



**TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING
DECEMBER 6, 2022**

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:00 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 William “Mac” Serda, ICMA-CM
Donald J. Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC
Police Chief Jay Szesnat

APPROVAL OF AGENDA

Mayor Tarrant noted that Commission Comments had been left off the end of the agenda. She asked that the item, in addition to a discussion regarding Hurricane Nicole and seawalls at the end of the Beach Management Plan Update Presentation, be added to the agenda.

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

I. APPROVAL OF MINUTES

A. Minutes of the November 1, 2022, Board of Zoning and Appeals Meeting

Town Clerk Henderson reviewed typographical errors which had not been changed prior to publication of the draft minutes.

Motion made by Commissioner Baldassarre, seconded by Commissioner Feaman, to approve the minutes from the November 1, 2022, Board of Zoning and Appeals Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the November 1, 2022, Regular Commission Meeting

Town Clerk Henderson reviewed typographical errors which had not been changed prior to publication of the draft minutes.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the minutes from the November 1, 2022, Regular Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

A. Proclamation of Election – March 14, 2023

For the record, Mayor Tarrant read the Proclamation of Election for the Town's March 14, 2023 Municipal Election. She stated qualified electors would elect three (3) Town Commissioners and reviewed the requirements to file as a candidate.

Motion made by Commissioner Reiser, seconded by Commissioner Feaman, to adopt the Proclamation of Election. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Beach Management Plan Update

Peter Seidle and Dr. Jacki Brower, Moffatt & Nichol Engineering, presented an update regarding the Town's beach management.

Mr. Seidle reviewed the feasibility study, explaining the study was funded by 75 percent Federal Emergency Management Agency (FEMA) cost share and 12.5 percent Florida Department of Emergency Management cost share. He explained the study was part of a plan to pursue FEMA Hazard Mitigation Assistance Grant for pre-disaster project assistance to enhance longevity of the engineered beach and would also include non-nourishment project alternatives. Continuing, Mr. Seidle reviewed shoreline management opportunities and potential projects. He discussed the beach management plan and the approach to continued inlet-to-inlet management, then shared proposed next steps.

Mayor Tarrant stated Dr. Jackie Brower had been running interference for the Town for a number of years and thanked her for her efforts. She noted the study had not identified anything the Town did not know, but it had documented the information needed to get continued additional support from FEMA.

Mr. Serda provided additional detail on the product of the study. Discussion continued regarding the findings, next steps, funding opportunities, and cooperation between communities and organizations.

Mayor Tarrant stated she also wanted to discuss seawalls while the engineers were present. She highlighted the issue of seawalls for protection of private property as an issue at odds with beach management, and briefly discussed restrictions on seawalls. She shared a video of drone footage of erosion damage in Volusia County, Florida after Hurricane Nicole.

Dr. Brower briefly explained the layered approach of beach management and property protection which would provide multiple lines of defense and protection as sea levels rise. Discussion continued regarding private property owners coordinated seawall projects and the role of the Town in protection of the community's critical infrastructure.

III. ORDINANCES

A. Ordinance No. 2022-11 Amendment to the Town's Code of Ordinances Providing Provisions for Single Family Site Plan Requirements. (SECOND READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY AMENDING DIVISION 4 ENTITLED "SITE PLAN PROCEDURES AND REQUIREMENTS" BY SPECIFICALLY AMENDING SECTION 12-48 ENTITLED "APPLICATION FOR FINAL SITE PLAN APPROVAL", TO PROVIDE FOR LOCATION OF GENERATORS; AMENDING DIVISION 5 ENTITLED "ZONING" BY SPECIFICALLY AMENDING ARTICLE III ENTITLED "DEFINITIONS" BY AMENDING SECTION 12-90 TO PROVIDE FOR A DEFINITION OF SIDE YARD BUFFER; PROVIDING FOR AN AMENDMENT TO ARTICLE V ENTITLED "RS-2 SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS" BY SPECIFICALLY AMENDING SECTION 12-123 ENTITLED "PARKING REGULATIONS", SPECIFICALLY AMENDING SECTION 12-124 ENTITLED "YARD REGULATIONS"; PROVIDING FOR AN AMENDMENT TO ARTICLE XIII ENTITLED "ADDITIONS EXCEPTIONS AND MODIFICATIONS" BY AMENDING SECTION 12-262; PROVIDING FOR SIDE YARD LANDSCAPED BUFFER LIMITATIONS; AMENDING SECTION 12-263 ENTITLED "USE REGULATIONS" PROVIDING FOR AN AMENDMENT TO SECTION 12-264 ENTITLED "SWIMMING POOLS, POOL PATIOS AND DECKS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Jim Hickey, Town Planner with CG&A, presented the item. He summarized the changes made between the first and second readings.

Mayor Tarrant pointed to errors in consistency of the language surrounding bike lanes and asked whether a change should be made to the requirements for vegetation in cases of properties with less than 15 feet on the Intracoastal side. Discussion ensued on how to balance the beautification of these types of lots and parking along the Intracoastal.

Mr. Doody asked for clarification on the intent of the exception related to those properties with less than 15 feet on the Intracoastal side. Mr. Serda stated staff should identify a list of those properties which would be grandfathered to allow the process to move forward.

Mayor Tarrant opened the public hearing.

Bob Mayer, Bomar Builders, stated because of the average height of properties in Hillsboro Beach, a lot of people utilize golf carts to allow access to the Intracoastal. He encouraged the Commission to consider access when looking at parking restrictions. Continuing, Mr. Mayer made suggestions regarding the relationship between the number of parking spaces required and habitable square footage.

Mayor Tarrant closed the public hearing.

Commissioner Reiser asked how people in the area would access their boats if there was not parking allowed on the Intracoastal.

Mayor Tarrant agreed there should be a provision for boat access. Mr. Hickey suggested a single standard parking space to allow for boat access. Discussion ensued regarding how to address the issue.

Police Chief Jay Szesnat provided additional detail regarding the State Statute related to delivery trucks blocking traffic for a short time. Discussion continued.

Mr. Doody asked whether the item should be brought back for an additional reading, or if the Commission had suggested language for the changes.

Commissioner Baldassarre noted Mr. Bomar had been restricted by the three (3) minute allowance during public comment. She asked that he be invited to complete his comments prior to a vote on the ordinance.

Mr. Mayer asked for clarification on the side yard landscape regulations, specifically the height of trees.

Mayor Tarrant asked whether it should be specified that the intent of the side yard landscape was to provide privacy for neighbors. Discussion continued regarding screening requirements and recommended height and density of plants.

Mr. Doody stated the property owner and developer would need to comply with the legislative intent but suggested the approach to that should be left to them, and discussed with staff during Site Plan Review.

Mayor Tarrant summarized the proposed amendments based on the conversation, including:

- Addition of the word “habitable” in relation to the area utilized to calculate the number of parking spaces required
- Access for vessels via an area no more than 10 feet deep and 20 feet long
- Specify that the intent of side yard landscaping was to provide privacy between properties
- Removal of “shall not apply” in relation to the exception

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

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to adopt Ordinance 2022-11 as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Ordinance No. 2022-12 Amendment to the Town’s Code of Ordinances Providing Provisions for Multi Family Site Plan Requirements. (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 III ENTITLED “DEFINITIONS” TO ADD A DEFINITION FOR BUILDING SEPARATION; AMENDING ARTICLE VI ENTITLED "RM-16 MULTIPLE FAMILY DWELLING RESIDENTIAL DISTRICT REGULATIONS (WITH 3-STORY MAXIMUM LIMIT)" TO PROVIDE FOR SETBACK REQUIREMENTS AND FOR MAXIMUM BUILDING LENGTH; PROVIDING FOR THE PROHIBITION OF STRUCTURES IN THE REQUIRED SIDE YARD SETBACK; PROVIDING FOR A LANDSCAPE BUFFER FOR MULTI-FAMILY RESIDENTIAL DWELLINGS; AMENDING ARTICLE VII ENTITLED "RM-30 MULTIPLE FAMILY DWELLING RESIDENTIAL DISTRICT (WITH 7-STORY MAXIMUM LIMIT)" TO PROVIDE FOR SETBACK REQUIREMENTS AND BUILDING FRONTAGE; PROVIDING FOR A LANDSCAPE BUFFER FOR MULTI-FAMILY DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tarrant noted the first reading of Ordinance 2022-12 had been tabled at the November 1, 2022, meeting.

Mr. Doody read the Ordinance by title only.

Jim Hickey, Town Planner with CG&A, presented the item. He reviewed the research and analysis conducted on multi-family lots within the community and proposed amendments to increase side setback buffers, clarify what is permitted in the side yard, and adjust maximum building widths. He noted changes the Commission may wish to make as a result of the discussion on Ordinance 2022-11 (Single-Family Residential Site Plan Requirements).

Mayor Tarrant noted a missing definition within the ordinance. Mr. Hickey explained.

Mayor Tarrant stated she did not understand the logic of a shade structure being allowed on a pool deck which extends into the side yard, but not a patio or in other cases. Discussion ensued as to the intent and existing situations, and consensus was to disallow pool decks, patios, and shade structures in the side yard setback.

Mayor Tarrant asked for clarification on the number of shade structures permitted in relation to the size of the lot. Discussion ensued.

Mr. Hickey stated he did not believe the numbers included were currently reasonable and stated he would do additional research and bring the language back with changes as appropriate. Mr. Doody suggested the item be approved on first reading with an amendment forthcoming from the Town Planner.

Mr. Hickey recommended maintaining the section at this time and stated he would bring forward a separate memo with proposed changes at second reading.

Mayor Tarrant read the section regarding maximum building length, and stated she understood the 200-foot maximum was included in response to the fact that the Commission wanted to keep the Town's character the same. She reviewed the existing parcel sizes and expressed concern regarding the calculation for side yard setbacks on larger lots and in three (3) story communities. Discussion ensued as to the appropriate requirements for side setbacks and the intent.

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

Mr. Hickey reviewed the amendments as discussed:

- Eliminate the definition of side yard landscape buffer, and add the definition for Building Separation instead.
- Bring back proposed language to solidify what is and is not allowed in the setback

- Add bike lanes to the paved edge of A1A throughout
- Staff will review impact of language related to shade structures and provide proposed changes as needed
- Change width of side yard from not less than 15 feet to 20 feet and remove the 10 percent requirement
- Add intermediate level plantings in reference to privacy

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

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve Ordinance 2022-12 on first reading as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. DISCUSSION & POSSIBLE ACTION

V. RESOLUTIONS & CONTRACTS

A. Resolution No. 2022-56

CONSIDERATION TO APPROVE AND ADOPT THE TOWN OF HILLSBORO BEACH 2023 COMMISSION MEETING SCHEDULE.

Mr. Doody read the Resolution by title only.

Town Clerk Henderson noted the November Commission meeting was proposed for election day (Nov 7) and asked whether the Commissioners would prefer a change. Discussion ensued, and consensus was to change the 2023 date to the second week of November (Nov 14).

Mayor Tarrant asserted a Charter change was needed to move the meetings to the second Tuesday of the month to avoid holiday conflicts which frequently arise. Discussion ensued as to whether to direct staff to pursue an Ordinance to address the issue, and consensus was to leave it as-is for the time being.

Motion made by Commissioner Baldassarre, seconded by Commissioner Feaman, to adopt Resolution 2022-56 with an amendment to move the November meeting to the second Tuesday of the month. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2022-57

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF HILLSBORO BEACH AND BROWARD POLICE BENEVOLENT ASSOCIATION 2022-2025.

Mr. Doody read the Resolution by title only.

Mr. Serda recognized the team behind the collective bargaining agreement and thanked all for the smooth process and for seeing things from each other's perspectives.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2022-57. In a roll call vote, the **motion** passed unanimously. (5-0)

VII. CONSENT AGENDA

A. Invoices for Approval

1.	CG&A	Invoice #110148	\$2,596.32	40 year cert
2.	CG&A	Invoice #109578	\$40,640.70	Bldg code
3.	Inframark	Invoice #84681	\$8,4681.14	
4.	Moffat & Nichol	Invoice #86061	\$105,338.50	
5.	GCDE	Invoice #44616	\$5,853.90	General matters
6.	GCDE	Invoice #44617	\$2,525.00	Development - Related
7.	GCDE	Invoice #44618	\$150.00	William Thomas
8.	GCDE	Invoice #44619	\$1,275.00	Development - BH3
9.	GCDE	Invoice #44620	\$250.00	Petition for Destruction of Contraband

Mayor Tarrant asked that item #4 be pulled for discussion (Moffatt & Nichol \$105,338.50)

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the Consent Agenda Invoices with the exception of item #4. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Tarrant inquired why the 2020 and 2022 hard bottom surveys were billed at the same time. Mr. Serda noted that Moffat & Nichol does not bill regularly, but compiles bills. He stated if the Commission wanted to delay the invoice for payment, he could determine the reason.

VIII. BEACH REPORT

None.

IX. STAFF UPDATES

A. Police Department

Police Chief Jay Szesnat presented the October monthly report. He highlighted the 10,285 miles driven in the month, and stated he was proud of the hustling that was taking place. He noted items within the report, including two (2) warrant arrests and observation of a resident with heat exhaustion. He stated the boat was doing well.

Commissioner Baldassarre pointed out the buoys had withstood the recent storm. Discussion ensued regarding the buoys.

B. Building Department

Steve Mitchell, Building Official, CG&A, presented his report via Zoom. He stated the sales office for the Related Group development project was under construction, and plans for two (2) new single-family homes had been submitted. Continuing, he provided a brief update on the 40-year inspection reports for multi-family residences and stated he was in favor of a standardized approach.

Mayor Tarrant welcomed Ivan Wong to the CG&A Building Department.

C. Code Compliance

Bernard Pita, Code Enforcement, CG&A, presented his report. He reviewed the open cases and stated many had complied. He stated Winter Sun Investments would be going before the Special Magistrate December 20, 2022. He stated he was reorganizing within the Code Compliance Department to make sure staff was available as needed and introduced Lenore Graber as additional support staff for the Town.

Mayor Tarrant asked for clarification on how turtle lighting cases are closed at the end of the season. Mr. Pita explained.

Mayor Tarrant asked about the issues surrounding Opal Towers West. Mr. Pita provided an overview of the violations and status. He stated he needed to go in with a member of the Building Department to confirm.

IX. TOWN MANAGER REPORT

A. Update on SR A1A Mobility Improvements

Mr. Serda stated he was following-up on issues surrounding installing temporary pedestrian crossings. He stated the AIA Mobility Improvement project is approx. 15 percent ahead of schedule, and noted completion is still scheduled for mid-summer 2023. He explained Victor Zarzuela, Construction Project Engineer, would be speaking at the December 8 Hillsboro Beach Condo Forum.

Mr. Serda thanked staff for executing the details of the Town's Holiday Event and Tree Lighting and thanked everyone for making it a great event after years of not being able to get together due to COVID-19. He noted opportunities had been identified to improve moving forward.

Vice Mayor Kirdahy noted drains which had been covered with mesh, and stated with the last pour of asphalt, the drains had been covered. She asked whether those drains would be resurfaced. Mr. Serda stated he would reach out to the Project Manager and follow-up.

XI. TOWN ATTORNEY REPORT

Mr. Doody had no report. He left the meeting at 12:40 p.m.

XII. PUBLIC COMMENTS

Frank Kolb Jr., 1173 Hillsboro Mile, asked that the Commission address the hours of building construction. He stated landscaping and other items are cut off at 4 p.m., but construction can continue until 6 p.m. He asked that the Commission place the item on the next meeting agenda.

Mr. Serda provided a brief review of the reasons behind the hours as set, including that construction is a short-term endeavor and that there was an industry standard.

Mayor Tarrant added that Mr. Bob Mayer and others had expressed concern regarding the hardship of further restrictions. She asked whether the Commissioners would like to add the item to a future agenda, and consensus was that they would not.

Joel Rosenstein, 1155 Hillsboro Mile, asked whether there was anything being done on the Town level regarding replacement of stairs that had been destroyed in a recent storm. Mayor Tarrant noted the stairs were private, and suggested follow-up to make sure a permit was submitted by the property owner.

Mr. Rosenstein recognized the success of the Town's holiday event.

XIII. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Jane Reiser

Commissioner Reiser commented on the success of the holiday event, and thanked Carol Porter for sharing photos. She stated she would be attending the Southeast Florida Regional Climate Leadership Summit over the weekend and would report back next month.

B. Commissioner Barbara Baldassarre

Commissioner Baldassarre stated the next Property Manager and Condo President Forum was scheduled for later in the week and noted the last meeting was canceled due to the storm. She noted the January meeting would be in person.

C. Commissioner Vicky Feaman

Commissioner Feaman stated she was pleased with the follow-up Waste Management had been doing in response to issues. She noted that all trees in the way of the sidewalk were being removed between Tuesday and Wednesday.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy stated she would be missing the next Metropolitan Planning Organization (MPO) meeting but would share the report once received.

E. Mayor Deborah L. Tarrant

Mayor Tarrant stated the holiday event had been magnificent. She wished everyone happy holidays.

XIV. ADJOURNMENT

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to adjourn the meeting at 12:49 p.m. In a roll call vote, the **motion** passed unanimously. (5-0)

ADOPTED THIS 10th DAY OF JANUARY, 2023

By: 
Deborah L. Tarrant, Mayor

ATTEST:


Sherry D. Henderson, CMC Town Clerk