

REGULAR TOWN COMMISSION MEETING HELD JUNE 23, 2014

Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 23, 2014, at 4:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Pugh. The roll call was answered by the following:

Commissioner Aaskov                      Commissioner Bonfiglio  
Commissioner Allison                      Commissioner Lucibella  
Mayor Pugh

Pledge of Allegiance

CONTINUE TO DISCUSS ASPECTS RELATING TO ALL OF THE PUBLIC ACCESS BEACH CROSSOVERS; SUCH AS LIABILITIES, LEGAL RAMIFICATIONS, RESIDENT CONCERNS, AND ENFORCEMENT ISSUES

Mayor Pugh welcomed the audience and advised that the format for the meeting included: Public Comment, Staff/Legal Comments followed by comments/action by the Commissioners.

Terry Brown, Harbour Drive South, questioned whether anyone had researched the history on why the Town had the public beach access points. He stated that they were platted over 100 years ago and he was concerned that their use would be suppressed by removing the word "Public" from the signage. He also felt the current no trespass signs on the beach at Beachway Dr. were intimidating and gives a signal of wanting fewer people in the Town and would thereby create additional problems not lessen them.

Mayor Pugh suggested that Town Manager Schenck provide a recap of the past and current information leading up to this meeting. Manager Schenck stated that at the last special meeting (May 6<sup>th</sup>) the Commission requested an additional meeting in order to permit input/suggestions from the public and suggested signage. He stated that he supplied verbiage for several proposed signs and a draft that staff was proposing. The draft included verbiage citing it was a beach access, no parking with arrows each direction, no lifeguard present, no vehicles or trespass on dunes or private property, no dogs or glass on beach, deposit trash in receptacles, and per Town Ordinance strictly enforced by the ORPD. He stated that the Town has 8 public crossovers and he has already posted signs by SR A1A to redirect traffic to the public parks. He mentioned that he supplied the Commission with the prior and current correspondence that included comments from the attorney, proposed signage, staff comments, and comments submitted from the public.

Manager Schenck stated that the Commission needed to decide on how to proceed with the signage, whether the P & Z should review related beach access issues, development of a Beach Ordinance to define the regulations, and also whether to implement a definition on private vs public demarcation such as the dune line to allow for more precise police enforcement.

Betty Bingham, 1 Ocean Ave., reiterated her comments from May 6<sup>th</sup> that included posting fines for code violations and that violators be cited with a fine even for an initial violation (no verbal warnings). She also mentioned that Hallandale has a code that provides for a \$500 fine for anyone with liquor on the beach.

Tom Warnke, 2780 Worcester Road, stated that he was on the Executive Committee for the Surfrider Foundation, PBC Chapter, and summarized a letter submitted to the Commission. The letter cited the members' serious concerns regarding protecting the right of the public to access the beaches by ensuring that these rights are not obstructed by the actions/inactions by the Town of Ocean Ridge or by Ocean Ridge property owners. One such obstruction includes any signage which misleads, confuses or intimidates beachgoers. The foundation implored that the Town post uniform "Public Beach Access"

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signage for all Town public access points similar to several already in place. The “Private, No Trespassing” signs allowed by the Town on private property adjacent to the public access points are intimidating and should be removed. The letter concluded by stating that by implementing these two actions the Town would be stepping forward to ensure the right of the public to access Florida’s public beaches and the Town will avoid a significant amount of adverse publicity. Mr. Warnke added that the proposed signage should include the FL State Statute for dune protection, no trespass, no dogs and no glass or trash. He also supported directing people to the public parks to the north and south since there is no parking on Old Ocean Blvd. anyway.

Peter Burling, 7 Osprey Drive, reiterated his prior comments which included: protecting the beachfront by the public acting responsibly, defining demarcation, proper signage and enforcing the regulations placed on same, accepting the notion that private beachfront owners do have a right to place signs on their property, balancing the public vs private rights, and directing the P & Z to research the issues raised. He also liked the prior idea presented to display a map to convey the concept of demarcation.

Daniel Spotts, 1 Sailfish Lane, stated that due to the beach renourishment much of the area north of Beachway Drive is now public and felt that private owners have restricted rights and thought that a lot did not pay taxes on the land. He agreed that there should be specific ordinances to define the parameters so the police had clear direction. He stated that another officer may be necessary, directional signs to the public park beaches is a good idea, and the private signs on the sandy part of the beach should be removed. Jan Spotts commented that new residents and beachgoers should be educated about the dunes and protection of the turtles.

Steve Coz, 2 Osprey Court, stated he was in favor of the signage proposed by the Beachway Dune Preservation which states: Private Property, Above High Tide Line, No Trespassing, No Parking/Unloading, No Dogs/Glass on Beach, No Littering, and \$100 Fines – Ocean Ridge Police Dept. – all on separate lines. He stated that the Beachway access should also have an unloading prohibition on the sign. He added that eliminating the Public Access would actually bring the signs back to pre-2006 when it didn’t say Public Access at all. He agreed with using the rack line as the demarcation.

Ed Brookes, 15 Ocean Ave., commented that he had an issue with the Beachway Dune Preservation proposed sign and the Commission should not be persuaded to change the signage. He added that 99% of the residents speaking and pursuing their proposed sign do not even own beachfront property and he also questioned if there were major crime issues. He stated that the code regulations and the bad behaviors should be enforced. He felt the signage should state Public Access to avoid risk of litigation.

Terry Brown, Harbour Drive South, agreed with Mr. Spott’s comment about the beach renourishment migrating from Edith to Beachway and therefore is now public beach.

Sandy Foster, 5900 Old Ocean Blvd., commented that she felt the beach renourishment was a waste of taxpayer money because Mother Nature affects the beach line constantly.

Penny Kosinski, 6000 Old Ocean Blvd., stated she was a beachfront owner and the word Public is misleading due to no facilities being available and the Town residents know the public and private accesses. She also stated that the majority of the Beachway Dune Preservation coalition were beachfront owners.

At this point the public input was closed.

Town Manager Schenck stated that he felt a beach ordinance is appropriate because all of the regulations can be located in one section of the code (even citing State Statutes). He also felt there should be a

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consistent sign that says access. He also suggested that the dune line be used as the demarcation because of the questionable Mean High Water Line (MHWL). Atty Spillias advised that even if the private property line is not all the way to the MHWL the beachfront owner still would have an easement to the water.

Atty Spillias advised that the ordinance can work for some issues but may not be specific enough to delineate boundaries for enforcement purposes. He commented that the City of Destin left the decision to the police because it would be at their discretion for enforcement and also because of the uncertainty of a definite ground boundary. Atty Spillias also clarified that if someone calls now to advise of a trespass and they are clearly above the MHWL the police already have the authority to enforce the existing codes.

The Commission all agreed that the staff should prepare a draft beach ordinance to incorporate all of the necessary verbiage in one section of the code and also develop proposed signage to be placed on the August Agenda.

Comm Aaskov moved to authorize the staff and Town Attorney to draft a beach ordinance. Comm Allison seconded the motion.

Motion carried – Yea (5)

After some discussion, the consensus of the Commission was to add one additional police officer to proposed FY 2014/15 budget and to provide adequate enforcement of the existing/proposed new beach regulations. The Commission directed the staff to develop a justification outline for the new position and they would decide during the budget process whether to keep the position or not. Comm Bonfiglio commented that two additional officers may be required; however, he did speak with the Boynton Beach CRA who advised that most of the anticipated growth reflected in their 2006 statistics for eastern Boynton has already occurred near the area of Woolbright and Federal Hwy. The newer growth area is Woolbright and Federal Hwy. He added that the two communities should possibly meet to convey the Town's concern for misconduct by outside residents.

Comm Lucibella reiterated his prior comments that while he was in favor of the ordinance he felt it should be given to the P & Z for more in-depth study on long term strategies. He also stated that this Commission should create the sign language now; however; he felt that the education and enforcement was currently lacking. He stated that a reasonable delineation boundary line must be developed such as the Rack Line. He did not agree with utilizing the dune line because beachfront property that is utilized and paid for by the Ocean Ridge taxpayers would be given away. Comm Lucibella stated that he felt education and enforcement is the key and an additional officer was not necessary. He concluded by stating that he felt there was administrative work that needed to be done and the Town Manager should be directed to enforce the ordinances that are already on the books such as dogs and glass on the beach.

There was a brief discussion that the code regarding dogs and glass on the beach is now uniformly applied and applies to any person/s, whereas before it was interpreted that this did not apply to beachfront area owned by private property owners.

Comm Lucibella moved to direct the staff to utilize the Rack Line for enforcement purposes in the event private property owners call in regards to trespass that is occurring. There was no second to the motion. Atty Spillias commented that he was unsure if the Town could create an ordinance with a definite delineation because the Town could not conflict with the State Statutes. He stated that is why the City of Destin has an administrative directive which provides enforcement guidance to the agency. Comm Lucibella commented that he felt the Town was looking out for the public's interests over the private

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property owners. Atty Spillias advised that during the draft of the ordinance process they will research an administrative approach for the police.

The consensus of the Commission was for the P & Z Commission to meet after October (season) to study the long term effects/strategies for the potential influx of traffic from the population growth in neighboring communities. This could possibly include studying informational data from the Boynton CRA, traffic studies or calming, long term plans for the public beach accesses and private components, etc.

Meeting Adjourned at 6:08 pm.

Attest By:

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Town Clerk

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Mayor Pugh

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Commissioner Aaskov

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Commissioner Allison

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Commissioner Bonfiglio

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Commissioner Lucibella