

MEETING MINUTES
TOWN OF BEVERLY BEACH, FLORIDA
REGULAR MONTHLY COMMISSION MEETING
FEBRUARY 6, 2017 – 6 P.M.

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, February 6, 2017, 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	Town Clerk
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 January 9, 2017. Motion made by **Commissioner Siepietoski**, 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** reported on the recent quarterly meeting of the Flagler County League of Mayors. Beach re-nourishment and the medical marijuana issue were two topics discussed at length. Beverly Beach will host the next meeting in April.
- b. The Town erected several hundred feet of orange security fencing along the roadside south of the #2 walkover in an effort to protect what remains of the dunes until the County and FDOT decide how repairs will be handled. Too many people were climbing down over what was left of the dunes and parking too closely to the edge, causing additional damage and weakening the ground structure near the roadway. FDOT delivered several trucks of sand to one location that was particularly close to the side of the road following a recent storm. Unfortunately, some people have gone so far as to cut or tear down the fencing to access the beach. The reconstruction of walkovers #3 and #4 is on track and that should help correct the problem once the walkovers are open.
- c. **The Mayor** met with County Administrator **Craig Coffey** and they discussed what the County might do to help with the dune re-nourishment, as well as where the County stands on an FDOT proposed seawall.

- d. The Town is in the process of advertising for bids to reconstruct walkover #1 behind the meeting hall to make it handicapped accessible and compliant. We hope to have that done before the start of turtle nesting season on May 1.

STAFF REPORTS

a. Town Clerk

- i. The Clerk presented the December 2016 financial reports. Corrected copies for October and November were also distributed and the Clerk asked everyone to dispose of the old copies to avoid confusion. There were some discrepancies between the Clerk's records and the numbers provided by the Accountant on the reports, which have been corrected. A significant portion of the annual Ad Valorem revenue was received in December. There were no other material items to explain, except for a change in presentation in the way the payroll expenses are shown. *Commissioner Schuitema asked what the "grant budget" was for walkovers #3 and #4. The Tourist Development Council awarded a total of \$32,000 for reconstruction of both structures. Commissioner Wingo asked about the "bed tax" and the Clerk stated that she believes it is part of the "half-cent sales tax" revenue sharing because the Town does not receive a separate check from the County. She will check.*
- ii. Qualifying for the **2017 March** election ended January 13. The Mayor's seat is up for election as well as three of the five Commission seats. No additional candidates qualified by the deadline; therefore, the scheduled March election will not be held as all seats are uncontested.

b. Town Attorney – Dennis Bayer

- i. The proposed Floodplain Management Ordinance is continuing to develop and the state level consultants have narrowed down four or five areas that need to be fine-tuned. Justin Carron from the UF Law School continues to devote a lot of time to the project. The Commission will have to make some policy decisions with regard to the final product. The more stringent the regulations, the better CRS scoring you will get, which *may* lower insurance premiums. The "freeboard" issue is one example of a decision that needs to be settled upon. Commercial construction may be different from residential. *Commissioner Schuitema commented that the Town's current two-foot freeboard is the highest in the area and would impact new structures with regard to base flood elevation and could potentially require engineered pilings for some structures in Surfside Estates. Mr. Bayer agreed that was a good point. It also adds considerably to construction costs. He reiterated that the Commission would need to come to a policy decision on freeboard height before resolution of the proposed Ordinance.*

OLD BUSINESS

a. FEMA Update – Commissioner Schuitema

- i. "Project 1" is completed in the amount of \$5,800 and will be turned in to FEMA requesting reimbursement.
- ii. We are submitting a partial claim on walkovers #3 and #4 just in case any costs are over the amount budgeted.
- iii. The fencing for the "dune protection" will be submitted as a separate claim. It may or may not be covered.
- iv. Walkover #1 had an emergency repair following the storm but we are going to submit that as a separate claim to cover the costs of bringing it up to code for handicapped accessibility compliance.

- v. We are submitting a claim for replacement of the Welcome sign. That is over \$6,000. **Mayor Emmett** stated his opinion that unless FEMA will help with the costs of the sign he did not think it was a necessary expenditure for the Town. **Commissioner Siepietoski** said she was approached by a representative of the Friends of A1A group that formerly had offered a “wayfinding” sign to the Town. Mr. Bayer suggested that it be an Agenda item for next month and get input from citizens on whether or not they wanted to accept it, especially in view of the controversy that surrounded the initial project.
- b. **Code Violation – Mauney Property, 2488 N Oceanshore Blvd – Town Attorney**
 - i. At the request last month of the Commission, Mr. Bayer sent a letter to the property owner stating that he has had “ample opportunity” over the past few years to clean up and maintain the property. Joey Blumenfeld from Si Como No Inn has been storing items on the property with Mr. Mauney’s consent. After receiving a copy of the letter, Mr. Blumenfeld commenced with removal of all his property from the parcel in question and removed the fence that had been screening much of what was stored. Mr. Blumenfeld also stated to Mr. Bayer that the property owner was “in the process of obtaining quotes for demolition of the building” on the property, but Mr. Bayer had not spoken directly with Mr. Mauney. ***The Town Attorney will follow-up with Mr. Mauney.*** **The Mayor** asked Mr. Bayer to contact him if there is a meeting scheduled at the property with the property owner.
- c. **Walkovers 3 & 4/Reconstruction Update – Commissioner Mathies**
 - i. All permitting is finalized, pilings are in, and the reconstruction is in progress. They are going to work on both at the same time. The Town Clerk followed-up with the TDC to give them a progress report to ensure the funding is still available. The plan for #4 had to be modified at the request of the FDEP and that modification actually decreased the costs by a little over \$600. Once finished, the #3 and #4 walkovers will be similar in appearance to the refurbished #2 because the contractor was able to order matching “TREX” decking. The project should be done well before the end of March.
- d. **Update on Shelter Cove Development Bond – Town Clerk**
 - i. At the inquiry of the Commission, the Town Clerk prepared a Release of Claims for the property owner/developer (A1A Realty/Ray Gustafson) to sign. That was signed and she mailed a \$5,000 check by certified mail to him. That amount will now be removed from the Balance Sheet.
- e. **Osprey Point Code Violations – Town Clerk**
 - i. A utility trailer has been parked near one of the new homes on Osprey Circle S (on the cul de sac). Attempts have been made to contact the owner and provide him with the regulations.
 - ii. There is still a concern about a boat and trailer parked in the driveway of a Hawks Lane property. The owners have been notified already about moving it to a screened area.
 - iii. Mr. Bayer reminded the Clerk that any Code Violation notifications should be either hand delivered or sent by Certified Mail.
- f. **Beach Debris – Mayor Emmett**
 - i. There continues to be complaints and concerns about storm debris on certain areas of the beach, particularly piled up by walkovers of private homes. The Mayor spoke to the County Administrator about the issue during their meeting. This has been an ongoing problem and the main problem is that the larger pieces are hard to get moved up to the roadside. Using help from the prison is an option but needs to be looked into. Ingress and egress from the beach is an issue and homeowner’s must be notified and give permission. **The Town Clerk** mentioned that the former Shark House property has been used in the past couple of weeks by equipment accessing the beach and the property owners may be willing to allow the

Town to do so also. **Commissioner Mathies** mentioned that he knows someone with equipment that would be helpful but the power lines are in the way and his insurance will not allow it. **Mayor Emmett** stated that if the debris could be moved as far as the Camptown seawall, they would give us permission to bring it up through the campground to the highway for pickup. *Mayor Emmett also offered to call Mayor Provencher at Flagler Beach to see if ATV's could be borrowed to transport some of the debris.*

NEW BUSINESS

a. Medical Marijuana Dispensaries – Mayor Emmett

i. With passage of the Referendum on the November ballot, some municipalities are starting to pass Ordinances placing moratoriums on operation of any dispensaries until more can be learned about the guidelines from the state. The County has already passed a six-month moratorium and Bunnell has one in progress. With very little commercially zoned property in Town it may not likely be an issue in Beverly Beach. The **Town Attorney** said a moratorium must be limited in scope and duration or it can be perceived as infringement on a business owner's rights. A draft was distributed and *Commissioners should determine whether or not to move forward with an official Ordinance.* The **Town Clerk** has already had two inquiries from companies asking about doing business here. The UF Law student, Justin Carron, has been researching the issue for another municipality.

b. **Bids for Walkover #1** – **Commissioner Schuitema** said that FEMA wants us to advertise for bids. We have to follow federal guidelines in order to obtain any FEMA funding.

c. **Commission E-mail Addresses** – **Mayor Emmett** explained that during Sunshine Law and Ethics training recently completed by the Commission it is highly suggested that elected officials use an "official" e-mail address rather than personal e-mails, as well as text messages and voice mails, to avoid any conflict, including opening up your personal accounts to state scrutiny. The Town Attorney agreed that it is the best way to go and strongly encourages that the Town adopt the procedure. *The Town Clerk will research options.*

COMMISSIONER COMMENTS

- **Commissioner Wingo** asked about the signs on the new security fencing along A1A regarding "no parking." It is difficult to enforce but the Town is trying to protect what is left of the dunes. The Sheriff's Department was notified and we requested their assistance in enforcing. Technically, the FDOT has authority.

PUBLIC COMMENTS – There were none.

ADJOURNMENT

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

Motion Approved by a 5-0 Unanimous Voice Vote; Meeting adjourned at 6:49 p.m.

Respectfully Submitted,

Donna Francis, Town Clerk

