    - Separate and not impacting millage rate
- Fire assessment (non-rescue)
    - Advantages similar to solid waste bill/assessment

Mr. Serda noted the long-term budget outlook was balanced, and noted the Commission was not at a point where they needed to make decisions but asked that they be considering revenue options. He recognized the need to be preparing for the cost of future beach nourishments.

Mayor Tarrant commented on the new houses being built and their expected impact on property taxes. She noted that Hillsboro Beach was the only municipality in Broward County that did not have a separate assessment for fire assessment or solid waste and was foregoing that revenue as a result.

C. Building Services Report

Steve Mitchell, Building Official, CG&A, presented the February report. He stated the Department continues to spend most of its time on new houses. He noted that all of the legacy work was completed, and CG&A had granted its first single-family permit.

Mr. Mitchell reviewed pending projects, including new homes and full remodels. He stated that condominium renovations had dropped off, but a few projects were pending where multiple units were being combined.

Continuing, Mr. Mitchell stated that Seabonay continued inching forward, and noted that he did not have an estimated completion date. He added that some expected electrical issues had come up and led to delay. Mr. Mitchell reported on some damage caused by landscaping work.

Mr. Mitchell shared a quarterly Building Department report shared by the CG&A marketing department, including inspection counts and plan reviews.

Mr. Serda pointed to the average number of days in review, noting it was approximately 3.92 days on average. He asked that the Commissioners keep that in mind when hearing complaints related to review. Mr. Serda pointed out the fast turnaround on inspections and noted Mr. Mitchell and his crew were doing an excellent job. He noted when

reviewing these metrics, the Department was head and shoulders above any other Building Department in the County.

Total activity:

- Inspections – 400
- Plan Review – 274
- Permits – 145

Mayor Tarrant agreed the difference Mr. Mitchell and CG&A had made was dramatic.

Commissioner Baldasarre noted that there had been a positive response in the community.

Mr. Mitchell responded to comments regarding average time in plan review and noted this was only the portion of time that the Town had control over the application.

D. Code Compliance Report

Bernard Pita presented the update on Code Compliance for Mario Sotolongo, Code Supervisor with CG&A. Mr. Pita reviewed a hearing for building without a permit at 1189 Hillsboro Mile, explaining that the Special Magistrate had given two (2) weeks to get into compliance. Mr. Pita updated on a clean up issue and the first round of turtle lighting checks. He stated reports from Nova would start coming in soon.

Mayor Tarrant asked if the construction plan with the Seabonay required offsite parking for workers. She noted that plans moving forward needed to include this provision because street parking was not available.

Mr. Mitchell stated he did not specifically remember the plan and commented on the availability of staging for current projects. He noted that Chief Szesnat has been working with contractors to identify parking options. He asserted that staff construction meetings were planned for construction projects going forward in order to address this.

Mayor Tarrant asked if the Town needed to address the parking situation with an Ordinance.

Mr. Mitchell stated that parking was on his list of items to discuss, and he was confident that he could get compliance through that information meeting.

Mayor Tarrant asserted that there were issues with parking at Seabonay and outlined problems she had witnessed.

Mr. Mitchell noted a dramatic amount of work was also being done on the building south of Seabonay, which was contributing to the parking problem.

Mayor Tarrant stated that a construction management plan should be in place for both buildings and asked if there was anything that could be done to alleviate the problem right now and improve safety.

Mr. Mitchell stated that staff would look into the matter.

IX. TOWN MANAGER REPORT

A. Town Hall Painting Update

Mr. Serda stated the survey was completed and most plans and designs were complete, but not yet submitted to the Building Department. He noted they were probably one (1) month from starting, and completion would require about three (3) months. He stated that direction from the Commission had been to speak with the design consultant regarding light fixtures, and the recommendation was $1,000 per fixture for a total of 50 fixtures. He outlined the recommendations of another consultant to save money on the lighting replacement.

Vice Mayor Kirdahy shared her experience and stated she believed that going with the black made more sense than silver.

Mayor Tarrant commented on the size and material of the example lighting fixtures.

Mr. Serda asked for additional direction.

Mayor Tarrrant stated she would spend some time researching additional acrylic options.

Commissioner Baldasarre recommended using the higher end lighting on the front of the building and something less expensive on the sides and back.

Mr. Serda stated that he would return to the designer for a recommendation that would keep the budget under $35,000 and potentially utilize more than a single style.

B. Flags Along A1A on National Holidays

Commissioner Baldasarre noted she had brought up the idea at thee Property Manager/ Condo Board Forum of putting flags along A1A on national holidays and they liked it. She stated individual buildings would need to provide their own flags.

Mayor Tarrant suggested getting in touch with the larger frontage buildings in Town to see if there was interest. She recommended purchase through the Town to get a bulk discount and have a standard size.

Mr. Serda stated he did not think the Town should get involved in selling flags.

Commissioner Baldasarre stated they had discussed size standards.

Mayor Tarrant asserted that a mish mash would not have the effect that Commissioner Baldasarre was looking for.

Commissioner Baldasarre stated she would speak to her Condominium Board the following day.

Discussion ensued regarding a standard size flag and distance between flags.

X. TOWN ATTORNEY REPORT

A. Submerged Lands (Hillsboro Inlet District)

Mr. Doody circulated a handout regarding litigation impacting properties in Pompano Beach. He stated that there was question from the Broward Property Appraisers Office as to whether any properties in Hillsboro Beach would be impacted. Mr. Doody provided background, explaining Hillsboro Inlet Investments sued five (5) dissolved corporations and received a judgment granting them title to properties previously deeded for development purposes. He stated a default final judgment was received when no defense was presented.

Continuing, Mr. Doody drew the attention of the Commissioners to a small portion of the submerged land impacted, with ownership by the Coast Guard and potentially Hillsboro Club. He noted that he had advised counsel for the Broward Property Appraisers Office. He stated it was an open question at this point.

Mr. Doody stated that the Broward Property Appraisers Office was asking for review of the judgment based on a lack of notice of interested parties. He noted there had not been an engineer hired to verify the validity of the claims.

Discussion ensued about the possibility of other deeds affected.

B. Update on Vacation Rentals

Mr. Doody updated on the previous question as to whether entire buildings being used as vacation rentals and whether they had to register individually. He explained his opinion, based on the Code, was that each unit should be registered.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

None.

B. Commissioner Barbara Baldasarre

Commissioner Baldasarre stated that there was a Broward League of Cities solid waste meeting coming up, and she would be covering it for Commissioner Feaman.

C. Commissioner Vicky Feaman

None.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy stated there was an MPO meeting scheduled for Thursday (April 8) with updates from Tallahassee and Washington, D.C., along with an explanation of an increase to MPO dues.

E. Mayor Deborah L. Tarrant

None.

XII. PUBLIC COMMENTS

None.

XIII. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to adjourn the meeting at 2:38 p.m. In a roll call vote, the **motion** passed unanimously. (4-0)

ADOPTED THIS 4th DAY OF MAY, 2021

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

ATTEST:

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

Emails sent to the Town Clerk – Entered into the Record

APRIL 6, 2021

Regular Town Commission Meeting

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

PUBLIC COMMENT
April 6, 2021 Commission Mtg

Town Clerk

From: Sea <seafront@comcast.net>
Sent: Tuesday, April 6, 2021 9:35 AM
To: TownClerk@TownofHillsboroBeach.com
Subject: seawall ordinance amendment

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

John Carlson of 975 says:

SECTION 12-268 ENTITLED "SEAWALLS"

Objection is hereby made to the proposed ordinance in that it fail to address adjoining A1A road height.

Broward County is delinquent in failing to provide a minimum road height such as 3.9-feet above mean high tide NAVD88 as used in Miami Beach.

Seawalls will not prevent flooding whereas raising the land is the proper fix. Building a wall around flood water is foolhardy and counterproductive.

Any additional seawall height should be matched by an appropriate adjoining road height. Now is the time to mandate a road height minimum.