



**MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
OCTOBER 5, 2021**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 10:30 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 Jane Reiser

Commissioner Barbara Baldassarre
Commissioner Vicky Feaman

Town Staff:

Town Manager Mac Serda, ICMA-CM
Town Attorney DJ Doody, Esq.
Town Clerk Sherry D. Henderson, CMC
Police Chief Jay Szesnat

APPROVAL OF AGENDA

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

I. APPROVAL OF MINUTES

A. Minutes of the September 7, 2021 Regular Commission Meeting

Mayor Tarrant noted a correction to page 12.

Motion made by Commissioner Baldassarre, seconded by Commissioner Feaman, to approve the minutes from the September 7, 2021 Regular Commission Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the September 13, 2021 FY2021-2022 1st Budget Hearing

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the minutes from the September 13, 2021 FY22 1st Budget Hearing as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Minutes of the September 23, 2021 FY2021-2022 2nd Budget Hearing

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to approve the minutes from the September 23, 2021 FY22 2nd Budget Hearing as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

None.

III. ORDINANCES

A. Ordinance No. 2021-08 Amendment to the Town's Code of Ordinance, Creation of "Civil Citations." (Second Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY SPECIFICALLY CREATING CHAPTER 11, ENTITLED "CIVIL CITATIONS," PROVIDING FOR CODE ENFORCEMENT CITATION PROCEDURES AND APPLICABLE PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Town Manager Mac Serda asked the Commission to consider an amendment to add two (2) possible violations, including lights or beach furniture in violation of the turtle Ordinance. He noted the civil citations were intended to address issues in lieu of the current process for addressing Code violations. He stated the enforcement would be attached to properties.

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

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldassarre, to amend Ordinance 2021-08 to include Town Manager Serda's suggestions. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Feaman, seconded by Commissioner Reiser, to approve Ordinance 2021-08 on second reading as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. DISCUSSION & POSSIBLE ACTION

A. Discussion and Possible Action Concerning Code Compliance Case #21020001 for 1189 Hillsboro Mile, #16, Hillsboro Beach, FL 33062. Property owner is requesting the Town Commission's approval to mitigate outstanding Code violation fees.

Steve Mitchell, Building Official, CG&A, stated the condo at 1189 Hillsboro Mile, #16, had been reported as conducting work without permit, and explained the follow-up was conducted by Bernard Pita, Code Compliance Official.

Mr. Pita added that the matter had appeared before the Special Magistrate and were granted four (4) continuances by the Special Magistrate.

Mr. Serda provided additional context. He stated the condo had an appraised value of \$322,000, and construction costs were about \$50,000. He explained the permit cost, including after-the-fact permit, was \$4,500. He stated Code violations totaled \$10,350 of which hard costs would be \$150 plus the time associated with Code Enforcement. Mr. Serda stated staff was recommending mitigation in the range of 50 percent. He noted he and others had spoken with the applicant and felt she has learned a valuable lesson regarding the permit process. He stated mitigation was normal in other municipalities.

Debra Raphael, applicant, stated because of miscommunication, the project had cost a large amount of money. She explained she had lost money on contractors that were not reputable and stated she had misinterpreted a great deal as well as being misinformed. She asserted \$5,000 in fines would create a hardship at this time. Ms. Raphael explained she had purchased the condo with no intention of living in it and was oblivious to the difference in requirements between New York and Florida. She stated she had learned her lessons from the process. She asked that the fine be reduced to the cost and original fee.

Mayor Tarrant stated under the circumstances she would suggest forgiving 90 percent of the violation fees, for a total due of \$1,170.00 payable to the Town.

Mr. Serda supported the reduced fee and noted the amount would cover the Town's hard costs.

Commissioner Reiser stated a lot of people moving from out of state do not know the permit process and asserted getting residents a copy of the Building Dept's permit process as noted on the Town website.

Mr. Serda asked if the Commission thought a flyer discussing the Building Department requirements would be helpful. Discussion ensued.

Motion made by Commissioner Feaman, seconded by Commissioner Reiser, to mitigate 90 percent of the fine, for a total due of \$1,170. In a roll call vote, the **motion** passed unanimously. (5-0)

V. RESOLUTIONS & CONTRACTS

A. Resolution No. 2021-46

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE LICENSE AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), AS IT RELATES TO THE STATE ROAD A1A REDESIGN PROJECT - ID NO. 441360-1-52-01, GRANTING FDOT LICENSE TO OCCUPY AND USE PREMISES PARCEL NO. 953 (ITEM/ SEGMENT NO. 4413601).

Mr. Doody read the Resolution by title only.

Mr. Serda explained the agreement was related to the A1A redesign and would have no cost to the Town. He stated it would provide a temporary right-of-way to the Florida Department of Transportation (FDOT).

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adopt Resolution 2021-46 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2021-47

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF HILLSBORO BEACH FOR IMPLEMENTATION OF PROJECTS PURSUANT TO THE ENHANCED MARINE LAW ENFORCEMENT GRANT FOR GOVERNMENTAL ENTITIES FY 2021-2022.

Mr. Doody read the Resolution by title only.

Mr. Serda explained this was a grant received from the County fund the Marine Patrol Unit. He stated it had no matching funds and provided the bulk of the funding for the unit.

Motion made by Commissioner Baldassarre, seconded by Commissioner Feaman, to adopt Resolution 2021-47 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2021-48

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AGREEMENT WITH BROWARD COUNTY SUPERVISOR OF ELECTIONS OFFICE TO CONDUCT THE TOWN'S 2022 MUNICIPAL ELECTIONS.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Feaman, seconded by Commissioner Reiser, to adopt Resolution 2021-48 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2021-49

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE ENGAGEMENT LETTER WITH GRAU & ASSOCIATES CERTIFIED PUBLIC ACCOUNTANTS FOR REQUIRED AUDITING SERVICES FOR FISCAL YEAR 2020-2021.

Mr. Doody read the Resolution by title only.

Mayor Tarrant asked the reason behind the 30 percent increase in the cost to the audit, and why Wilton Manor, with a population triple that of Hillsboro Beach, paid less for their audit. She noted the Town had the second largest audit cost compared to total budget of the communities surveyed and asked whether the Town should consider audit services from the Wilton Manor auditor.

Stephen Bloom stated the auditor had kept their fees flat for the past five (5) years but were no able to do so due to increasing complexity. He noted he could review the reason for the Wilton Manor audit cost and stated he worked with that firm in other capacities and could reach out for a quote.

Mayor Tarrant stated there were a number of items on the comparative analysis which did not make sense to her. Mr. Bloom discussed the difficulty in knowing what was being compared between municipalities without having the full information regarding their process.

Mr. Doody asserted that if comparative analysis was going to be considered, he would strongly encourage a Request for Proposals (RFP).

Mayor Tarrant asked if it was possible to do an RFP. Mr. Bloom responded in the affirmative.

Mr. Serda asked if it was possible to do that for the next engagement in the new year. Mr. Bloom stated there was time to squeeze it in.

Discussion ensued regarding the Town's audit responsibilities.

Mr. Serda stated he wanted to see flexibility built into the RFP.

Mr. Bloom explained the RFP package would be brought forward at the November Commission meeting, and proposals to the December meeting.

Discussion continued regarding requirements.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman to table Resolution 2021-49 to allow time for an RFP to be distributed. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. CONSENT AGENDA

A. Invoices for Approval

1. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #37542 Services rendered 9/6/2021 through 9/27/21 **\$3,314.40** (General Matters)
2. **Goren, Cherof, Doody & Ezrol P.A.:** Invoice #37543 Services rendered 9/1/2021 through 9/26/21 **\$4,387.50** (Development)
3. **Inframark:** Invoice #66922 Services rendered through August 2021 **\$7,477.20**
4. **Inframark:** Invoice #67793 Services rendered through September 2021 **\$7,399.23**
5. **LSF:** Invoice #21-0831-26 Services rendered through August 2021 **\$6,083.87**

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

VII. BEACH REPORT

A. Update on Beach Renourishment Project with City of Deerfield Beach

Mr. Serda provided a brief update. He stated things are moving along on the same path as last reported, and Deerfield Beach is moving forward with placing the sand they have in storage at the end of the turtle season. He noted it was not known the specific amount which would go on the Hillsboro Beach side, but about 10,000 cubic yards would be introduced into the system. Mr. Serda reviewed the timeline for the report containing recommendations related to mitigation strategies.

B. Update on Florida Shore & Beach Preservation Association 2021 Annual Conference

Mayor Tarrant stated she, Commissioner Reiser, and Mr. Serda had attended the conference and a write up was included in the backup materials. She pointed to action items and questions within the summary and noted the Town needed to address those items as soon as possible. Continuing, Mayor Tarrant discussed the importance of developing the appropriate relationships and reiterated her previous request to add a beach person to staff.

Mayor Tarrant asked if the joint beach project was among the 36 beach project funding requests to be presented to the State Legislature in 2022-2023. Mr. Serda stated he was not familiar with the list, but the project had been approved for presentation.

Discussion ensued regarding the gap between the total of the projects and the beach funding from the legislature.

Mayor Tarrant commented on the requirement for a sea level rise study and asked if that was included in the project. Mr. Serda stated the Town had brought the issue up, but he would need to get legal interpretation to make sure the requirements were met.

VIII. STAFF UPDATES

A. Police Department

Police Chief Szesnat presented his report. He stated the patrol snapshot was similar to last month, with a focus on cyclists. He noted efforts to communicate with other municipalities to address safety surrounding bicycle riding groups.

Discussion ensued regarding riding single file and bike lanes.

Vice Mayor Kirdahy commended the Police Department for handling of an issue related to pedestrians.

Police Chief Szesnat shared a letter of commendation received for Sergeant Lou Mastandrea from John and Suzanne Carlson at 975 Hillsboro Mile following an issue with where they had to contact the Marine Unit.

Discussion continued regarding handling of a recent beach landing, noise from vehicles and enforcement of related Florida State Statutes, and assistance from Broward Sheriff's Office and other municipalities.

B. Finance Department

1. Financial Report for August 2021

Steven Bloom, Inframark, presented the August financial report.

Mayor Tarrant commented on the Workers' Compensation tracking, noting the lack of activity had resulted in the lowest cost in a decade.

2. Review of Fiscal Year 2019-2020 Audit Report

Mr. Bloom presented the Fiscal Year 2019-2020 Audit Report and noted there were no significant or material concerns presented. He reviewed financial highlights and a year-to-year comparison. Mr. Bloom reviewed the single audit report of Federal Funds and stated no compliance issues were found.

3. Discussion on Financial Reporting Frequency

Mayor Tarrant stated there had been a suggestion to cover financial reporting quarterly rather than monthly, with items of note being added to the monthly agenda as needed. She asked for and received consensus to make the change.

Mr. Serda noted there was a financial calendar included in the backup materials and stated a 2022 Commission Meeting calendar would be discussed at the November meeting.

C. Building Services

Steve Mitchell, Building Official, CG&A, presented the August Building Services report. He stated growth had been exponential and noted there was work all over Town. He explained CG&A would be adding an additional administrative assistant half time to meet the workload and discussed growing to meet the needs.

Mr. Mitchell discussed the fire at Opal Towers West and associated issues.

Mayor Tarrant commented on the report and asked the goal for average days in review.

Mr. Mitchell stated anything short of two (2) business weeks was not a bad thing, but five (5) days or better was his goal. He explained the State allows 30 days, and discussed penalties implemented by recent legislation. Discussion ensued regarding the regulation.

Mr. Mitchell referenced the 40-year inspections and stated County Mayor Geller had put out a report showing most of the information in the files was not accurately kept. He explained the recommendations included modifying the system.

Vice Mayor Kirdahy referenced the discussion regarding vacating the fines for 1189 Hillsboro Mile and asked if the Building Department was seeing an uptick in General Contractors walking away from jobs.

Mr. Mitchell stated there was a pattern of people walking away from smaller jobs as larger jobs become available. He discussed lessons to be learned from the situation.

Commissioner Reiser asked if the Surfside tragedy had impacted the department. Mr. Mitchell stated it was a fair question, but because it was still not known what happened, it had not changed practices yet, other than making sure people were following through on inspections as required. Discussion continued.

D. Code Compliance

Bernard Pita, Code Official, CG&A, stated he had been out looking at the sea wall due to recent tides. He presented the Code Compliance report, explaining he had noted 10 lighting violations and had also cited a blighted property. He noted several calls had been exchanged regarding remediation of the lighting.

Discussion ensued regarding parking changes coming because of the FDOT project.

IX. TOWN MANAGER REPORT

A. Excavation Ordinance

Mr. Serda shared progress with legal counsel regarding the proposed excavation ordinance and specific issues to address. He explained the quotes were obtained through another County's Request for Qualifications (RFQ).

B. Town Hall Renovation

Mr. Serda explained the drawings had been revised due to some ADA issues and stated he had just received the revisions and would pass those on to the Town Commission for review. He stated the front yard would be paused until after the holiday lights were cleared, but the remainder of the project would move forward.

C. Shred/Recycle Event

Mr. Serda stated there would be a shred/recycle event on October 23, and noted the flyer was in the backup materials.

D. 2021 Holiday Decor

Mr. Serda stated the holiday lighting question had been cleared up during review of the September meeting minutes.

X. TOWN ATTORNEY REPORT

A. Town Manager's COLA

Mr. Doody stated as a follow-up to the Commission's discussion at the Sept 2021 Commission Meeting, Mr. Serda would be receiving a COLA increase consistent with the second amendment of the Town Manager's contract.

Mayor Tarrant noted Mr. Serda was eligible for a base increase in FY 2022-2023.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Jane Reiser

Commissioner Reiser stated she recently attended the 2021 Broward Leaders Water and Climate Academy Workshop on sea-level rise and provided a brief update.

B. Commissioner Vicky Feaman

Commissioner Feaman asked for clarification on the mapping initiative discussed at the Florida Shore & Beach Preservation Association conference. Mayor Tarrant provided additional detail, explaining the entire coast was being mapped through the initiative.

Commissioner Feaman asked if there was an update on hiring a beach person. Mayor Tarrant stated she had spoken with a few people and was leaving the issue to staff. Discussion ensued regarding connecting with potential candidates for the position.

C. Commissioner Barbara Baldasarre

Commissioner Baldasarre stated the Broward League of Cities was starting to meet in person again, and it would be in Hollywood on Thursday. Commissioner Baldasarre updated on the Condo Presidents & Property Manager Forum, and explained the group was discussing insurance rates, the building permit process, and the 40-year inspections.

Mayor Tarrant asked for a list of condo organizations that were not participating and should be.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy shared an update on the Metropolitan Planning Organization (MPO). She stated they were back in person at their last meeting but could not get a quorum in person. Vice Mayor Kirdahy noted she would be out of Town until the next meeting.

E. Mayor Deborah L. Tarrant

Mayor Tarrant stated she would send staff her comments regarding a potential ordinance on artificial synthetic turf.

XII. PUBLIC COMMENTS

Karen Olson, 1160 Hillsboro Mile, stated how nice it was to enjoy a Commission meeting. She noted she had participated in the Zoom meetings for several months, but it was nice to see Town Hall in-person.

XIII. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adjourn the meeting at 12:36 p.m. In a roll call vote, the **motion** passed unanimously. (5-0)

ADOPTED THIS 9th DAY OF NOVEMBER, 2021

By: 
Deborah L. Tarrant, Mayor

ATTEST:


Sherry D. Henderson, CMC, Town Clerk