

**MEETING MINUTES**  
**TOWN OF BEVERLY BEACH, FLORIDA**  
**REGULAR MONTHLY COMMISSION MEETING**  
**JANUARY 9, 2017 – 6 P.M.**

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, January 9, 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 **5:58 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 Schuitema**, 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** read a *Proclamation in recognition of the 2017 Centennial Celebration* of the founding of Flagler County. Four members of the Centennial Committee were present to accept the Proclamation. The Committee meets weekly and volunteers are welcome to join. Visit [www.flaglercentennial.org](http://www.flaglercentennial.org)
- b. **The Mayor** displayed and read a *plaque from the Town* to the Florida Baptist Convention disaster relief volunteers for their outstanding *assistance following Hurricane Matthew*. The Clerk will mail the plaque to their headquarters in Jacksonville. The group was instrumental in assisting, especially in Surfside Estates, in removing debris and helping residents.
- c. A letter from County Administrator **Craig Coffey** was read aloud by **the Mayor** recognizing Town residents for all their cooperation and help in the post-storm cleanup period.

**STAFF REPORTS**

- a. **Town Clerk**
  - i. The Clerk introduced CPA **Brad Million of Reddish & White CPA's** to present the final **Audit for fiscal year 2016**. Mr. Million complimented the Town on its conservative financial management approach to the Budget. Revenues came in above what was

budgeted. Actual expenditures came in very close to budget. The one thing that skewed expenditures most was the payoff of the mortgage (which was not in the original 2016 Budget). There was one minor finding that was a carryover from 2015 and that issue, involving the Balance Sheet prepared by our monthly accountant, has already been resolved: as a result of last year's Audit, Mr. Million asked that Fixed Assets be removed from the Balance Sheet. He stated that the Town is "financially strong."

- ii. The **Clerk** presented financial reports for October and November 2016. Only monthly figures were reported for October since it is the first month of the fiscal YTD. She pointed out that the budgeted amount for each item is 1/12<sup>th</sup> of the full year budgeted amount so it makes certain line items appear skewed (i.e. Ad Valorem). The amount for Building Repairs for the month was much higher than budgeted directly due to hurricane damage. The **Clerk** explained that she and the monthly accountant (Mark Simpson) are still working to get their records to coincide. The primary difference has to do with the way his QuickBooks program accounts for payroll taxes and is not significant. There were no extraordinary revenue or expenditure line items in need of explanation for November.
- iii. Qualifying for the **2017 March** election ends on January 13. Anyone qualifying during this week's time period must pay a fee to qualify based on the annual stipend paid. To-date, all four incumbent candidates qualified earlier during the "petition" period. The Mayor's seat is up for election as well as three of the five Commission seats. If no additional candidates qualify by the 13<sup>th</sup> an election will not be held as all seats will be uncontested.

b. **Town Attorney – Dennis Bayer**

- i. Referencing the rewrite of the proposed Floodplain Management Ordinance 2017-01, he expects to receive proposed revisions this week to circulate for review by the Commission. He will then be speaking by teleconference with state representatives to agree to wording or additional changes. Everyone hopes to have a final version ready for Second Reading at the February Commission Meeting.
- ii. With regard to the review and rewrite of the Town Code project, the UF law students and their professor have requested a meeting with former Mayor **Jim Ardell** (who has extensively reviewed and summarized proposed updates and modifications) so that they can use the spring semester to move forward and finalize the project. **Commissioner Schuitema** asked if they would have an opportunity for input prior to the final implementation of Code updates. **Mr. Bayer** responded that a proposal will be issued for everyone's review and the Commission will probably conduct a **Workshop** to review and provide that input before the project is finalized.

**OLD BUSINESS – Town Clerk**

- a. **Status Update – Gomez House** – Eric Phillips, contractor for Mr. and Mrs. Gomez, reported to the Town Clerk that Mr. and Mrs. Gomez were ready to give him a deposit to complete the remaining work and complete all by early 2017. He will be filing another extension on the existing permit.
- b. **Status Update – Zinkowski Property** – Mrs. Zinkowski reported that she and her husband have been working on repairing the fence damaged by the hurricane. A couple of panels were left off to allow access to the property until they get a new gate. They have their engineered plans and are working with a builder in hopes of starting construction soon.

**NEW BUSINESS**

- a. **Approved Interlocal Agreement for 2017 Election.** **Commissioner Schuitema moved and Commissioner Siefert seconded** approval of the Interlocal Agreement for the Flagler County Supervisor of Elections to conduct the Beverly Beach 2017 Election, should any seats be contested.

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

- b. **Selection of HVAC Maintenance Provider.** Cunningham Heat and AC of Volusia County has provided the semi-annual maintenance for the two Town Hall properties for the past few years but did not submit a bid for renewal. Four other vendors did submit bids: Accu-Temp; Arctic Breeze; Flagler County Heating & Air; and Palm Coast Heating & Air. After discussion of the proposals, **Commissioner Schuitema moved and Commissioner Mathies seconded the selection of ARCTIC BREEZE** as the new maintenance provider. There was no further discussion.

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

- c. **Selection of Contractor for Walkovers #3 & #4 Reconstruction.** A large display ad was placed in the Daytona News-Journal requesting bids for reconstruction of the two southerly beach walkovers. The Town received no responses or requests for documentation to bid. Subsequently, the Town Clerk sent letters of invitation to bid (with copies of the newspaper ad) to 11 area contractors who do or have done docks and walkovers in Flagler County. Out of the 11 only three contractors requested the bid documents: Charles Burgan LLC, JC Marine Construction, and Select Professional Builders. Of the three, only two submitted bids by the deadline (JC Marine did not). **Commissioner Larry Mathies**, after reviewing the competing bids, made the recommendation that the Commission select Charles Burgan LLC, as the lowest bidder and also as the bidder whose contract proposal was the most comprehensive with all service, materials, labor, and permitting included in the \$30,000 bid. **Commissioner Schuitema made a motion to accept the bid from Charles Burgan LLC;** motion seconded by **Commissioner Siepietoski**. There was no further discussion.

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

- d. **Shelter Cove Development Bond.** The original developer for Shelter Cove, A1A Realty (and its principal Ray Gustafson), requested return of the \$5,000 Development Bond that is still on the Town's Balance Sheet. It appears that all conditions of the original Bond have been met. After brief discussion, **Commissioner Sund moved and Commissioner Schuitema seconded** the return of the Bond funds to the Developer.

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

**COMMISSIONER COMMENTS**

- **Commissioner Schuitema** suggested we touch base with Flagler Beach on the #4 walkover to ensure there is no conflict with the “no parking” signs they have erected in the area. **Mayor Emmett** explained that the Town is going to install over 1,000’ of temporary security fencing along A1A to protect what is left of the dunes. No Trespassing/Parking signs will be affixed to the sign. There is a problem currently with pedestrians and ATV’s going over the dunes and creating a bigger erosion problem. Once the state and county determine what is going to be done about dune replenishment we will decide how to proceed with the original sand fencing. **Mr. Bayer** reminded everyone that FDOT has actual jurisdiction on signage. **Mayor Emmett** stated that the FDOT and County Administrator Craig Coffey were complimentary of the effort.
- **Commissioner Mathies** had a list of Code enforcement concerns (see attached) in need of addressing. Some are repeat offenses, particularly the Mauney property north of the Si Como No Inn. **Mayor Emmett** requested that the Town Attorney issue a letter to the property owner. The Town Hall will follow up on the items as able and contact property owners or contractors who may be liable for addressing each issue. In some cases, the property damage is on the FDOT right-of-way. If so, the Town Clerk will involve the FDOT in trying to get damage mitigated.
- **Commissioner Siepietoski** gave a brief update on the November “Feed Flagler Beach” program. About 70 individuals were served a sit-down meal and in spite of the hurricane, Beverly Beach

residents were very generous with donated non-perishable items. Any leftover food or financial donations were forwarded to the local food bank.

- **Mayor Emmett** attended a meeting with county and state officials with regard to storm damage north of Beverly Beach in the areas of Marineland and Sea Colony. There was significant damage in that area. One of the mitigation proposals that includes Beverly Beach is installation of sea walls. The Mayor is officially in favor of implementing that approach. Many Flagler Beach residents are strongly against having the state take that approach over concerns about the nesting sea turtles and other issues. The state is talking about building a sea wall from 18<sup>th</sup> Street North in Flagler Beach all the way to the area across from Osprey Point. Officials will meet with the public and homeowners in advance to go over proposals and concerns. The area in question is categorized as a “future imminent threat” in terms of erosion damage. In answer to a question from **Commissioner Wingo** about privately owned beachfront property, **Mr. Bayer** said that private property owners may have to be included in a “special assessment district” where the County would head up the project but residents would pay a special assessment on taxes to help pay for the work. It would have to be done with the approval of the property owner unless it was declared a health, safety, and welfare issue, and they would have to pass an ordinance to implement the special assessment district.

### **PUBLIC COMMENTS**

- a. **Ted Horton** of Sunset Inlet announced a beach cleanup on January 28 from 9 to 11 a.m. They would like as many volunteers as possible to assist. He also mentioned there are still piles of heavy debris left from the storm and wondered when it was going to be removed. **Commissioner Schuitema** stated that we could hire a crew and include it in our FEMA claim.
- b. Resident **Rebecca Mitchell** said someone from the county cut up some of the large debris with a chain saw. However, because the sand bed is soft in this area it is unable to hold the weight of the equipment.

### **ADJOURNMENT**

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

***Motion Approved by a 5-0 Unanimous Voice Vote; Meeting adjourned at 6:53 p.m.***

**Respectfully Submitted,**

*Donna M. Francis*

**Donna Francis, Town Clerk**

