

**MEETING MINUTES**  
**TOWN OF BEVERLY BEACH, FLORIDA**  
**COMMISSION WORKSHOP**  
**MARCH 22, 2017 – 4:00 P.M.**

**A Commission Workshop was duly noticed and held on Wednesday, March 22, 2017, in the Town Hall Conference Room at 2735 N Oceanshore Boulevard. A quorum was present.**

**ATTENDEES:**

Stephen Emmett	Mayor
Larry Mathies	Commissioner
Jeffrey Schuitema	Commissioner
Sandra Siepietoski	Commissioner
Ernie Sund	Commissioner
Debra Wingo	Commissioner
Donna Francis	Town Clerk
Dennis Bayer	Town Attorney
Jarrold Shupe, Osprey Pt.	Petitioner
Jennifer Shupe, Osprey Pt.	Petitioner

**CALL TO ORDER** – The meeting was called to order at 4:00 p.m. by **Mayor Emmett**, who then led the Pledge of Allegiance.

**OPENING REMARKS AND DISCUSSION**

- a. **Mayor Emmett** explained that the Workshop was being held regarding a resident petition requesting an amendment to *Ordinance 98-11-2, Section 3, Provision 3.5, and Chapter 46, Article II, Section 46-33 – Recreational Vehicles of the Code of Ordinances*, specifically requesting removal of “boats and boat trailers” from the enforcement of the Ordinance and allowing boats and boat trailers to be parked in residential driveways. **The Mayor** also explained that any amendment to the subject Code sections would affect all of Beverly Beach and not just Osprey Point, unless a community HOA had their own regulations in place.
- b. **The Mayor called on the Town Clerk** to introduce written feedback from residents in support of, and opposed to, the requested changes. She reported that the original petition included two documents in support of the change and a third letter that was ambiguous in nature. The Town Hall received additional input from a few property owners and residents, copies of which were distributed in advance to the Commission members for review. All are a matter of public record and are available for examination by request to the Town Clerk. Commission members confirmed that they had received all and had time to adequately review each.
- c. **Commissioner Schuitema** asked if the petition was considered a “legal” petition. The **Town Attorney** previously ruled that, in a purely legal sense, the petition holds no authority due to the way it is written. It primarily serves to request that the Commission consider the changes proposed.
- d. **Mayor Emmett** mentioned that, in the event the amendment moves to a vote, Commissioner Mathies would need to recuse himself from voting since he is an Osprey Point resident.

**COMMISSIONER COMMENTS AND QUESTIONS**

- a. **Commissioner Mathies** asked why he would need to be recused from voting. The **Town Attorney** stated that he did not believe it would be necessary as long as the Commissioner would not “receive any special benefit” as a result of the vote.

- b. The **Town Clerk** presented an explanation of the similar Flagler Beach code, supplied by Larry Torino, of the Building Department. She also consulted with City Clerk Penny Overstreet to ensure that we understood the wording of their code since some of it was a bit confusing in interpretation. A graphic prepared by Mr. Torino was distributed for reference to explain the Flagler Beach regulations about parking boats and trailers in residential driveways. Using an enlarged version of the graphic, the Town Clerk explained the Flagler Beach regulation as stated by Mr. Torino's and Ms. Overstreet's interpretations.
- c. **Commissioner Schuitema** stated his opinion that, during his time as Commissioner, many contentious issues seem to originate in Osprey Point. The other communities that have HOA's with their own regulations appear to not have the volume of problems, and he feels strongly that the residents in Osprey Point should "solve their own problems." He feels that "coming to the Commission for one person" is not appropriate. He encouraged Osprey Point residents to consider forming their own HOA and "control their own destiny."
- d. **Commissioner Sund** asked the Town Attorney if it would be considered "spot zoning" if the amendment only applied to certain boats and trailers, and only one section of Town. **Mr. Bayer** said residential property may be treated differently than commercial; however, there would have to be some factual basis of health, safety, and welfare to apply only to one area of the Town. **Mr. Sund** asked if it would also be spot zoning to have size restrictions on boats. **Mr. Bayer** said you could "probably make some reasonable distinction" but you would have to be careful on how you draw that distinction. **Commissioner Sund** said to ignore size limits would present traffic problems along SR A1A when boat owners would be trying to enter and leave their properties with especially large boats. He feels that the current Ordinance is working and "is not broken" so he does not see any need to change the Ordinance.
- e. **Commissioner Wingo** was concerned about the Ordinance allowing for parking in the front yard and asked for clarification of parking with screening is allowed in a front yard. **Ms. Wingo** stated that if that is the case, *she would be in favor of an amendment restricting all parking in a front yard.* Her main objection to amending the Ordinance to allow boats and trailers in residential driveways is because SR A1A is designated as a "scenic highway" and if residents up and down A1A are allowed to store such items in their driveways and front yards it could end up looking "really junky." She also felt that the definitions in the Ordinance are not specific enough, for example making a distinction between an enclosed trailer that hauls motorcycles versus a landscaper's open trailer with tools and equipment. **Ms. Wingo** also questioned whether other types of vehicles are covered in a different section (i.e. tractor trailers). The Town Clerk confirmed that there are regulations restricting those vehicles. Finally, **Ms. Wingo** was in favor of shortening the allowed response time to correct violations.
- f. **Commissioner Mathies** said if any changes are to be made he believes they should be "more definitive and stronger." He presented a detailed list of concerns that was included in the Commission meeting materials and is available to the public. **Mr. Mathies** then read aloud the items on his list of suggestions (copy attached hereto). In summary, he stated that no changes should be made. His second choice would be to amend the language to make it much stronger.
- g. **Commissioner Siefert** thinks, most importantly, the A1A Scenic Byway status is very important. The Town worked hard to remove billboards and other unsightly structures. She agrees with **Commissioners Mathies and Wingo** that the regulations should be made stronger. She also pointed out that previously, residents were nearly unanimous in their objection to installation of the A1A "Wayfinding" signs as not being attractive or in keeping with the image Beverly Beach would like to maintain.
- h. **Mayor Emmett** stated that prior to this time there have been no objections to the Ordinance and it has been successfully enforced since its inception in 1998. He does not feel any changes are necessary and that it has worked as intended over the years with no problems in enforcement.

#### **PUBLIC COMMENTS, QUESTIONS, CONCERNS**

- a. **Petitioner Jarrod Shupe** disputed the interpretation, stating that the Flagler Beach City Manager, Larry Newsome, had given him a different interpretation. The issue was raised as part of the Workshop since

the Petitioners submitted a copy of the Flagler Beach relevant Code as evidence of a nearby community allowing boats to be parked on residential property. **Mr. Shupe** also stated that he will screen his boat to comply with the Ordinance as written and has multiple options as to how to approach it. He also said he understands the concerns about the Scenic Byway but has not seen any issues in other areas and re-emphasized his belief that he was selectively chosen for enforcement. He went on to say he does not believe in a system that is based on neighbors reporting violations rather than the Code Officer handling it. **Mr. Shupe** detailed other examples of potential violations that do not appear to have been enforced, including a commercial vehicle that parks nightly in a residential driveway overnight.

- b. **Dave Kunz of Osprey Point** agreed with Mr. Shupe's assertion that violations are being selectively enforced. He stated that the Town could "step that up a little bit."
- c. **Commissioner Schuitema** asked why Osprey Point does not have a Homeowners' Association. **Osprey Point resident Sue Cureton** stated that one had just never been set up after the (premature) departure of the original developer. **Commissioner Schuitema** suggested that the Osprey Point residents set one up, with the Town accepting responsibility for maintenance of the roads as is currently the case. A citizens'/residents' advisory board could address internal concerns such as this issue and not involve the Town. **Commissioner Mathies** was not in favor of the proposal. **Attorney Dennis Bayer** added that an internal board or committee could adopt and enforce its own rules and regulations aside from the Town maintaining the roads. **Ms. Cureton** stated they she and her husband likes the fact that they do not have an HOA and they are perfectly happy observing the Town-wide Codes and Ordinances. In her opinion, when a resident moves into Beverly Beach, they are agreeing to abide by the established Code. **Mr. Bayer** reminded the Commission that any HOA would still not be able to implement any regulation that would be "less restrictive" than the existing Town Code.
- d. There was additional conversation regarding the Code Enforcement position and the fact that it is only part-time. **Commissioner Wingo** pointed out that Flagler Beach has a full-time Enforcement Officer, yet they still have situations where violations go unenforced or are not reported in a timely manner.
- e. **Resident and former Commissioner Frank Gromling** stated the Ordinance has worked well since 1998 and he sees no need to change it now. He agreed that the Code Enforcement issue is something Beverly Beach has always faced as a small town with limited financial resources. He asked the Commission to allow the Ordinance to stand and that anyone moving into the Town has access to the existing Code and it is there responsibility to understand it.

**DECISION** – **Mayor Emmett** stated that it was clear *the consensus of the Commission was to allow the Ordinance to stand* in its current form and that no further action will be taken at this time. The announcement will be made at the April 3 regular Commission Meeting.

### **ADJOURNMENT**

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

***Motion Approved by a 5-0 Unanimous Voice Vote; Meeting Adjourned at 4:40 p.m.***

Respectfully Submitted,

*Donna M. Francis*

**Donna Francis, Town Clerk**

