

- d. The application shall contain the name of the individual and the address.
 - e. The application shall include information provided by the State of Florida indicating the issuance to the applicant of an ADA approved permit.
 2. There shall be no fee for obtaining the permit. Such permit shall include the following:
 - a. Name and contact information of the owner or person in possession and contact of the owner.
 - b. Description of the item.
 - c. Location of the item.
 - d. Duration of time the item will remain in such location.

D. Notification

1. The County shall provide notice of this Ordinance by posting a permanent sign at the entry of every beach access point. The Amelia Island Tourist Development Council (TDC) shall notify all owners that are required to remit monies pursuant to the TDC Ordinance and the owners/agents shall be required to post notices of this Ordinance on properties and notify renters. The owners/agents shall provide copies of the notification to the County Manager's Office and to the TDC as well.
2. The TDC shall prepare a public information statement that provides a summary of the Ordinance and publish same in the manner deemed appropriate by the Tourist Development Council. The Tourist Development Council shall provide a summary to all businesses that lease vacation rental properties and condominium associations that remit monies pursuant to the TDC Ordinance and all resorts that sets forth the provisions of the Ordinance.
3. The TDC may also provide public information materials to other businesses as may be appropriate that sell tents and/or Personal Property items that are defined in Section 1.M.

E. Enforcement

Nassau County is authorized to enforce this Ordinance and may follow the established procedures by the Sheriff's Department, County Code Enforcement Officers and through any civil complaint.

F. Penalty

Any violation of any provision of this code may be the issuance of a citation by a Sheriff's deputy or Code Enforcement Officer as may be adopted by Resolution of the Board of County Commissioners.

SECTION 7 6. ALCOHOL

It shall be unlawful for any person on the beach to sell, consume, possess, or control any unsealed or open container containing any type of alcoholic or intoxicating beverage.

SECTION 8 7. NUDITY

Nudity on Nassau's Beaches is prohibited pursuant to Nassau County Code Section 4-32.

TAB 4

Nassau County Beach Community Working Group
Non-Code Recommendations
to the
Nassau County Board of County Commissioners

Introduction

During the deliberations of the Working Group they developed a number of recommendations for County action that were not of the nature of changes to ordinances. The Working Group is cognizant of the fact that many of these recommendations have a fiscal impact and their implementation is subject to the availability of funding.

Recommendations

Enforcement

In order to provide enhanced deterrence and enforcement provide the resources to the Sheriff to patrol the beach area.

In order to provide more effective speed limit information to beach drivers, install speed limit signs at access points to the beach.

In order to provide enhanced security, install beach cameras or automatic license plate readers in parking lots.

Beach Environment

In order to provide enhanced endangered species protection and to reduce the County's potential liability apply for and receive an Incidental Take Permit under the Endangered Species Act from the U.S. Fish and Wildlife Service for nesting Sea Turtles.

In order to protect the environment, reduce public nuisances and provide enhanced services to the beach going public construct additional public restrooms at Scott Road Park.

Beach Parking

In order to better regulate beach driving and parking, install a key card system for the parking areas.

In order to provide greater and more orderly access to the beach, establish off-site parking options such as trolley or shuttle options.

In order to better manage parking, develop a Beach Parking Management Plan.

Beach Driving Fees

In order to provide a reasonable and defensible basis for the fee structure, the County shall conduct a cost study to determine the cost of beach driving permits, which shall be used to determine the cost levied as a permit fee on all beach.

TAB 5

**BEACH COMMUNITY WORKING GROUP
4:00 P.M., TUESDAY, FEBRUARY 26, 2019
JAMES S. PAGE GOVERNMENTAL COMPLEX, 96135 NASSAU PLACE,
YULEE, FLORIDA**

AGENDA

**CALL TO ORDER
ROLL CALL**

PRESENTATION(S):

Tab A Mike Mullin, Nassau County Attorney re: orientation for Committee Members regarding Sunshine Law and Public Records.

Tab B Mike Mullin, Nassau County Attorney re: purpose of committee.

DISCUSSION ITEM(S):

Tab C Discussion of Chairman for the Committee.

Tab D Discussion of regular meeting schedule.

Tab E Discussion of current beach related County Ordinances:

- 1) **Ordinance No. 2018-18** recognizing and confirming the customary use by the public of the beach, in the unincorporated areas of Nassau County. (Customary Use Ordinance)
- 2) **Ordinance No. 2018-22** regarding hours of camping, parking of motor vehicles, campers and truck tractors in beach front parks, changing hours of parking in beach front parks.
- 3) **Ordinance No. 2016-09** prohibiting littering, use of glass containers, regulated camping, required control of horses and dogs, designated swimming and sunbathing areas, excessive vehicular speed and careless and reckless operations, and designated parking areas for access to beaches.
- 4) **Ordinance No. 2016-06** prohibiting and regulating personal property unattended on beaches within the unincorporated areas of Amelia Island. (Leave No Trace Ordinance)
- 5) **Ordinance No. 2015-13** providing for beach permits for out-of-county residents for motor vehicles driving or parking on County beaches.
- 6) **Ordinance No. 2003-42** regulating concessions and beach rentals on unincorporated areas of beach, providing a requirement for concession licenses, fees, operation and maintenance, signs and merchandise display, and insurance.

INFORMATIONAL ITEM(S):

Tab F Calls for Service information provided by Butch Osborne, Director of Operations for the Nassau County Sheriff's Office.

Tab G Document provided by Mike Mullin regarding Recreational Rights to the Dry Sand Beach in Florida: Property, Custom and Controversy.

PUBLIC COMMENTS

- Any member of the audience wishing to speak on any items listed above or any other beach related concern.

COMMITTEE MEMBER ITEM(S) AND COMMENTS:

- Any other items to be brought before the Committee.

ADJOURNMENT

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 548-4660 or Florida Relay Service at 1-800-955-8770 (v) or 1-800-955-8771 (TDD) at least seventy-two hours in advance to request such accommodations.

BEACH COMMUNITY WORKING GROUP
FEBRUARY 26, 2019 – 4:00 P.M.
COMMISSION CHAMBERS, JAMES S. PAGE GOVERNMENTAL COMPLEX
YULEE, FLORIDA

A Beach Community Working Group meeting was held this 26th day of February 2019 at 4:00 p.m. in the County Commission Chambers, James S. Page Governmental Complex, Yulee, Florida.

Present were Michael S. Mullin, County Manager/ County Attorney; Taco Pope, Director of Planning and Economic Development Opportunity; Douglas Podiak, Director of Facilities Maintenance; Butch Osbourne, Director of Operations, Nassau County Sheriff's Office; Mac Morriss, Ex- Officio Member, and Marian Phillips on behalf of Lowell Hall, Ex-Officio Member (arrived at 4:21 p.m.). Also present was Heather Nazworth, recording secretary.

Mr. Mullin opened the meeting at 4:03 p.m. and welcomed the members and the public in attendance. The committee members introduced themselves. He reminded the committee members that the Sunshine Laws applies and any public records requests received should be sent to the County IT department to retain for the record. He also noted that any information received regarding the issues to be addressed should be sent to the County IT department, then forwarded to the Board of County Commissioners for their public hearing. He stated that the emails provided prior to the meeting will be included in the record. He stated that the purpose of the committee is to review various ordinances regarding beach use; however, beach cleaning will not be addressed. He provided a brief overview of the main ordinances to be reviewed. Mr. Mullin commented that the process will be for the public to address the committee and the committee will make recommendations to the Board of County Commissioners regarding the comprehensive ordinance that should be considered for adoption. In addition to the committee's recommendations all public comments will be condensed for the Board of County Commissioners to review. The goal is to have one comprehensive ordinance dealing with the uses of the beach. He advised that the Board of County Commissioners has selected Gil Langley to serve as Chairman.

Chair Langley mentioned that any concerns should be expressed during the meeting or in email form.

County Commissioner Bell expressed his gratitude for the participation and the committee's service. He reminded the audience of the goals and that this meeting is only regarding the beach use.

Chair Langley mentioned the six (6) Ordinances that need to be reviewed. He noted that the beach has a jurisdiction from the federal, state, county and city government. He advised that the City of Fernandina has eighteen (18) ordinances regarding the beach and some might be incorporated in the discussions. Mr. Mullin reviewed the following Ordinances: 2018-18, 2018-22, 2016-09, 2016-06, 2015-13, and 2003-42. Director Osbourne, provided an overview of the Sheriff's Department involvement and how complaints are handled. He mentioned that the complaints can be received via website or by phone. Mr. Morriss commented that the beach front property owners and beach users' complaints are legitimate and what this committee is here for today is to put those complaints into the record.

Dave Bowman came forward to express his concerns regarding the beach re-nourishment and how vehicles that drive on the beach are creating ruts in the dry sand beach area. He mentioned that Martex service vehicles are driving on the beach and destroying the sea oats. He provided pictures of the beach.

Marla Miller came forward to express her concerns regarding the Rave of the Wave event that took place last year; trucks driving on the beach; the threats of destruction of property; the enforcement of the ordinances; vandalism of beachfront properties; night time driving, and ruts created on the beach.

Francesco Borgnese came forward to express his concerns regarding driving on the beach, Omni trucks driving on the beach and questioned if Omni had a valid permit to drive on the beach. In addition, he mentioned that Martex service vehicles are driving on the beach with bigger trucks and larger wheels. He also mentioned his concerns with the Sheriff Department driving on the beach.

Albert Ertlschweiger came forward to express his concerns regarding the driving on the beach and provided pictures regarding the beach. He addressed the excessive speeds of concession trucks driving on the beach, Martex service vehicles driving on the beach, the ruts created that are making it difficult to get to the beach. He advised that he has made contact with the Sheriff Department and no response has been returned, however, he will now express concerns in an email or in the public forum.

Viola Walker came forward to express her concerns and she agrees with what has been previously stated. She mentioned that the destruction of the beach makes it difficult for seniors to access the beach and the driving is destroying the beach and the opportunity to use the beach to walk on.

Mary Massman came forward to express her concerns regarding the Omni, and the money that is profited regarding rental of beach equipment due to them driving on the beach to deliver the equipment. She stated that there should be a solution to the driving on the beach to deliver equipment, however, there is no plan enacted at this point and they are breaking law by using the beach.

George Detarnowsky came forward to express his concerns, mentioning that he is a member of the South Amelia Island Shore Stabilization Association, Inc. (SAISSA) board and that SAISSA is responsible for the bottom 3.5 miles of the island. He mentioned that the beach is considered an engineered beach due to a hurricane in 1989 and there has currently been three (3) re-nourishments and another is expected in the future. He stated that the vehicles churn up the dry and wet beach and washes away the sand making it difficult for the replenishment. He requested to address the ordinance for vehicles. He also stated that he will have the executive director of SAISSA send to the committee a report detailing from an engineering standpoint what vehicles are doing to the engineered beach on the south end of the island.

Mary Duffy came forward to express her concerns regarding ruts on the beach created by vehicles and primarily by the maintenance vehicles from the Omni and Ritz Carlton. She also has witnessed during morning beach patrols of the beach vehicles driving at fast speeds. She mentioned that the Sheriff's Department has been asked to drive on the wet sand and minimize the lighting which impacts nesting female turtles and hatchling turtles. Ms. Duffy commented that if driving is going to remain on the beach, there should be a limit with no night time driving. She also expressed concerns regarding camping on the beach at night with tents and requested a registration system be created to track campers and provide education regarding the sensitivity of the beach at night and the wildlife. She stated that campers are distracting nesting turtles at night and causing harassment of the turtles. She commented that the Leave No Trace Ordinance has created a phenomenal change, however the resorts and hotels are still leaving items on the beach.

Drew Scott came forward to express his concerns regarding the night time driving on the beach, the beach access filling up, and requested review of just driving during the day time on the beach. He mentioned that campers are leaving trash on the beach due to the bathroom facilities being shut down at certain times. He stated that the campers need better access to the facilities and agrees with the registration for campers.

Constantine Colbert came forward to express her concerns, stating that taking away night time driving will not solve the problem. She stated that driving on the beach creates a liability for people and the possibility of accidents. She mentioned the increase in the calls made to the sheriff regarding violations on the beach. She requested that a homeowner be on the committee, no cars on the beach except the municipality and a response regarding the violation of the Federal Laws.

Pete Smith came forward to express his concerns regarding the need to maintain the public access to the beach. He mentioned that through observation there has been four (4) lanes of traffic on the beach with occasional bon fires; however, the development has changed the perspective of the beach. He stated that the amount of the beach accessibility to the public has continued to shrink, with more people trying to be in a more compacted area. He requested a review of the lack of funding to support the amount of enforcement. He also expressed that in the introduction of the committee and the agenda was slightly narrow and needs to be broaden. He stated that there needs to be a consideration for the review of future development and making it capable of solving future problems.

Jane Phillips Collins came forward to express her concerns regarding that laws need to be enforced. She mentioned that the camping on the beach is causing problems and the driving on the beach needs to be stopped. She requested a stricter enforcement and the possibility of gates to monitor people coming and going.

Brooks Andrews came forward to express his concerns regarding the coastal uplands and pointed out that the dunes are very fragile environment. He mentioned that dunes are not stable and are meant to move with time, tides and wind which creates a harsh condition. He stated that by adding people and vehicles to the environment creates a disaster to the ecosystem. He requested there be a maintenance of the environment with restrictions of beach driving and camping to create less pressure from excessive use of the beach.

Chair Langley commented that everyone on the committee are residents of Nassau County.

John Gorham came forward to express his concerns with regulating the driving on the beach. He mentioned that driving on the beach exaggerates other issues and requested to minimize or stop beach driving with the exceptions of those that need it.

Joan Schmidt came forward mentioning the sign posted regarding *Florida Statute* 161.58, no driving beyond this point. She mentioned that the Omni, however still drives on the beach and should not be.

John Plat came forward and noted that Senate Bill 1577 (SB1577) passed to change driving patterns in Nassau County for the Ritz. He requested review of the Senate Bill and the possible creation of tram service for the beach. Mr. Mullin provided copies of SB1577 and a court order from a challenge in court, that addressed driving on the beach.

Mickey Smith came forward to express her concerns regarding the change in the quantity of people coming and there should be driving restrictions from dark to sunrise. She mentioned vandalism also needs to be addressed.

Rick Howe came forward to express his concerns. He mentioned that the legislature did no favors last year and brought a level of hostility to the community. He stated that *Florida Statute* 161.58 banned driving on all beaches in the State of Florida; however, circumstances were created in Nassau County. He requested that there be some regulation on driving on the beach due to the hospitality establishments take advantage of driving on the beach and driving was banned per *Florida Statute*.

Randy Hall came forward to express his concerns regarding the beach being opened for driving after sundown. He commented that what happens after sundown is concerning especially areas where there is a lot of drinking. He mentioned that if there is camping on the beach there needs to be bathroom facilities and also restrict camping to the certain areas with these facilities.

Chip Ross came forward and requested for the review of the current City of Fernandina Beach Ordinances. He also requested that the county and city to work together to make the process more seamless. He suggested the creation of an interlocal agreement for beach rangers to providing more presence. He requested review of the types of vehicles used on the beach. He has mentioned that by removing trash cans there has been a creation of less traffic on the beach.

Following discussion, it was the consensus of the committee to schedule the next meeting for March 26, 2019 at 5:30 p.m. Chair Langley reminded the public that emails or other correspondences are appreciated and are public record.

There being no further business, the meeting adjourned at 5:33 p.m.

**BEACH COMMUNITY WORKING GROUP
5:30 P.M., TUESDAY, MARCH 26, 2019
JAMES S. PAGE GOVERNMENTAL COMPLEX, 96135 NASSAU PLACE,
YULEE, FLORIDA**

AGENDA

**CALL TO ORDER
ROLL CALL**

CONSENT ITEM(S):

Tab A Approve Minutes from the Beach Community Working Group Meeting held on February 26, 2019.

DISCUSSION ITEM(S):

Tab B Discussion of regular meeting schedule.

Tab C Discussion of issues raised at February 26, 2019 meeting.

Tab D Discussion of current beach related County Ordinances:

- 1) **Ordinance No. 2018-18** recognizing and confirming the customary use by the public of the beach, in the unincorporated areas of Nassau County. (Customary Use Ordinance)
- 2) **Ordinance No. 2018-22** regarding hours of camping, parking of motor vehicles, campers and truck tractors in beach front parks, changing hours of parking in beach front parks.
- 3) **Ordinance No. 2016-09** prohibiting littering, use of glass containers, regulated camping, required control of horses and dogs, designated swimming and sunbathing areas, excessive vehicular speed and careless and reckless operations, and designated parking areas for access to beaches.
- 4) **Ordinance No. 2016-06** prohibiting and regulating personal property unattended on beaches within the unincorporated areas of Amelia Island. (Leave No Trace Ordinance)
- 5) **Ordinance No. 2015-13** providing for beach permits for out-of-county residents for motor vehicles driving or parking on County beaches.
- 6) **Ordinance No. 2003-42** regulating concessions and beach rentals on unincorporated areas of beach, providing a requirement for concession licenses, fees, operation and maintenance, signs and merchandise display, and insurance.

Tab E Discussion of Senate Bill 161.58, Vehicular Traffic on Coastal Beaches, as it relates to Ordinance No. 2015-13 (above).

INFORMATIONAL ITEM(S):

Tab F Citizen concerns and comments received via email from February 26 through March 25, 2019.

PUBLIC COMMENTS

- Any member of the audience wishing to speak on any items listed above or any other beach related concern.

COMMITTEE MEMBER ITEM(S) AND COMMENTS:

- Any other items to be brought before the Committee.

ADJOURNMENT

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 548-4660 or Florida Relay Service at 1-800-955-8770 (v) or 1-800-955-8771 (TDD) at least seventy-two hours in advance to request such accommodations.

**BEACH COMMUNITY WORKING GROUP
MARCH 26, 2019 – 5:30 P.M.
COMMISSION CHAMBERS, JAMES S. PAGE GOVERNMENTAL COMPLEX
YULEE, FLORIDA**

A Beach Community Working Group meeting was held this 26th day of March 2019 at 5:30 p.m. in the County Commission Chambers, James S. Page Governmental Complex, Yulee, Florida.

Present were Michael S. Mullin, County Manager/County Attorney; Douglas Podiak, Director of Facilities Maintenance; Butch Osbourne, Director of Operations, Nassau County Sheriff's Office; Mac Morriss, Ex-Officio Member; Lowell Hall, Ex-Officio Member; and Chair Gil Langley, Director of the Tourist Development Council (TDC). Also present was Melissa Lucey, recording secretary.

Chair Langley called the meeting to order at 5:31 p.m.

It was moved by Mr. Morriss, seconded by Mr. Hall and unanimously carried to approve the minutes from the February 26, 2019 working group meeting as presented.

The group considered Tab B, setting a regular meeting schedule. Mr. Mullin provided a brief overview of the scope of work including recommending to the Board of County Commissioners a consolidation of the current six (6) ordinances into one (1) comprehensive ordinance as it relates to the use of the beach. Mr. Hall stated that some of the issues are more pressing and recommended individually addressing the ordinances relating to camping and driving on the beach. In response, Mr. Mullin recommended amending Ordinance 2018-22, recognizing and confirming the customary use of the beach, in the unincorporated areas of Nassau County; and Ordinance 2015-13, providing for beach driving permits for out-of-county residents to drive or park on County beaches by the public. He acknowledged that one of the goals for the Beach Community Working Group is to combine all of the ordinances into one (1) comprehensive ordinance; however, it would take a longer period of time. He mentioned that if the group only addresses the vehicular access and camping on the beach it could expedite the proceedings. He advised that this matter could be addressed after the additional meetings held on the west side of Nassau County. Following discussion, it was moved by Mr. Morriss, seconded by Mr. Mullin and unanimously carried to schedule meetings at the Callahan Multi-Purpose Facility in Callahan either April 10, 2019 or April 11, 2019 at 5:30 p.m.; American Beach Community Center in Fernandina Beach April 17, 2019 or April 18, 2019 at 5:30 p.m.; and James S. Page Governmental Complex in Yulee for May 15, 2019 at 5:30 p.m. and May 28, 2019 at 5:30 p.m.

Next, the group considered Tab C, discussion of issues raised at the February 26, 2019 meeting. Mr. Mullin distributed an email from Jack Corgel for the committee's review. Chair Langley commented that the majority of the concerns from the previous meeting pertained to driving on the beach. Mr. Morriss commented that the email from Howard Banaszak echoed the same concerns that were presented at the previous meeting, noting that he did provide photographs to support his statement. He advised that there is a comprehensive list of legitimate complaints from that meeting.

Next, the group considered Tab D, discussion of current beach related County Ordinances. Chair Langley opened the floor for public comments.

Howard Banaszak came forward to express his concerns regarding beach access and the increased amount of beach driving issues, explaining that the growth changes have exacerbated the beach problems from Peters Point Beachfront Park to the city limits. He commented that the formation of the Beach Committee Working Group was a step in the right direction; however, he believes it was a major oversight to not include a beach front property owner on the committee. He commented that there are

fewer turtle nests from the prior year. Mr. Banaszak recommended beach driving from dusk to dawn and limiting camping to Peters Point Beachfront Park. Mr. Morriss advised that it is his personal goal for Nassau County to have family friendly beaches. He stated that some of the issues are complex but there are solutions that will be effective.

Mary Duffy came forward to express her concerns of night time driving. She has witnessed during morning patrols of the beach vehicles leaving tracks that go up into the dunes, large donut circles in the sand and personal trash that was left behind. She explained that a majority of the damage to the turtle nests and abandoning nesting attempts occur during the night. Ms. Duffy also expressed concerns regarding camping on the beach at night with tents and requested a registration system be created to track campers and provide beach sensitivity awareness education regarding the sensitivity of the beach at night and the wildlife. Mr. Morriss recommended that during the turtle nesting season to limit night time driving. Ms. Duffy concurred and mentioned that Daytona Beach closes their beaches at night to all vehicles.

Pete Smith came forward and inquired whether consolidating the current six (6) ordinances into one (1) comprehensive ordinance would jeopardize Ordinance 2018-18 into a judicial situation with the House Bill 631 (HB631). Mr. Mullin mentioned that there are bills currently before the Legislator to rescind HB631. He commented that if HB631 is rescinded, the issue becomes if any of the customary use ordinances that were adopted within the legislative period before July 1, 2018 would be required to be validated by the court. It is Mr. Mullin's belief that it would not affect what the Board of County Commissioner's decision based on the confines of the customary use area involving the dry sand to the erosion control line. Mr. Smith voiced concerns regarding camping at the beach. He also voiced concerns regarding access to the beach, noting that it has been systematically dissolved due to growth in Nassau County with limited parking spaces; facilities for camping; and representation of the working group not including a beach front property owner.

Rick Howe came forward to express his concerns for lack of facilities for camping. He advised that there was a time when there was a decent balance with camping on the beach that was manageable for the Sheriff to patrol and ensure that there was no issues during the night. He also expressed concerns for camp fires despite the current Ordinance that dictates no fires between the months of May through October and people walking through the dunes. He advised that the State Park does not allow for camping or pets. In addition, the State Park does not allow any fires between the months of April through October and recommends having a cohesive set of rules with the State. He mentioned that he is an environmentalist and expressed concerns for the turtles as it relates to the noise and bright lights. Following a brief discussion, Mr. Howe commented that the majority of the complaints were not from camping but from inappropriate activities including drinking. He pointed out that the current Ordinance has no limitation on the amount of time a person is allowed to camp. In closing, he mentioned that the State Statute clearly defines that once the County put in an erosion control line it reestablishes boundaries of a property. He advised that this brought clarity to the property owners that they are not dealing with the customary use of access for public use or private property. Mr. Morriss clarified that the erosion control line for the majority of Nassau County is inside the protected sand dunes. He commented that if a hurricane came through and moves the shoreline inward there are sections that are open for interpretation but the erosion control line is set for the beach nourishment of the sand by the Florida Department of Environmental Protection (FDEP) and rebuilt with taxpayer's money.

Agnes Lyden came forward and commented that there is a reoccurring theme from the previous speakers in regards to enforcement and culture. She explained that the recent "free for all" culture on the beach is allowed and encourages tourism and promotes tourists to come. She mentioned that she has noticed a lot of changes in the community where community members are more educated and passionate for protecting the turtles and the beaches and recommends offering education promoting a safe culture to the tourist.

Next, the group considered Tab E, discussion of Senate Bill 161.58 (SB161.58), Vehicular Traffic on Coastal Beaches, as it relates to Ordinance 2015-13. Mr. Mullin advised that the beaches are controlled by those documents of legislation. The group briefly discussed restricting access to the beach. Mr. Morriss mentioned that the city ran into a road block from trying to offer the city residents a discount or free pass to park at the beach due to the U.S. Army Corps of Engineers and taxpayers are paying a large part of the beach renourishment.

Viola Walker came forward to express her concerns with driving on the beach and lack of parking spaces. She pointed out that the lack of parking spaces is causing harm to the beach and the dunes. She concurred that regulations and ordinances as need to be the same by the State.

There being no further business, the meeting adjourned at 7:10 p.m.

**BEACH COMMUNITY WORKING GROUP
5:30 P.M., THURSDAY, APRIL 11, 2019
CALLAHAN MULTI-PURPOSE FACILITY,
543350 US HIGHWAY 1, CALLAHAN, FL 32011**

AGENDA

**CALL TO ORDER
ROLL CALL**

CONSENT ITEM(S):

- Tab A** Approve Minutes from the Beach Community Working Group Meeting held on March 26, 2019.

PUBLIC COMMENTS

- Any member of the audience wishing to speak on any items listed above or any other beach related concern.

DISCUSSION ITEM(S):

- Tab B** Discuss changing the Tuesday, May 28, 2019 meeting to Thursday, May 30, 2019 to allow Taco Pope to be in attendance.
- Tab C** Discussion of issues raised at March 26, 2019 meeting and solutions.
- Tab D** Discussion of Florida Statute 161.58, Vehicular Traffic on Coastal Beaches, as it relates to Ordinance No. 2015-13.
- Tab E** Discussion of final judgement in Case No. 90-397-CA, Amelia Island Company vs. Nassau County, as it relates to vehicular traffic on the beach.

PRESENTATION(S):

- Tab F** County Manager/County Attorney, Mike Mullin re: chart addressing County Ordinances.

INFORMATIONAL ITEM(S):

- Tab G** Citizen concerns and comments received via email from March 26 through April 8, 2019.

COMMITTEE MEMBER ITEM(S) AND COMMENTS:

- Any other items to be brought before the Committee.

ADJOURNMENT

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 548-4660 or Florida Relay Service at 1-800-955-8770 (v) or 1-800-955-8771 (TDD) at least seventy-two hours in advance to request such accommodations.

UPCOMING MEETING(S):

Wednesday, April 17, 2019 at 5:30 p.m.

American Beach Community Center, 1600 Julia Street, Fernandina Beach, FL 32034

Wednesday, May 15, 2019 at 5:30 p.m.

James. S. Page Governmental Complex, 96135 Nassau Place, Yulee, FL 32097

**BEACH COMMUNITY WORKING GROUP
APRIL 11, 2019 – 5:30 P.M.
CALLAHAN MULTI-PURPOSE FACILITY
CALLAHAN, FLORIDA**

The Beach Community Working Group meeting was held this 11th day of April 2019 at 5:30 p.m. in the Callahan Multi-Purpose Facility, Callahan, Florida.

Present were Michael S. Mullin, County Manager/ County Attorney; Taco Pope, Director of Planning and Economic Opportunity; Gil Langley, Director of the Tourist Development Council; Douglas Podiak, Director of Facilities Maintenance; Butch Osbourne, Director of Operations, Nassau County Sheriff's Office; Mac Morriss, Ex- Officio Member, and Lowell Hall, Ex-Officio Member (arrived at 5:34 p.m.). Also present was Heather Nazworth, recording secretary.

Chair Langley called the meeting to order at 5:31 p.m.

It was moved by Mr. Mullin, seconded by Mr. Morriss and unanimously carried to approve the minutes from the March 26, 2019 working group meeting as presented.

Mr. Mullin discussed changing the May 28, 2019 meeting to May 30, 2019 subject to availability of the Commission Chambers in order for Mr. Pope to be in attendance.

It was moved by Mr. Mullin, seconded by Mr. Morriss and unanimously carried to continue May 28, 2019 meeting to May 30, 2019 in order for Mr. Pope to be in attendance.

Next, Mr. Mullin addressed the issues discussed at the previous meetings and tentative solutions. Mr. Hall suggested addressing the parking and camping at the Peters Point. The group discussed using permits for parking and camping.

Mr. Morriss advised that he has been researching instituting a refundable deposit for campers to clean the camp spot or general location. Mr. Mullin addressed issues that the Board of County Commissioners had when they were considering permits for camping on the beach. The group discussed the systems used by the City of Fernandina Beach Marina for the use of restrooms after hours and the state parks' online reservation. Further discussion ensued regarding charging a fee to camp on the beach.

Mr. Mullin responded to an inquiry that anything from the mean high tide line to the water or the erosion control line to the water is sovereign lands in the State of Florida, is where the camping occurs; however, there can be control on the sovereign portion of the beach to a degree. Mr. Mullin stated that the County Manager's Office can research other counties within the State of Florida regarding their camping on the beach.

It was moved by Mr. Hall, seconded by Mr. Podiak and unanimously carried to continue discussion regarding regulations and permitting for beach camping after dark.

Next, Mr. Mullin reviewed the Final Judgment in Case Number 90-397-CA related to vehicular traffic on the beach, including maps, and the Local Act 1577 that references driving on the beach. He commented that the maps are provided as reminders for the areas of the beach where you can and cannot drive. He noted that the parts of the beach between Peters Point and the City of Fernandina Beach Limits is the areas of the beach where the majority of email concerns are referenced. Mr. Mullin responded to Chair Langley's question regarding whether vehicles are required to be four-wheel drive to drive on the beach. Mr. Morriss commented that the City of Fernandina Beach is in the process of mandating four-wheel

drive vehicles only. Mr. Mullin commented that the population for Nassau County is approximately 88,800 and is considered the ninth fastest growing county in the State of Florida. Further discussion ensued.

Marian Phillips came forward to provide support for the beaches. She mentioned that the beach should be available to everyone and not just restricted to four-wheel drive.

Kathie Colgrove came forward to provide comments. She stated that it is not necessary to restrict people from having access to the beach. She discussed limiting the number of vehicles allowed on the beach.

Pete Smith came forward and requested that the committee focus on camping on the beach. He stated that the current situation has specific problems and the approach should be with a positive solution. Mr. Smith suggested creating different experiences at different areas of the beach. He explained that the county ordinances are silent regarding camping. The issue with camping on the beach is the trash and human feces left behind due to the campgrounds being too far away from restroom facilities. He suggested creating restricted areas for campers to have use of facilities rather than the dunes and the use of permits would assist.

Next, Mr. Mullin provided a chart addressing the county ordinances to be reviewed.

Chair Langley commented that all emails are forwarded to the committee members for review and consideration.

There being no further business, the meeting adjourned at 6:24 p.m.

**BEACH COMMUNITY WORKING GROUP
5:30 P.M., WEDNESDAY, APRIL 17, 2019
AMERICAN BEACH COMMUNITY CENTER,
1600 JULIA STREET, FERNANDINA BEACH, FL 32034**

AGENDA

**CALL TO ORDER
ROLL CALL**

PUBLIC COMMENTS

- Any member of the audience wishing to speak on any items listed above or any other beach related concern.

DISCUSSION ITEM(S):

Tab A Discussion of issues raised at the April 11, 2019 and solutions.

INFORMATIONAL ITEM(S):

Tab B Citizen concerns and comments received via email from April 9, 2019 through April 15, 2019.

COMMITTEE MEMBER ITEM(S) AND COMMENTS:

- Any other items to be brought before the Committee.

ADJOURNMENT

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 548-4660 or Florida Relay Service at 1-800-955-8770 (v) or 1-800-955-8771 (TDD) at least seventy-two hours in advance to request such accommodations.

UPCOMING MEETING(S):

Wednesday, May 15, 2019 at 5:30 p.m.

James. S. Page Governmental Complex, 96135 Nassau Place, Yulee, FL 32097

Wednesday, May 30, 2019 at 5:30 p.m.

James S. Page Governmental Complex, 96135 Nassau Place, Yulee, FL 32097

**BEACH COMMUNITY WORKING GROUP
WEDNESDAY, APRIL 17, 2019 – 5:30 P.M.
AMERICAN BEACH COMMUNITY CENTER
1600 JULIA STREET, FERNANDINA BEACH, FLORIDA**

A noticed meeting of the Beach Community Working Group was held on April 17, 2019 at the American Beach Community Center, 1500 Julia Street, Fernandina Beach, Florida.

Committee members present were Michael Mullin, County Manager/County Attorney; Taco Pope, Director of Planning and Economic Opportunity Department; Butch Osborne, Sheriff's Office; Douglas Podiak, Facilities Maintenance; Gil Langley, Tourist Development Council; Mac Morriss, Ex-Officio Member; and Lowell Hall, Ex-Officio Member (arrived at 6:03 p.m.). Also present was Peggy Snyder, recording secretary.

Chair Langley called the meeting to order at 5:34 p.m. It was noted that County Commissioner Aaron Bell, District 1, was in the audience. Due to the large attendance, Chair Langley advised that public comment would be limited to three minutes.

Mr. Mullin explained that the reason the Nassau County Board of County Commissioners established the beach committee was to address issues that have been brought to them that are occurring on the beach. The goal of the County Commission is to provide enough public forums to allow input from the public. When the Board of County Commissioners begins their public hearings, they will have the availability of every e-mail and comment received. The purpose of this working group is to gather and discuss information about the beach issues and provide a recommendation to the Board of County Commissioners.

Chair Langley thanked everyone for attending to express their concerns regarding the beach noting that the County currently has four ordinances related to the beach and the goal is to condense four ordinances into one to address the various issues. Mr. Mullin pointed out that beach driving was controlled by a special act of the State Legislature and the final judgement of the Circuit County in 1992. He explained the process once a proposed ordinance is presented to the Board of County Commissioners. The Board of County Commissioners will be provided all the comments made at the committee meetings as well as e-mails received. The Board of County Commissioners will hold public hearings as well to allow the public to provide comment.

Mr. Morriss pointed out that this beach committee is considering the predicted population boom of Nassau County and ensure that controls are in place to accommodate the growth over the next few decades so that the beaches will be enjoyable for all Nassau County residents.

Mr. Langley explained that the committee members continue to research other beach communities and parks in various areas in the State. He advised that no matter what draft ordinance this committee brings forward, there will always be people in favor and in opposition. He also advised that every resident that wants to be heard will be heard. Mr. Mullin provided his e-mail address for anyone who wishes to provide their comments by e-mail. Mr. Langley requested that if any audience member knows of a beach community that has done a good job of managing their beaches, he asked for the audience to e-mail him with that information.

It was noted that Lowell Hall arrived at the meeting at 6:03 p.m.

The following audience members came forward to express their concerns regarding beach issues:

- Mary Duffy – Questioned the County’s process following these public forums. Mr. Mullin stated that the goal is have one beach ordinance dealing with the issues the committee recommends. Ms. Duffy pointed out that nothing good happens on the beach at night.
- John Egbert – Requested an update of what work the committee has done so far. Mr. Mullin explained that there have been concerns expressed with beach camping, night driving on the beach, people defecating in the dune area, loud noises at night, and four-wheel drive vehicles creating ruts in the sand. He advocated banning night driving; having a permitting process for camping on the beach with restrictions; and more restrictions on beach driving.
- Phil Scanlan – Felt it important to have goals for safety for children, erosion, dunes, and beaches. He advised that there are two State Parks in the County which allow beach driving and he suggested that they be more involved in providing access for people.
- Joseph Smaha – He expressed concern with safety as he sees many cars stuck in ruts on the beach requiring a tow vehicle. He could not understand why people want to drive on the beach at night as there is nothing to see. There are people camping in tents on the beach and cars racing through the beach; someone is going to be run over at night. He has seen huge bonfires in the dunes; with high winds, these flames could set the dunes on fire which could spread toward homes.
- A. J. Adam – Concerns with environmental problems and safety issues associated with camping on the beach; loud music; high-wheel pickup trucks tearing up the beach and dunes from Peters Point Park to American Beach at night; children running up and down the dunes; and sea turtles not coming to shore to nest due to the number of people on the beach and dunes at night. He pointed out that the dunes are storm and flood protection for the beachfront property owners. He suggested directing people to the two State Parks in the area that have facilities to handle camping on the beach.
- Marilyn Green – Thanked the committee for their hard work. She requested an ordinance that will be enforceable. She inquired if a new beach parking/driving study was going to be done. Mr. Mullin advised that there is no additional beach parking since the last study 30 years ago or any ability to acquire additional parking areas. Ms. Green stated that she would like to see beach driving stopped. Mr. Morris pointed out that it had been suggested to turn Peters Point Park from a beach driving area into a beach parking area which would require parking attendants and a strict low speed limit. He added that as the population grows, so will the problems.
- Michael Linynsky, Ms. Green’s neighbor from Sandpiper Condominiums, requested that she ask questions as he could not attend. The first was, “Is customary use legally enforceable?” Mr. Mullin had previously responded to Mr. Linynsky via email and advised that customary use is enforceable. His next question was “if someone got injured on deed and title property on the beach, who is responsible?” Mr. Mullin responded that the University of Florida Law School Articles written by law professors address customary use and private property rights states, in general, that there is no liability because the customary use means that what you own by deed is subject to the customary use of the general public. Ms. Green asked if the comprehensive beach program that the TDC was working on included these issues. Mr. Mullin advised that what Mr. Langley presented was a plan for cleaning and maintenance of the beach.
- Patricia Conway – Is totally against driving on the beach. Her fear is that someone will get killed by a drunk driver on the beach.
- David Helmer – Moved here in November and realized the asset this community has with this beach. He then saw what happens on the weekends. Generally, the comments are that the community wants to keep the beaches as natural as they can and keep cars and trucks off the beach. He could not imagine anyone taking their children to a Walmart parking lot on Sunday to play. That is what Peters Point Park is on Sunday. Regarding camping, he suggested that Nassau County get in touch with the city planners from San Francisco and ask them how the camping on the beach has worked out. He projected that the next thing the county will be spending money on is the “poop patrol” which they have in San Francisco because they cannot walk anywhere without walking in feces. The County should do what is best for the beach and its animals and sea life because ultimately, this will be what is best for the people going to the beach.

- Roger Fraser – Addressed the protection provided by the dunes and requested signs be posted for people to “Keep off the Dunes”. He felt that controls should be put in place for beach camping to avoid having people “living” on the beach. He discussed the amount of taxes paid by the 98 homeowners at the Carlton Dunes Condominiums
- Ann Kendall – She is on the Board of Trustees of South Amelia Island Shore Stabilization Association, Inc. (SAISSA) along with geologists and engineers and she advised that the most damaging problem to the beaches and dunes is beach driving.
- Beverly Egbert – Explained the number of groups that are “living” in front of the Carlton Dunes Condominiums with their tents backed up into the dunes. With the current ordinance allowing camping from Fort Clinch to the south end of the island, it is a free-for-all and a homeless situation is occurring. She suggested only allowing camping where there are restroom facilities and dune setbacks. She also suggested having monetary fines for dune encroachment that can be enforced.
- John Plowden – Expressed concern with the alcohol, drug use and noise on the beach.
- Rick Howe – He is a property owner and the Director of the Carlton Dunes Condominiums. He explained that this committee was tasked with collecting data and comments; however, the five elected members of Board of County Commissioners is making the final decision. He encouraged the audience members to attend these Board of County Commissioners meetings when this proposed beach ordinance will be heard. He also explained how much money the Carlton Dunes Condominiums spent on refitting their building with sea turtle protective lighting and windows. He did not understand how campfires and car lights would be good for the sea turtle hatchlings at night. He agreed that an ordinance that is best for the beach will ultimately be the best for all Nassau County residents.
- Joyce Jefferson – Came forward as the President of American Beach Property Owners Association and agreed with what each speaker has stated. She explained that the same problems the Carlton Dunes Condominiums suffer from are multiplied at American Beach and Burney Park. American Beach is a sea turtle nesting area also. Safety is also a concern. Solicitation is a problem at night at Burney Park as well as overnight camping.
- Ruth Mathews – Moved here from Rehoboth Beach, Delaware, another beach community with many restrictions on beach access. There are fines for every restriction to prevent the “family” way of life from disappearing. With parking restricted at Rehoboth Beach, park and ride lots were created and the busses have bike racks. She suggested Nassau County make their restrictions tighter and institute fines for violators; the money generated by fines can go towards replenishing the beach as needed.
- Phil Scanlan – Suggested the committee consider Nassau Transit and park and ride lot capabilities. He also suggested the use of bike trail for beach access.
- Viola Walker – She requested that the memorandum and recommendations she sent to the Board a few weeks ago be entered as evidence. She stressed the importance of finding a solution for beach parking.
- Francis Lott – People who live off-island want to keep things the way they were when their grandfather lived here but the island is different now since the population and traffic has increased. He has no problem with beach driving and camping; however, he objected to people defecating in the dunes behind his house. Proactive, strict beach recommendations need to be adopted. He added that bonfires on the beach have become hazardous.
- John Egbert – Advised that the violations seem to stop when the Sheriff’s deputies are present. He advised that he also owns a home in Avalon, New Jersey that charges the beachgoers \$10.00 per day.
- Pete Smith – He felt that these beach issues were a result of the County’s growth; the majority of the population lives off-island and are the majority voting for County Commissioners. As this is a political issue, he did not feel that beach driving or camping would be eliminated. He offered to send the committee suggestions or recommendation. Mr. Morriss pointed out that all help is welcomed.

- Marla Miller – Addressed the beach parking issue and requested that the committee recommend parking not on the beach. The beach is the jewel of the County. She stated that the beach property owners have done everything to protect the sea turtles and maintain the beauty of the beach. She did not understand why it is okay for people to drive their four-wheel drive trucks with their lights on at 2:00 a.m.

Mr. Langley summarized the issues that were mentioned: parking, camping, driving on the beach, misuse of dunes, and bad behavior including alcohol and drug use. The next meetings will be May 15, 2019 and May 30, 2019 at 5:30 p.m. at the Commission Chambers in Yulee.

Lowell Hall, President of Citizens for Public Beaches and Shores, addressed the group emphasizing that he has heard the concerns of the public regarding the beach. In his opinion, the beach issues need to be addressed incrementally. There will need to be regulations on the beaches to get this under control and adjust as they go. He pointed out that they can come up with the greatest plans but enforcement must be funded. This beach is unique and offers different things to different people.

Deputy Osborne stated that he had met with the Sheriff and their main goal is to ensure that whatever this committee recommends is a definitive ordinance that can be enforced. He pointed out that people are permitted to camp for 24 hours; however, the Sheriff's Office has no idea how long they have been there. He added that the beach belongs to everyone in the County and the Board of County Commissioners has the final say. He emphasized that this committee is working for all of the citizens.

Mr. Hall explained that this group tonight was the largest yet; however, he cannot make his recommendations based upon the number of people who attend a meeting. Mr. Morriss stated that there have been numerous social media posts in favor of beach driving. Mr. Hall and Mr. Morriss pointed out that any changes to the beach ordinance should be accomplished in increments or phases. Mr. Morriss advised that a large percentage of the County citizens support beach driving.

The following members of the audience came forward to speak regarding their concerns regarding beach issues.

- Helen Sessions – Questioned why changes would need to be incremental. Mr. Morriss explained that he gathers all the information and he will go to where the facts lead him.
- Joe Smaha – Lived in Sanibel, Florida with pristine beaches. He felt that the approach to the beach issues should be environmental. There should be an environmental report or study from a group like the University of Florida. He pointed out that the four-wheel truck drivers who like bonfires will overwhelm the Board of County Commission meeting; therefore, there must be science behind whatever this committee brings forward to make changes. In his opinion, the sea turtles would be a good example. People cannot argue with the science behind the issue.
- A. J. Adam – Stressed the importance of public safety on the beach. Protection of the dunes is very important.
- Francis Lott – He stressed the importance of doing the right thing. His fear was that the County Commissioners will do what will get them reelected.

Mr. Langley thanked everyone for attending. The meeting adjourned at 7:18 p.m.