

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

The regular monthly Commission meeting for the Town of Beverly Beach was duly noticed and held on Monday, March 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 February 6, 2017. Motion made by **Commissioner Schuitema**, seconded by **Commissioner Siepietoski**. There was no further discussion.

Motion Approved Unanimously 5-0 by Voice Vote

MAYOR’S REPORT AND ANNOUNCEMENTS

- a. **Mayor Emmett** reported that he was invited to a meeting on February 13 in Flagler Beach. He did not attend but **Commissioner Schuitema** did try to attend. The meeting was held at a small local restaurant and Mr. Schuitema was unable to get entry due to overcrowding. The meeting was for the purpose of promoting and saving the “Travel Florida” program. Representative Paul Renner introduced legislation to eliminate the program due to (what he alleges is) mishandling of funds and lack of effective use of the funds. The Governor adamantly supports the program and is appearing around the state in support of retaining it.
- b. **The Mayor** said the FDOT contacted the Town in reference to constructing a seawall along the dunes from 18th St. North up to the area they refer to as “Osprey Point” (approximately the vicinity just north of our walkover #2). Letters were mailed to all property owners along the beach side inviting interested owners to a public hearing. The proposed plan involves building a seawall to strengthen the resistance to future storm erosion. The second phase would cover the seawall with sand and be replanted with appropriate vegetation. They are asking property owners to provide their contact information to allow temporary easement access to the beach to do the restoration. A major restoration is in progress by the County at Varn Park.

STAFF REPORTS

a. Town Clerk

- i. The Clerk presented the January 2017 financial reports. About 95% of the Ad Valorem revenue has been collected to-date. Most tax revenue is generally received between December and February, with smaller distributions received over the spring months. Most of the \$2,500 deposit given to the Supervisor of Elections was returned since all candidates ran unopposed and no election was necessary. There were a couple of minor expenses to advertise in the paper and file the Interlocal Agreement at the Court House. The other large expenditure was for work on the #3 and #4 walkovers. Nearly 100% of that will be refunded when the County TDC grant monies are received.
- ii. Property at 2724 N Oceanshore Boulevard (across the high from the Town Hall) has been left in damaged condition since the hurricane. The Town Clerk received a verbal complaint with concern about the “attractive nuisance” nature of some of the damage as well as concern for mold damage due to roof shingles and soffit missing. The Clerk sent a letter to the out-of-state property owner via Certified Mail with a deadline to correct per the property maintenance section of our Code. The owner and a local realtor contacted the Clerk to acknowledge that the repairs need to be made and are planning to do so.
- iii. The Clerk reported that Palm West Home Realty, Inc. representatives plan to rent office space from Mr. Patel in the Camptown building on the west side of SR A1A. They came into the office to obtain the required Business Tax Receipt paperwork. The Commission will vote on that BTR at the April meeting.

b. Town Attorney – Dennis Bayer

- i. The **Town Attorney** suggested postponement of the proposed Floodplain Management Ordinance second and final reading until the April regular meeting. Good progress has been made and he would like to ensure that the State is satisfied with the final version before the vote. One of the main concerns is the flood zones in Surfside Estates. **Commissioner Schuitema moved to table the issue; seconded by Commissioner Sund.**

Motion Approved Unanimously 5-0 by Voice Vote

- ii. **Mr. Bayer** spoke with property owner Carl Mauney regarding the derelict property at 2488 N Oceanshore Boulevard (west side of SR A1A next to Si Como No Inn). The owner is obtaining demolition quotes and plans to tear down the building and clean up the vacant lot. Mr. Bayer believes it should be done within 30 days. This is in response to a Code violation letter sent to the property owner.

OLD BUSINESS

- a. **Progress Report for Reconstruction of Walkovers #3 & #4** – **Commissioner Mathies** reported that the walkovers are “essentially complete” except for the metal ADA handrails. The work should be done by Monday, March 13. Sand fill will be delivered to fill in behind the bulkheads that were built to protect the back of the dunes. Both are unofficially open to the public until final inspection.
- b. **Bids for Reconstruction of Walkover #1** – **Commissioner Schuitema** and the Town Clerk reported that only a single qualified bid was received by the advertised deadline for conversion of the #1 walkover (behind Town Hall property) to a fully handicapped accessible structure. That bidder is Charles Burgan, LLC, the same contractor that just completed the reconstruction of walkovers #3 and #4, destroyed in the hurricane. **Commissioner Schuitema** spoke with his FEMA contact and reported the single bid. The FEMA representative told him that it was okay to award the contract if we properly advertised and only one bid was received. Since the work was properly advertised in the paper and no other bids were received, **Commissioner Schuitema moved to**

award the contract to Charles Burgan, LLC; seconded by Commissioner Sund. The Mayor added that the bid was around \$39,900. The work should be done before the beginning of “turtle nesting season.”

Motion Approved Unanimously 5-0 by Voice Vote

- c. **Commission E-mail Addresses** – At the February meeting the Commission discussed Sunshine Law concerns related to use of personal e-mail for Town business. The Clerk has not had an opportunity to do the research. **The Town Attorney** suggested that this be done as soon as possible to avoid opening individuals’ personal computers to public information requests. **Commissioner Schuitema moved to table the issue to the April meeting; seconded by Commissioner Mathies.**

Motion Approved 4-1 by Voice Vote; Commissioner Wingo Opposed

- d. **Proposed Ordinance re. Medical Marijuana Dispensaries** – Other local municipalities have passed or are reviewing temporary restrictive ordinances regarding medical marijuana dispensaries, in response to passage of the initiative on the November 2016 ballot. At issue is whether to proceed with an ordinance, further research the issue, or drop the item. **The Town Attorney** said that there probably is not much of a potential issue with Beverly Beach because of the lack of general commercial property. Parameters can be put into place that would be restrictive. The State has not yet come out with the final guidelines, which is why other cities are implementing temporary restrictions until the State guidelines are finalized. **Mr. Bayer** suggested waiting until the State has finished their work before making any move toward an Ordinance. **Commissioner Sund moved to “take no action” on the Ordinance at this time; seconded by Commissioner Wingo.**

Motion Approved Unanimously 5-0 by Voice Vote

NEW BUSINESS

- a. **Request from Osprey Point Residents to Review/Amend Ordinance** – Jarrod Shupe, 88 Hawks Lane.
- i. Mr. Shupe read a prepared statement to the Commission and delivered a petition to the Town Clerk signed by several Beverly Beach property owners. Mr. Shupe and his wife, Jennifer, requested that the Commission amend Ordinance 98-11-2, Section 3, Provision 3.5 and Chapter 46, Article II, Section 46-33, to remove “boats and boat trailers” from the restrictions placed upon recreational vehicle storage. [Ordinance 2015-03 is related to 98-11-2 since it was passed to amend the specific language having to do with “screening” recreational vehicles.]
 - ii. Mr. Shupe also stated that he believes violations of that Code are being “selectively enforced” and that his family has been targeted after parking a large new boat in their driveway. He contended that there are several other properties in violation and stated that those property owners denied being cited.
 - iii. **Commissioner Schuitema** suggested conducting a Workshop to address and examine the issue closer. **Commissioner Siepietoski** expressed concern about the effect on Surfside due to space limitations, but the Clerk and others on the Commission stated it would not apply to any of the communities with their own HOA/ROC regulations, *only to Osprey Point and any homes situated along SR A1A*. **Commissioner Schuitema** contends that there are no boat regulations in Surfside Estates; **Mayor Emmett** believed there are rules from the ROC defining what can and cannot be done within Surfside. A definitive answer must be determined specifically regarding Surfside. Any new ordinance would apply throughout Beverly Beach unless otherwise regulated by an HOA.

- iv. **Osprey Point resident David Kunz** said he doesn't not have a problem with the Shupes' boat, but is concerned about the wording of any amendment to the Ordinance. His concern is that some people may have boats that "do not look as nice" and any change would need to be very restrictive including size, age of the boat, that it is registered, etc. He went on to say that the City of Flagler Beach changed their rule and did not make it very restrictive. Many properties have boats parked that are an eyesore and Beverly Beach could "learn by their mistakes."
 - v. **Osprey Point resident Steve Fields** spoke about the "selective" nature of enforcement. He also contends that there are other properties with trailers and boats parked in their yards. **The Mayor** denied selective enforcement and reported several other properties that had been cited or received letters of violation. **The Town Clerk** stated that part of the problem is in having only a part-time Code Enforcement Officer and often the Town Hall is not aware of violations unless a resident files a complaint. **Mayor Emmett** emphasized that the Town tries very hard to be equitable in enforcement and does not target any particular property owner.
 - vi. **Lee Livingston of Osprey Point** stated that when the Ordinance is evaluated he would ask that *all* vehicles in the category, including trailers, RV's, etc. also be considered and incorporated. He stated that he has a 42' RV but he stores it off his property and wants all vehicles included.
 - vii. A **Commission Workshop** to address the issue specifically was scheduled for Wednesday, **March 22, 2017, at 4 p.m.** The Clerk will advertise the Workshop and ask for public feedback. The meeting is open to the public, but the Commission is not required to take public comment or input during the meeting. Concerned property owners may submit feedback in writing to the Town Clerk in advance.
 - viii. **Commissioner Wingo** questioned the proposal of violators getting a temporary "exception" until after the Workshop. **Commissioner Sund** stated that the Town cannot determine an exception for only a portion of an Ordinance. **The Town Attorney** said that by establishing a temporary exception you are technically amending an ordinance without going through the process. The Commission consensus was not to act on an official exception for any specific property and to enforce the Ordinance as it is written. **Mr. Shupe** said he has already purchased screening and is prepared to do so until the issue is resolved.
- b. **Missing Welcome Sign** south Town boundary. **Commissioner Schuitema** said that FEMA had rejected covering replacement cost until getting a detailed breakdown of the materials and labor. Also, they questioned whether there is enough room left on the dune to rebuild the sign as it used to stand, due to erosion. The replacement cost would be approximately \$6,000. **Commissioner Schuitema moved that a replacement decision be tabled until we can determine if FEMA will reimburse the cost; seconded by Commissioner Sund.**

Motion to Table Approved Unanimously 5-0 by Voice Vote

COMMISSIONER COMMENTS

- **Commissioner Wingo**, in a follow-up to questions at a previous meeting regarding the County "bed tax," stated that she researched the issue and found that 100% of the 4% tax goes to the County. The Town does not receive a share. The funds are used by the County for capital projects, marketing, and beach restoration efforts. Last year about \$2 million was collected. We get to use that money through grants from the county – including the \$32,000 awarded to us for walkovers #3 and #4. We also received \$15,000 previously for renovation of walkover #2.
- **Commissioner Wingo** also reported that she attended a TPO Retreat (Transportation Planning Organization) in Daytona recently. The topic was the rising sea level and its effects on shore

communities. If we continue on the current path we may have as much as (projected) \$48 to \$68 billion in Florida real estate significantly impacted by 2040. Towns and municipalities need to be involved in mid-range and long-range planning for this possibility, beyond damage to the dunes. Areas of the Keys and Miami are already being affected. The meeting also encouraged compliance with the CRS rating system.

PUBLIC COMMENTS – **Mike Vendetti of Surfside Estates** asked if any of the Commission members was keeping Surfside informed about the CRS program (Commissioner Schuitema acknowledged that responsibility). He stated, secondly (as a member of the ROC Board), that Surfside does have a regulation regarding the parking of boats and trailers.

ADJOURNMENT

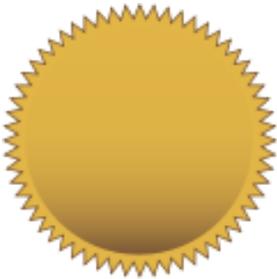
There being no further comments or questions, the Mayor called for a Motion to adjourn; so moved by Commissioner Wingo, seconded by Commissioner Sund.

Motion Approved by a 5-0 Unanimous Voice Vote; Meeting adjourned at 7:04 p.m.

Respectfully Submitted,

Donna M. Francis

Donna Francis, Town Clerk



Following the adjournment of the Commission Meeting, the Town Clerk conducted the swearing-in ceremony for the new two-year terms for Mayor Emmett and Commissioners Schuitema, Mathies, and Siepietoski.