

**MEETING MINUTES**  
**TOWN OF BEVERLY BEACH, FLORIDA**  
**REGULAR MONTHLY COMMISSION MEETING**  
**JULY 10, 2017 – 6 P.M.**

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, July 10, 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
Debra Wingo	Commissioner
Donna Francis	Town Clerk
Dennis Bayer	Town Attorney
Ernie Sund	Commissioner ( <i>excused absence</i> )

**CALL TO ORDER** – The meeting was called to order at **6:01 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 June 5, 2017. A motion was made by **Commissioner Wingo**, seconded by **Commissioner Schuitema**. There was no further discussion.

**Motion Approved Unanimously 4-0 by Voice Vote**

**MAYOR’S REPORT AND ANNOUNCEMENTS**

- a. The Mayor read a Proclamation **in recognition of the 100<sup>th</sup> Anniversary of the Flagler County Sheriff’s Department**. Sheriff Rick Staly was present to accept the document.
- b. Mayor Emmett reminded residents of the law requiring **dogs on the beach** to be not only on a leash at all times, but the pet owner should be holding the leash. Some residents have reported dogs running on the beach loose, even though a leash was attached to the collar. This is dangerous to the pets and illegal.
- c. Also of concern is the safety of the **sea turtle nests**, and the Mayor reminded everyone of the law banning beach open fires, bonfires, and excessive lighting on the beach during the nesting season. There are currently at least six nests in close to proximity to the Town’s #1 walkover.
- d. **Golf cart use on SR A1A and its sidewalks and grass right-of-way are illegal**. The Town’s efforts (for well over five years) to have this restriction lifted continues to be denied by the Florida Department of Transportation. While Flagler Beach allows carts on the streets *controlled by Flagler Beach*, and will issue a sticker for a fee, it is still ***illegal to travel along SR A1A to reach Flagler Beach!*** Some residents have been stopped by authorities and given a warning; others have actually received citations. The Town of Beverly Beach does not issue any permits for golf cart use within the Beverly Beach town limits. The only “legal” areas for use are within the streets of Surfside Estates, Shelter Cove, Osprey Point, and Sunset Inlet. All of SR A1A is controlled by the

FDOT and the Town has no jurisdiction. Residents are strongly advised to *use your own discretion and operate at your own risk* if you choose to run a cart anywhere along SR A1A.

## STAFF REPORTS

### a. Town Clerk

- i. A **Business Tax License** application was presented for final approval of the Commission for **KIMOS** Island Style Food. The Commission had given preliminary approval in late June for the business to open in time for Fourth of July weekend. The owner spoke to the Commission and answered questions about his planned menu, operating hours, and reasons for starting the business. **Commissioner Schuitema moved to approve the license, seconded by Commissioner Siepietoski.**

*Motion Approved Unanimously 4-0 by Voice Vote*

- ii. The Clerk presented the **May 2017 financial reports**. All revenue items are performing as anticipated. Most expenditures are well under budget for this point in the fiscal year.
- iii. Island Breezes landscaping company performs the monthly services in Osprey Point. They offered the Town a prepayment incentive on the existing contract of one free month (\$335) for payment in advance of the other 11 months. After discussion, the Commission decided that there may a risk of “non-performance” and inability to enforce terms if the contract is paid in advance. **Commissioner Mathies moved to deny the prepayment option, seconded by Commissioner Siepietoski.**

*Motion Approved Unanimously 4-0 by Voice Vote*

- iv. The Clerk is in the process of drafting the fiscal year **2018 Budget and the annual TRIM process** is under way. The accountant who handles the monthly financial reports requested a 5% increase.
  - The Clerk explained an alternative proposal she and the Mayor agreed to. She has ordered a new computer with upgraded memory capacity and faster processor in conjunction with QuickBooks software (which is currently used by the Accountant). After training, the Clerk can enter all the financial information directly into QuickBooks and generate the reports. The Accountant would then be responsible only for reviewing the reports for accuracy and compliance, and his fees would be lowered. He is in favor of this approach. ***The Commission agreed by consensus that this plan move forward to implementation.***
  - The City of Flagler Beach is tentatively planning to **raise the sanitation and recycling service rates between 5-10%**. We are charged the same rate that the residents of Flagler Beach pay. Current rate is \$18 per household per month. The Clerk will account for a 10% increase in the 2018 Budget draft to ensure enough is budgeted.
- v. A **Code Enforcement** update report was given by the Clerk. Only a couple of properties are still under notification to comply; all others were resolved.

### b. Town Attorney – Dennis Bayer

- i. Mr. Bayer reported that additional refined language about the “**screening**” of boats, RV’s, and other related items will be addressed as part of the Code updates. The modified language will remove some current questions that the language is somewhat ambiguous. Also to be addressed is the language regarding the number of “**stories**” or “**floors**” allowed in a structure. The current language in the Code is somewhat conflicting and causing the

plans examiner in Flagler Beach to have interpretation issues with regard to a proposed structure for a small motel on vacant property north of the Camptown. Both issues will be addressed and incorporated as changes to the Code when the Ordinance to approve Code updates is prepared.

- ii. **Commissioner Schuitema** suggested a Workshop but after further discussion, the consensus was that a Workshop is unnecessary since one was already conducted. There are just two small additions to consider to the existing changes prepared by the UF Law students. Commissioners were most concerned about the structure meeting the setback and height requirements. The Town Attorney indicated he could draft some sample language options for the Commission's review at the next meeting.

## **OLD BUSINESS**

- a. **FEMA – Commissioner Schuitema** stated that no funding has yet been received from FEMA regarding our Hurricane Matthew claim. A check for over \$7K is expected plus another of about \$3,000. The process has been delayed multiple times due to frequent changes in the FEMA representatives assigned to our claims.
- b. **Parking Problems Near Oceanside Condos** – Due to lack of parking on the beach side of SR A1A because of dune erosion and prior washouts, visitors trying to use the beach have been parking on the west side of the highway, often blocking the view for Oceanside Condos residents trying to safely egress from the driveway onto A1A. It appears that the worst of the congestion occurs on weekends. The Town does have some orange safety cones for use if needed.
- c. **Washouts and Dune Restoration Along SR A1A** – **Mayor Emmett** explained the recent installation of silt fencing, sod, and creation of a berm on the beach side of A1A by the FDOT. The modification is an effort to curb the continued problem with erosion and washouts caused by heavy rains since Hurricane Matthew damaged the dunes in October 2016. This is an interim solution while they continue to develop the seawall and dune restoration plans.

## **NEW BUSINESS**

- a. The Clerk reported that a resident of Osprey Point called the Town Hall with concerns about a visiting friend who mis-stepped on the #2 walkover and fell. She was carrying beach items and looking out at the water when she missed a step. The resident asked about painting the step to be more visible. The Town Attorney reminded the Commission that a previous discussion took place at another Commission meeting about this issue. The walkovers are for public use on a “use at your own risk” basis. The Clerk will look into possible signs to post at the four walkovers indicating that the Town provides the structures for public use, but that users do so at their own risk and responsibility. All four walkovers are constructed to ADA compliance, including expensive handrails. Also, there have been no prior incidents reported in nearly 20 years.

## **COMMISSIONER COMMENTS - None**

## **PUBLIC COMMENTS**

- Tony Altieri of Sunset Inlet reported dogs running loose on the beach. He approached the owner and reminded her that dogs are supposed to be leashed on the beach and she was rude in response. He also noted some dogs running with leashes attached, but not being held. He thinks the woman *may* have been renting a vacation home and not aware of the rule. The Clerk has a flyer she prepared and shared with the office at Camptown that explains the rules about not only the dog leash requirement, but also the beach lighting during turtle season. The Town's biggest problem remains the same – lack of appropriate enforcement.

**ADJOURNMENT**

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

*Motion Approved by a 4-0 Unanimous Voice Vote; Meeting adjourned at 6:53 p.m.*

Respectfully Submitted,

*Donna M. Francis*

Donna Francis, Town Clerk

