

MEETING MINUTES
TOWN OF BEVERLY BEACH, FLORIDA
REGULAR MONTHLY COMMISSION MEETING
NOVEMBER 7, 2016 – 6 P.M.

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, November 7, 2016, 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 the Minutes of the regular Commission meeting held on October 3, 2016. Motion made by **Commissioner Siepietoski**, **seconded by Commissioner Mathies**. There was no further discussion.

Motion Approved Unanimously 5-0 by Voice Vote

MAYOR’S REPORT AND ANNOUNCEMENTS

- a. **Mayor Emmett** introduced the Flagler Beach Building Official and Inspector, Rick McFadden. Mr. McFadden updated residents on the permitting requirements and cautioned about checking contractor credentials, particularly in light of the volume of work being done post-Hurricane Matthew. *Many unqualified contractors are trying to prey on people in need of emergency repairs. Under state statute, they can be charged with a felony for doing unlicensed work. Additionally, the homeowner can be held responsible and fined.* Mr. McFadden also explained the type of repairs that do not require permitting. Additionally, he strongly advises against pulling owner permits for someone else to do the work. A licensed and insured contractor should always pull the permit. A legitimate contractor should never ask for more than 10% of the value of the job as a down payment and should not ask to work directly with your insurance company.
- b. **Geoffrey Sample**, Intergovernmental Coordinator for the St. Johns River Water Management District, spoke briefly. He makes an effort to appear at least once per year at town meetings held in his district. He thanked the Town for adopting the suggested irrigation ordinance. As a result, the Town is now available to participate in their surplus equipment program. Things like computers, vehicles, office furniture etc. are available free of charge because SJRWMD is replacing them, but they are still all fully functional. Items can be examined in Palatka when available. They also have grant funds for water quality projects.

- c. **Mayor Emmett** gave a summary of action taken following the October hurricane, thanked residents and Town Officials for “pulling together,” and for Commissioners’ assistance during recovery. **Commissioner Sund** added his appreciation of the **Mayor** for his leadership and involvement in those meetings as well as **Commissioner Schuitema** for all the time they expended. The **Mayor** finished by giving an update on the status of walkovers #1 and #2, both of which are repaired and open to the public (ahead of all other local beaches). Walkovers #3 and #4 were completely destroyed, and the Town “welcome” sign on the south boundary is also missing. He reported that **Commissioner Schuitema** is working with FEMA officials to determine if we are eligible for any financial assistance, and thanked **Commissioner Mathies** for performing the repair work to the #2 walkover. The County will be picking up storm debris as a result of multiple Interlocal Agreements signed after the storm.
- d. **Jim Ardell**, former Mayor and resident of Surfside Estates, reported on a planned volunteer beach cleanup to remove small storm debris. He also described the serious damage to the dune structure from the border with Flagler Beach all the way to the #2 walkover. That stretch of beach also has a significant quantity of large debris. North of walkover #2 is primarily privately owned property and will be the responsibility of the individual property owners. **Mayor Emmett** also suggested contacting Tomoka Prison to determine if a prisoner detail can be used to assist with debris removal. Some of the debris is concrete embedded in the sand and is difficult to move. Access points continue to be a problem without causing additional damage to the dunes. **Commissioner Siepietoski** expressed concern about vehicles continuing to park on the beach side of A1A close to the edge. Mr. Ardell responded that it is the responsibility of FDOT to monitor the dune stability and determine whether or not to take action.

STAFF REPORTS

- a. **Town Clerk**
 - i. The Clerk presented the financial reports for September and Fiscal Year End 2016. The revenues were at or slightly above budget on most line items. Expenditures for some items fell far short of budget, but were offset by a couple of higher-than-expected line items (i.e. permit inspection fees and impact fees were significantly higher). The Clerk also explained differences between the FY 2017 line items in the budget and the FYE 2016 statements, primarily line items that were either added or deleted in the new 2017 budget. There was an increase of about \$108,000 in assets on the Balance Sheet versus FYE 2015.
 - ii. Open seats for the tentatively scheduled March 7, 2017, election include the Mayor’s seat and three Commission seats. Candidates may qualify by petition by filing appropriate documents with the Clerk by December 9. There is an additional qualifying period from January 9 through 13, 2017, during which you may qualify with the Town Clerk by paying a fee equal to 3% of the annual stipend for the position (\$90 for Commission and \$180 for the Mayor’s seat).
- b. **Town Attorney** – **Mr. Bayer** attended a meeting earlier in the day with regard to the county and state dune re-nourishment plans. The Country is trying to come up with some type of long-term solution and he will continue to monitor the plans. **Mayor Emmett** asked about the floodplain ordinance and the CRS program. **Mr. Bayer** responded that the state had given a very vague answer to his inquiries and the issue would be discussed later on the Agenda. **Mayor Emmett** reiterated that the Town’s position was that the CRS was very intrusive and restrictive and would not be a good thing for the Town’s residents financially. It is supposed to be voluntary but the Town has received a lot of pressure to participate. The Mayor is concerned that it will be a financial burden to both the Town and residents.

OLD BUSINESS

- a. **Commissioner Siefert** gave an update on the effort to collect non-perishable food and monetary donations to assist in the “Feed Flagler Beach” program for Thanksgiving. The program this year has been scaled back a bit because of the storm, but able residents are still encouraged to participate. Mayor Provencher of Flagler Beach is coordinating the project.
- b. **Town Attorney Dennis Bayer** updated the status on the Town Code revision project and discussed the proposed ***Floodplain Management Ordinance***. The Town needs to be mindful of the time constraints on this project and show significant progress before December 31. The Town Clerk will advertise a public hearing for the first reading of the draft ordinance in mid- to late-December with a goal of having the second and final reading at the January 2, 2017, meeting. He also mentioned that he received notice from the state that we are required to provide them with a ***report of a flood damage assessment*** as a result of Hurricane Matthew. **Mr. Bayer** said he would take responsibility for coordinating with the Town Clerk on that. Photographs will be helpful. There was additional discussion about base flood elevation and the upcoming new FEMA maps that will likely require new construction to be higher than the existing structures. A resident asked about the status of the Code revision project and Mr. Bayer described the process.
- c. **Commissioners Mathies, Schuitema, and Sund** spoke about the status of reconstruction for the #3 and #4 walkovers (previously scheduled for repairs) that were destroyed by Hurricane Matthew. **Commissioner Mathies** explained that the Town is currently soliciting bids for reconstruction based on the grant funds awarded to the Town by the Flagler County Tourist Development Council. There were no responses to the newspaper advertisement placed soliciting interested contractors. As an alternative, the Town Clerk prepared letters of solicitation and mailed them directly to multiple contractors. **Commissioners Schuitema and Sund** were trying to prepare a grant request for additional funding to be used either for #3 and #4, or to supplement the “handicapped-accessible” conversion for #1. Unfortunately, the information for the grant opportunity was received late by the Town and the Commissioners could not meet the deadline for submission.

NEW BUSINESS

- a. **Proposed Interlocal Agreement, Contractor Review Board** – It came to the Clerk’s attention that Beverly Beach does not have an agreement with the County to be part of their program. They have Interlocal Agreements with other local municipalities. The Clerk asked Commissioners to review the sample IA and get back to her on whether or not the Town should enter into an agreement with the County. **Mr. Bayer** explained how the Board works to protect consumers against deficient contractors. At this time residents’ concerns would have to be addressed to the state’s Department of Business and Professional Regulation.
- b. **New (Renewal) Interlocal Agreement, City of Flagler Beach Sanitation Services** – The Clerk explained that the current contract expires December 31 and asked permission to renew a new five-year contract. There is an increase in the “per address” rate, but it is still lower than other municipalities. The rate is subject to an increase on an annual basis at the discretion of the City Commission of Flagler Beach. Flagler Beach charges Beverly Beach the same rate as they do for their own citizens. **Commissioner Schuitema moved to approve renewal of the Interlocal Agreement; seconded by Commissioner Sund.**

Motion Approved Unanimously 5-0 by Voice Vote

COMMISSIONER COMMENTS

- **Commissioner Schuitema** proposed a Commission Workshop on FEMA claims on Tuesday, November 15 at 10 a.m. (*Note time change in Public Comments below.*)

- **Commissioner Sund** thanked everyone for attending and for everyone's efforts during and after the hurricane.

PUBLIC COMMENTS

- a. **Mike Venditti** from Surfside Estates expressed concern about the time of the Commission Workshop on the 15th since he and others from Surfside may want to be there; but, Surfside's Board is having a meeting at the same time (10 a.m.). **Commissioner Schuitema** proposed a *change in the Board's Workshop to 2 p.m.* and everyone agreed to reschedule. (*Note: the Workshop was subsequently cancelled by Commissioner Schuitema.*)
- b. Resident **Rebecca Mitchell** stated that the County sent a letter to beachside residents about a meeting and wondered if the Town was aware. She attended the meeting and thought the Town should have sent a representative. The Clerk explained that the Town received their letter of invitation *after* the meeting had been conducted; the County did not notify us in a timely manner. **Mr. Bayer** indicated that he had attended the same meeting and would inform the Town of any necessary information.

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 7:26 p.m.

Respectfully Submitted,

Donna M. Francis

Donna Francis, Town Clerk

