

**MEETING MINUTES**  
**TOWN OF BEVERLY BEACH, FLORIDA**  
**REGULAR MONTHLY COMMISSION MEETING**  
**OCTOBER 3, 2016 – 6 P.M.**

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, October 3, in the Town Hall Conference Room at 2735 N Oceanshore Boulevard. A quorum was present.

**ATTENDEES:**

Stephen Emmett	Mayor
Larry Mathies	Commissioner
Sandra Siepietoski	Commissioner
Jeffrey Schuitema	Commissioner
Ernie Sund	Commissioner
Debra Wingo	Commissioner
Donna Francis	Commissioner
Dennis Bayer	Town Attorney

**CALL TO ORDER** – The meeting was called to order at **6:00 p.m.** by **Mayor Emmett**, who then led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Mayor Emmett** called for a motion to approve (by consent) the Minutes of the following meetings: (a) Public Hearing for Preliminary Approval of Millage Rate and Budget, held on September 12; (b) Regular Commission Meeting, held on September 12; and (c) Public Hearing for Final Approval of Millage Rate and Budget, held September 19. Motion made by **Commissioner Wingo**, **seconded by Commissioner Schuitema**. There was no further discussion.

**Motion Approved Unanimously 5-0 by Voice Vote**

**MAYOR’S REPORT AND ANNOUNCEMENTS**

- a. **Mayor Emmett** urged residents to be prepared for oncoming Hurricane Matthew. The Town Hall has Disaster Preparedness Guides from the County and some were available at the meeting. The storm’s path is still unpredictable. Resident **Nancy Walsh** reported that the news stated a “state of emergency” for all of Central Florida had been declared by the Governor just moments earlier.

**STAFF REPORTS**

- a. **Town Clerk**
  - i. The financial reports for September are not yet available and will be presented at the November Commission Meeting.
  - ii. Commissioners received a hard copy summary of fiscal year 2016 final Revenues and Expenditures vs. Budget. The Town did well in budgeting for 2016, with Revenues in excess of projections. Almost all expenditure items were under Budget, with just a couple of exceptions.

- iii. The Town's annual election is scheduled for Tuesday, March 7, 2017. Four seats are up for election, the Mayor and three Commission seats. To qualify by petition candidates must file required documents with the Town Clerk and Supervisor of Elections by December 9. To file by paying a fee, you must file with the Town Clerk between January 9 and January 13, 2017. ALL CANDIDATES MUST SEE THE TOWN CLERK before running for office.
- b. **Town Attorney** – **Mr. Bayer** deferred his comments to items 5.a. and 5.b. under Old Business

## **OLD BUSINESS**

- a. **Second Reading, Ordinance 2016-01** – The Town Attorney explained that the second reading was postponed since it was not properly advertised prior to the September meeting. The ad was placed as required and in the interim Mr. Bayer spoke with Geoffrey Sample at SJRWMD, who asked for a couple of minor modifications to the version passed at first reading. Approval of this Ordinance allows the Town to apply for certain grants from SJRWMD, as well as be eligible to receive donated equipment retired by the District. There was discussion regarding two provisions in the Ordinance to which the SJRWMD objected. **The Mayor** asked the **Town Attorney** to read the title of the Ordinance aloud, and he did so. **Commissioner Sund moved to approve the Ordinance with modifications discussed** (deletion of paragraph 1.(d) and paragraph 2.(d) under Section 3 – Landscape Irrigation Schedules). The motion was **seconded by Commissioner Schuitema**. There was no further discussion and no questions.

**Motion Approved Unanimously as Amended 5-0 by Voice Vote**

### b. **Update on Code Revision Project**

- i. **Attorney Dennis Bayer** reported progress with the University of Florida law student team working on the floodplain ordinance requested by the State with reference to the CRS program. They are going to be asking the State for an extension to the October 31 deadline. There are four areas to deal with to meet compliance:
  - (1) We will have to adopt our own floodplain ordinance and not the County's. We need to make a determination as to who will be the Town's "floodplain manager" and he recommends that it be the Town Clerk and not the Mayor. He thinks it is better to have a staff person as opposed to an elected official so that the Town Charter does not need to be amended.
  - (2) We need to parallel what the City of Flagler Beach passed since it has already been approved. The Town Clerk asked if the current Interlocal Agreement with Flagler Beach for Building Department services, including inspections, could be amended to allow us to name the Flagler Beach Building Official as the staff person responsible for Beverly Beach floodplain management. The Town Attorney said this could cause concern in the future if the Town decided to change its permitting and inspection services to another entity. It would require that the position of floodplain manager be modified again, but it is the Town's decision whether or not to pursue that option.
  - (3) Section 6.2 of the report previously received from the CRS assessment staff requires the Town to come up with a "strategy to resolve compliance matters in Surfside Estates." There are structures in the floodplain area and we would have to provide language that describes how it would be handled if any of those structures were rendered uninhabitable by a flood, whether or not they could rebuild. But if the lower areas have to be retrofitted, that will be a financial burden and is an area where we may have a more significant problem. We need to find out what the strategy has to include. FEMA is modifying the flood maps this year and that will also impact the area affected. Mr. Bayer is certain the new maps will be more restrictive.

- (4) There are three properties for which we are supposed to provide elevations certificates. One has been located, but there are two in Shelter Cove for which we need to provide them. If they cannot be located, the property owners may have to provide them, perhaps at their own expense. The Town Attorney stated that it could cost \$500 to do so.
  - ii. One additional CRS concern is the cabins that were installed by the Camptown Resort. They are requesting verification of compliance of those structures, treating them as though they are structures and not trailers or RV's.
- c. **Progress Report on Walkover Renovations**

- (1) **Commissioner Mathies** reported that *Superior Design and Engineering* is preparing the design drawings for the renovation of walkovers #3 and #4. As soon as those are ready he will work with the Clerk to advertise the request for bids and prepare the bid package documents.
- (2) **Commissioner Schuitema** explained that he and **Commissioner Sund** are working on another grant to assist with conversion of the #1 walkover to a handicapped accessible one. They are seeking \$50,000 from the "Florida Recreation Development Assistance" program. October 28 is the deadline for a 2017 grant. In order to meet the requirements of the grant there must be "recreation facilities" available. To bring our request more in line with that objective they are including installation of concrete picnic tables, grills, a new access sidewalk, and conversion of the existing walkover to a handicapped-compliant ramp. They also suggest making a beach volleyball court area on the beach as another recreation component. These funds would be combined with the \$50,000 donated previously by Camptown for full renovation and reconstruction of the beach access area and observation deck. It will most likely be late 2017 before all the proposed work is done.

**NEW BUSINESS** – **Commissioner Siepietoski** reported that, due to some logistical and other concerns with last year's "Feed Flagler," the Town is going to partner this year with the City of Flagler Beach for the **annual food drive**. Those who wish to donate food may do so as in the past by leaving it at the Town Hall or contacting Commissioner Siepietoski. There is a collection box at the Surfside Estates clubhouse also. Gift cards (for "food only" use) are also accepted, as are cash donations to purchase additional food. She will attend an informational meeting soon and have more details for the November meeting. The Commissioner did indicate a need for volunteers to assist with transport of the food to the central location in November. Commissioner Schuitema and Mayor Emmett volunteered to do so. Anyone else who would like to volunteer for the project should contact Commissioner Siepietoski. Any food not distributed will be given to local food banks. A resident in attendance added that dog and cat food may also be contributed to help those needy people with pets.

### **COMMISSIONER COMMENTS**

- **Commissioner Schuitema** asked if the ongoing golf cart issue was going to be discussed. The Mayor said it was not and the Commissioner then stated he had no additional comments.
- **Commissioners Sund and Wingo** had no comments.
- **Commissioner Mathies** expressed concern about the Gomez home on A1A. There has been no activity for the last 60 days. There is still a port-a-potty in the driveway, plywood, etc. This has been an ongoing issue for nearly four years and residents continue to complain.
- **Commissioner Mathies** also said that there continues to be a problem with Sunset Inlet residents crossing A1A to use their private walkover. This presents a safety issue for the pedestrians as well

as several near-accidents of cars that have stopped for pedestrians to cross and nearly getting hit from behind. He suggests that the Sunset Inlet HOA look into getting the FDOT to install a new pedestrian crosswalk. This could be a challenge since the Town has had little success fighting the same problem, particularly with the #1 walkover behind Town Hall.

- **Commissioner Mathies** brought up the issue of vegetative overgrowth on the sidewalk south of Osprey Point. He feels it presents a safety issue. The Town Clerk mentioned that it is covered under the Town's "property maintenance code" that rests responsibility with the property owner, whether or not a home is present. She can do a letter (or letters) to the property owners if provided with the property location(s). Also discussed was whether or not the FDOT might be responsible if it is within the right-of-way.
- **Commissioner Siepietoski** had no additional comments.
- **Mayor Emmett** again raised the topic of the floodplain management. He asked former Mayor **Jim Ardell** if he might be interested in assuming that position. It would be a paid position. The Mayor does not want the Town Clerk to bear the burden of the extra duties. The Town Attorney needs to check whether the floodplain manager must be an employee of the Town or whether it can be contracted out. There are also liability concerns that would dictate the position be employed directly by the Town as opposed to a contract employee. The Mayor will wait to hear back about the concerns raised by the Town Attorney then evaluate compensation. For the benefit of the audience, the Mayor gave background information about the related CRS program.
- **Mayor Emmett** did bring up the golf cart issue, related to a print piece a Surfside resident distributed that made the claim that the Town could pass an Ordinance allowing the use of carts. He clarified that this is absolutely not accurate because the Town does not own SR A1A and therefore has no ability to pass any law regarding the carts. Those who continue to use their carts on A1A do so *at their own risk* since the County Sheriff and FHP have the right to issue citations if they so choose. Flagler Beach has also approached the state for looser restrictions and was denied. **Commissioner Siepietoski** added that it is *illegal to drive carts on the grass along the sidewalk* since that is part of the FDOT right-of-way. FS §316.212 governs the use of golf carts in Florida.

**PUBLIC COMMENTS** – Several residents complained that the City of Flagler Beach issues "permits" to use their streets, even though there is no legal way to access them from Beverly Beach. **Howard Clay** asked about the property next to the Town Hall. It was confirmed that the property sold and the owners plan to build a single-family home there. They were concerned about walkover access and cart parking. **Jim Ardell** thanked several people who participated in the last beach cleanup.

### **ADJOURNMENT**

**There being no further comments or questions, the Mayor called for a Motion to adjourn; so moved by Commissioner Schuitema, seconded by Commissioner Siepietoski.**

***Motion Approved by a 5-0 Unanimous Voice Vote; Meeting adjourned at 6:40 p.m.***

Respectfully Submitted,

*Donna M. Francis*

Donna Francis, Town Clerk

