



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

TUESDAY

NOVEMBER 14, 2023

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Irene Kirdahy called the meeting to order at 9:49 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Irene Kirdahy

Vice Mayor Barbara Baldasarre

Commissioner David A. Ravanese

Commissioner Jane Reiser

Commissioner Vinnie Andreano

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

Mr. Serda requested two (2) amendments to the agenda, including moving Item 5E to the beginning of Resolutions and moving Items 5F and 5G to the Staff Report.

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldasarre, to amend the agenda to move items 5E, 5F, and 5G as requested. In a roll call vote, the **motion** passed unanimously. (5-0)

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

I. APPROVAL OF MINUTES

A. October 3, 2023 Regular Commission Meeting Minutes

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to approve the minutes of October 3, 2023, as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

II. PRESENTATIONS

III. ORDINANCES

A. Ordinance No. 2023-04

Amendment to the Town's Code of Ordinances, "Property Site Line Maintenance." (Second 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 SECTION 12-49 ENTITLED "SITE PLAN REQUIREMENTS" AND SECTION 12-399 ENTITLED "MAINTENANCE OF LANDSCAPED AREAS"; PROVIDING FOR AMENDMENT TO REQUIREMENTS ASSOCIATED WITH SITE PLANS; PROVIDING FOR MAINTENANCE OF SIGHT TRIANGLES AT THE INTERSECTION OF DRIVEWAYS AND STATE HIGHWAY A1A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Motion made by Commissioner Ravanese, seconded by Commissioner Reiser, to adopt Ordinance 2023-04 on second reading. In a roll call vote, the **motion** passed. (5-0)

B. Ordinance No. 2023-05

Amendment to the Town's Code of Ordinances, "Conditional Use Amendment Restaurant Only." (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 AMENDING SECTION IV ENTITLED "DISTRICTS AND GENERAL REGULATIONS THEREOF" SPECIFICALLY AMENDING SECTION 12-110 ENTITLED "CONDITIONAL USES"; PROVIDING FOR AN AMENDMENT TO THE CRITERIA FOR CONDITIONAL USES TO DELETE RESTRICTIONS ON ACCEPTING CASH OR CREDIT AND PAYMENTS FOR PATRONS AT A HOTEL; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "RESTAURANT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Jim Hickey, Planning Consultant, CG&A, outlined the request to change the Land Development Code, which would remove some of the items which had been put in for the review of conditional uses. He noted this change is a precursor to a request that the restaurant at Hillsboro Beach Resort, which is currently open to visitors to the hotel and to residents of

Hillsboro Beach, be opened to the public. He advised that the language before the Commission was provided by the applicant and could be revised. He briefly reviewed the changes, listed on page 29 of the staff report.

Mayor Kirdahy asked for clarification regarding the process. Mr. Hickey highlighted that the changes being made are changes to the Conditional Use requirements in the Land Development Code, so did not apply only to the applicant. He noted this meant it would apply to any future applicant, as well.

Commissioner Andreano asked what other applicants were being referenced. Mr. Hickey explained the question becomes the definition of a restaurant. He noted future applicants would still need to meet the remaining criteria of the Land Development Code.

Mr. Doody stated the result of this change as presented would be the potential for a freestanding restaurant. He noted that presently a restaurant would have to be related to a motel or hotel, but the applicant is seeking to delete that limitation. Discussion continued as to the intent of the change.

Matt Hege, Hillsboro Beach Resort, stated the language could be crafted to meet the intent, which is to have a fully functioning restaurant at this property. He introduced Memphis Garrett, the restaurateur who would be taking over as a third-party operator running food and beverage at the hotel. He noted no one was willing to come in to manage the restaurant unless it is open to non-residents.

Mr. Garrett, Garrett Hospitality Group, provided a brief overview of his background and plans to create a restaurant offering up-scale Mediterranean food steps from the beach.

David Coviello, Shutts & Bowen LLP, attorney for BH3, made a presentation. He asserted the applicant had heard the comments and concerns at the previous hearings, and determined most were related to the outdoor bar. He stated the request is now limited to a single issue, the ability to open the restaurant to the public and allow cash and credit card payments. Mr. Coviello explained all other amendments had been withdrawn, including the outdoor service bar, and three (3) applications which had not yet been heard.

Mr. Coviello reviewed the proposed language changes briefly. He stated the intent was to allow members of the public to dine, and noted considering the concern regarding other restaurants he would recommend removal of "to guests" rather than "to guests at hotel or motel." Continuing, Mr. Coviello stated there were no material changes to the restaurant or hotel being requested. He advised that the applicant believes this request is a reasonable compromise and the minimum necessary for the continued viability of the hotel and restaurant and to maintain the quality of the hotel and restaurant.

Commissioner Ravanese stated he had concerns with the signage for the hotel, and asserted it needed to be improved because people are unable to find it and they do U-turns or park in other places. He added that as long as residents next door were protected, he was supportive of the request. Mr. Coviello assured the Commission that they would look at the signage.

Commissioner Andreano stated his concerns were addressed by the amendment to the language that was suggested.

Mayor Kirdahy opened a public hearing on the item.

Deb Tarrant, 1083 Hillsboro Mile, stated she was opposed to removing the hotel/motel language, and believed that language absolutely must stay in. She agreed with the applicant that increased traffic concerns are null because even local people have to drive to the property and added that the restaurant is important to the viability of the property. She noted she also agreed with Commissioner Ravanese that the sign needed to be changed if the restaurant was open to the public and asserted that should be a condition.

Andy Daberno, 1194 Hillsboro Mile, shared that he had been a full-time resident for 46 years and was an impartial historian on the matter. He pointed out there had previously been a fantastic restaurant in the Barefoot Mailman Hotel called Charlie Browns.

Mayor Kirdahy closed the public hearing.

Mr. Hegge clarified that there is an approved sign which has not been erected, as it has not completed the permitting process. He stated they would recirculate the proposed sign in case there were new comments.

Mr. Garrett advised that the restaurant would operate on a reservation-only basis. He noted the valet would be the first line of defense in asking visitors if they have reservations.

Commissioner Ravanese asked how the applicant planned to address U-turns and parking across the street. Mr. Garrett stated he believes there are enough parking spaces to make sure the restaurant is successful on a daily basis, and there is not any reason for people to park across the street. He clarified that if the parking is full, that means the restaurant is full.

Vice Mayor Baldassarre shared that residents have concerns of the property turning into a bar hangout. Mr. Garrett asserted that is not the customer base, and noted his goal is not to change the environment, but to service the existing environment.

Mr. Doody asked whether the hours of the bar and restaurant would coincide. Mr. Garrett stated they would. He added that there is not a separate bar, and the focus is a full-service restaurant that serves alcohol along with food.

Commissioner Andreano stated Hillsboro Beach had not had a restaurant open to the public in a long time, and it would be a great experiment to see if it works. He pointed out that the restaurant operates under a conditional use, and it could be removed.

Commissioner Reiser responded that this has been a conditional use every time the restaurant asked for changes. She stated she also remembers Charlie Browns Restaurant, and it was a very large piece of property, so they were not comparing apples to apples. She asked what would happen if the restaurant were a success and the hotel was failing. Mr. Garrett stated food and beverage is becoming a major priority for guests, and they have become intertwined. He asserted both must be successful or both suffer, and he would work with BH3 to ensure continued success of the property.

Commissioner Reiser asked about the Rosewood Residences, and whether they were legally considered a condominium. Mr. Doody stated to the best of his knowledge they were a condominium, but he had not reviewed any documents submitted to the State.

Mayor Kirdahy stated she had no issue with the cash and credit card system, as the current system is cumbersome. She noted she also remembers the Barefoot Mailman Hotel, but it was a different time. She asserted traffic has tripled in the past 25 years, and the mix of residents has changed as well. She advised the focus of the vote should be on this site.

Motion made by Commissioner Ravanese, seconded by Commissioner Andreano, to amend the ordinance to delete “to guests” on page two (2), line 38, rather than “to guests at hotel or motel.” In a roll call vote, the **motion** passed. (4-1) Commissioner Reiser voted no.

Motion made by Commissioner Andreano, seconded by Commissioner Ravanese, to approve Ordinance 2023-05 on first reading as amended. In a roll call vote, the **motion** passed. (4-1) Commissioner Reiser voted no.

IV. DISCUSSION & POSSIBLE ACTION

V. RESOLUTIONS & CONTRACTS

Items E and was heard prior to Item A.

A. Resolution No. 2023-52

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, EXPRESSING SUPPORT OF THE STATE OF ISRAEL AND DENOUNCING THE TERRORIST ACTIONS OF HAMAS.

Mr. Doody read the Resolution by title only.

Commissioner Ravanese and Mayor Kirdahy made brief comments.

Motion made by Commissioner Ravanese, seconded by Commissioner Reiser, to adopt Resolution 2023-52 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2023-53

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ADOPTING THE 2024 COMMISSION SCHEDULE MEETING DATES.

Mr. Doody read the Resolution by title only.

Commissioner Reiser stated she believed the April 2 meeting should be changed to April 9 due to the Easter religious weekend.

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to amend the schedule to change the April meeting from April 2 to April 9. In a roll call vote, the **motion** passed unanimously. (5-0)

Ms. Henderson reviewed the schedule briefly and noted alternate dates had been proposed by staff for July and September.

Motion made by Vice Mayor Baldassarre, seconded by Commissioner Reiser, to accept the staff recommendations and adopt the 2024 Commission schedule meeting dates as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Vice Mayor Baldassarre, seconded by Commissioner Reiser, to adopt Resolution 2023-53. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2023-54

CONSIDERATION TO APPROVE AND AUTHORIZE THE POLICE DEPARTMENT TO USE \$65,600 IN BUDGETED FUNDS TO PURCHASE TWO (2) CHEVY BLAZER VEHICLES BY UTILIZING FLORIDA SHERIFF'S ASSOCIATION COOPERATIVE PURCHASING PROGRAM CONTRACT NO. FSA23-VEL31.0.

Mr. Doody read the Resolution by title only.

Mr. Serda advised the request was to use budgeted funds to replace two (2) vehicles for the Police Department.

Police Chief Jay Szesnat explained they were putting 11,000 miles a month on these vehicles, and age and fleet maintenance for these two (2) vehicles is becoming an issue.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Andreano, to adopt Resolution 2023-54 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

Item D was heard prior to Item A.

D. Resolution No. 2023-55

CONSIDERATION TO APPROVE AND AUTHORIZE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF HILLSBORO BEACH, FLORIDA, AND BROWARD COUNTY SUPERVISOR OF ELECTIONS OFFICE TO CONDUCT THE TOWN'S COMBINED MUNICIPAL ELECTION AND PRESIDENTIAL PREFERENCE PRIMARY ELECTION ON TUESDAY, MARCH 19, 2024.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Ravenesi, seconded by Vice Mayor Baldassare, to adopt Resolution 2023-55 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Resolution No. 2023-56

CONSIDERATION TO APPROVE AND AUTHORIZE THE PROPER TOWN OFFICIALS TO EXECUTE A RENEWAL AGREEMENT WITH UNITED HEALTHCARE, INC. FOR 2024 EMPLOYEE HEALTH, VISION, AND DENTAL INSURANCE BENEFITS.

Mr. Doody read the Resolution by title only.

Mr. Serda introduced the item briefly. He stated each year, the Town receives quotes on its employee benefits, utilizing Sentry Public Risk to represent it in the marketplace.

Robin Riley, Acentria Public Risk, discussed the market and options briefly. She noted the amount competition for coverage is getting smaller and smaller, as Humana no longer provides proposals for group health insurance and others do not work with small groups. She advised on the options explored and recommended the Town continue with the current plan through United Healthcare for medical, dental, and vision at a 6.4 percent increase in premiums.

Mr. Serda shared that the good news was that a 15 percent increase had been projected in the budget, so the increase of 6.4 percent was lower than expected. He noted he does not receive his benefits through the Town, so can serve as an unaffected party in advising that continuing with this plan is the most advantageous to the Town and will cause the least disruption to the employees.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to adopt Resolution 2023-56 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

Items F and G were addressed following IX.B

F. Resolution No. 2023-57

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023.

Mr. Doody read the Resolution by title only.

Motion made by Vice Mayor Baldassarre, seconded by Commissioner Ravanese, to adopt Resolution 2023-57 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

G. Resolution No. 2023-58

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE PERMIT/PLANNING & ZONING/CODE COMPLIANCE FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Ravanese, seconded by Vice Mayor Baldassarre, to adopt Resolution 2023-58 as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. CONSENT AGENDA

	Vendor	Invoice Number	Date	Amount
1.	Inframark	101933	Sept 2023	
2.	Inframark	103674	Oct 2023	
3.	LSF	23-0930-26	Sept 2023	\$5,871.87
4.	LSF	23-1031-26	Oct 2023	\$8,379.27
5.	CG&A	120296	Sept 2023	
6.	CG&A	121169	Oct 2023	
7.	GCDE	55341	Oct 2023	\$4,791.95
8.	GCDE	55342	Oct 2023	\$75.00
9.	GCDE	55343	Oct 2023	\$211.90
10.	GCDE	55344	Oct 2023	\$5,682.500

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

VII. BEACH REPORT

None.

VIII. STAFF UPDATES

A. Police Department

Police Chief Jay Szesnat shared his report. He stated numbers are consistent, and the department continues its mission to keep residents safe.

Mayor Kirdahy advised she was seeing issues with speeding between 5 p.m. and 7 p.m. Police Chief Szesnat stated Police Officers are out making traffic stops. He noted the Town has a display sign with radar capabilities and will put it out again.

B. Finance Department – Financial Report FY2023 4th Quarter

Stephen Bloom, Finance Director, Inframark, presented the financial report for the end of the 2023 Fiscal Year. He reviewed the unaudited numbers, beginning with the General Fund, and noted the next step would be a full, independent audit. He advised that the General Fund had ended the year \$134,000 favorable and reviewed the Special Revenue Funds briefly. Mr. Bloom highlighted the Building Permits Fund, which had revenue at 182 percent of budgeted, and expenditures of 124.7 percent, and noted the restrictions on use of funds related to building permits briefly. He discussed the Capital Projects Fund, pointing out the beach project had been the major item at \$4.33 million, and reviewed historical data for Worker's Compensation claims. He credited staff for keeping that line item low.

Vice Mayor Baldasarre asked whether any special programs had been implemented to address Worker's Compensation costs. Mr. Serda stated they have quarterly safety meetings and work to train the staff properly, but no special program was implemented.

Items V.F and .G were addressed following IX.B

C. Building Department

Steve Mitchell, Building Official, CG&A, presented his report. He stated things are proceeding on an orderly basis and the workload is steady.

Mayor Kirdahy asked when the new homes in the report would be on the tax rolls. Mr. Mitchell stated it would not be in 2024 and would most likely be 2026.

Vice Mayor Baldasarre asked if there had been an increase in renovations. Mr. Mitchell provided a brief update on current renovations. Mr. Serda confirmed there was an increase over five (5) years ago, but not year-to-year.

D. Code Compliance

Bernard Pita, Code Enforcement, CG&A, presented his report. He introduced a new Code Enforcement Officer brought on to increase response times, Victor Padilla. He stated there are currently 18 open cases, the majority of which are fire inspection cases being addressed for the Fire Department. Continuing, he reviewed the case action report, which breaks down status of cases, and the compliance report. He stated 58 inspections had been completed and reviewed top violations briefly. He noted he is currently focusing on construction site management to maintain appearance and safety.

Vice Mayor Baldasarre shared that she had noticed shrubbery and branches coming into the bike lane in a few areas. Mr. Pita stated he had been monitoring that issue and had purchased a saw and clippers to address issues like this himself as quickly as possible in addition to informing the associated properties.

Mr. Pita noted he was also working to address sediment control on construction sites and other parcels and will next be looking at parking on the Intracoastal side of the road. He noted staff is conducting a review and will begin educating those who are not in compliance.

IX. TOWN MANAGER REPORT

A. Update - Shred/Electronic Recycling/HHW event - October 27, 2023 Hillsboro Beach Christmas Tree and Menorah Lighting Program - Thursday, November 30, 2023

Mr. Serda advised that this Town Manager report was the "Town Clerk does a great job" report. He shared details of the October 27 event and stated it had exceeded expectations in getting hazardous materials off the streets. He stated it was great to see the community come out and had recognized Ms. Henderson for orchestrating a nice event. Mr. Serda highlighted that the upcoming holiday event on November 30 will begin at 5:30pm.

X. TOWN ATTORNEY REPORT

Mr. Doody had no report.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Vice Mayor Barbara Baldasarre

Vice Mayor Baldasarre stated the League of Cities had met and was getting ready for the upcoming legislative session. She thanked all of the condos who put up their flags for Veterans Day and shared that she is proud of the Town and the support for the project and hopes to get more homeowners to participate in the future.

Vice Mayor Baldasarre asked Police Chief Szesnat to clarify the terminology used when a Nixle advisory states the bridges are locked down. Police Chief Szesnat explained it means the bridges are locked in the down position and traffic can pass.

B. Commissioner Jane Reiser

Commissioner Reiser had no report.

C. Commissioner David A. Ravanese

Commissioner Ravanese stated the Broward County Waste Authority had not met yet, only the Executive Board.

D. Commissioner Vinnie Andreano

Commissioner Andreano had no report.

E. Mayor Irene Kirdahy

Mayor Kirdahy shared an update from the Broward County Metropolitan Planning Organization (MPO) meeting. She noted the MPO had received a \$5 million award for Safe Streets, and every city in the County can apply for funds to support traffic opportunities. Mr. Serda stated he would reach out regarding eligibility.

Mayor Kirdahy continued her report on the MPO. She highlighted that the City of Hollywood had received \$4 million for a flooding improvement project that includes the airport. She stated there had been discussion of how best to correct traffic issues in Fort Lauderdale, which are needed due to increased population and congestion. She explained Fort Lauderdale's Mayor Dean Trantalis is interested in a tunnel system, but it is three (3) times the price of a raised road, so discussion is ongoing. She noted there was not a MPO meeting planned for December or January.

XII. PUBLIC PARTICIPATION

Richard Crusco, 1194 Hillsboro Mile, stated over the past couple of weeks, he had met individually with four (4) Commission members to get to know them better. He discussed visions for the future of the Town and discussed the need for a makeover in Hillsboro Beach.

XIII. ADJOURNMENT

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to adjourn the meeting at 11:48 a.m. In a roll call vote, the **motion** passed unanimously. (5-0)



ADOPTED THIS 5th DAY OF DECEMBER 2023

By: Irene Kirdahy
Irene Kirdahy, Mayor

ATTEST:

Sherry D. Henderson
Sherry D. Henderson, CMC Town Clerk
12/5/2023