



## Committee Addresses July 4th Issues

### Description

By Cheryl Dowden, February 15, 2020

On February 10, 2020, the Recreation Committee held a work session meeting, which the public was permitted to attend.

The purpose of this meeting was to address the July 4th Balboa Beach issues and possible solutions. In addition to other issues, there was overcrowding on July 4, 2019. It is anticipated some of the same issues could reoccur this year as the 4th will be on a Saturday.

Committee members present for the meeting were: Chairperson, Donna Aylward; Vice-Chair, Holly Harck; Mary McNamer; Tom Paprocki; Tammy McCullough; Don Langston and Jim Betts.

Secretary, Serena Gonzales participated by telephone conference.

Additionally sitting at the table, were Nancy Luehring, Board Liaison; Stacy Hoover, Director of Recreation; Jamie Caperton, Chief Member Experience Officer.

Committee member Larry Wilson was absent.

Chief Ricky Middleton was a special guest who was brought in to explain what the Police Department can and can't enforce.

### The conversation continued from last month

At last month's Recreation Committee meeting, there was a discussion regarding Balboa Beach and how to avoid some of the issues that occurred on the last 4th of July.

Stacy Hoover, said, "The question came up. 'Can we limit the use of amenities?'"

## **There must be reasonable suspicion before the police can be involved**

Chief Middleton said that there must be reasonable suspicion that a crime has been or is about to be committed in order for him to become involved.

Middleton asked, “So my question is, you can make all the rules that you want, but that may not rise to the level of a law enforcement issue. So how do you enforce your own rules?... I cannot make an unlawful arrest.”

The allowance of vehicles parked in the area would be a fire code issue. The state police are in charge of enforcing fire code issues. Middleton was not aware of any occupancy code for open-air events.

## **POA documents which help clarify the use of common property**

Hoover stated she wanted to go through some of the POA documents.

Hoover explained, “According to the Declaration the common property is ‘any improvement owned by the Association’, which includes the Balboa Beach.”

“The Declaration says that if you own property in HSV, you are a member. Your name must be on the deed,” the Director of Recreation specified.

Hoover explained that you can assign your privileges which provides membership rights to the assignee.

The Declaration does define who is considered to be a “guest and what are guests allowed to do.”

Hoover said, “The Declaration provides for a member’s access to common property.”

The Bylaws define the common properties. These include roads, streets, lakes, golf courses, permanent parks, permanent recreational spots, water systems and sewer systems.

The Bylaws also define who has the right to the enjoyment of the beach, stating, “any member shall be entitled to the use and the enjoyment of the common property and the facilities as provided in Article 8 of the Declarations.’

Furthermore, “The Directors shall make such rules from time to time and shall be relative to the use of common property and facilities by guests of members.”

Under POA Policies, “The properties and facilities of the association are maintained for the use, benefit, and enjoyment of members and their guests.

The General Rules and Regulations say non-member amenity users must:

- Register at the office or check-in area of the facility or with an on-site representative of the Department,

- Present their proper identification, and
- Pay the user fee if applicable.

### **HSVPOA Beach Rules**

The beach rules are as follows:

- No lifeguards – swim at your own risk,
- No pets,
- No profanity,
- No smoking,
- No glass containers,
- No loud music,
- Do not leave your children unattended,
- Stay within the buoy area,
- Beach closes at sundown, and
- Beach patrol staff has authority.

### **Renters and non-property owner staff**

The POA documents do not mention renters and their children. Hoover said, “They are not excluded and they are not allowed”... “There are renters who have been assigned the privileges to the property that they are renting.” These renters can then use the amenities at member rates.

Hoover went on to say, “Employee membership rights are laid out in both policy and in the personnel manual and those are enjoyment rights for the employee.”

Donna Aylward said she wanted to give as many residents access to the beach as possible.

Can a charge for the beaches be instituted or a charge for a special event? Hoover stated we have charged for special events in the past.

### **Jamie Caperton offers possible solution**

Jamie Caperton said she has planned events for 40 years and one of the things that can be done is to band the attendees. First, it must be determined how many people will be allowed on the beach. Caperton said, “Members can come by [the POA Administrative Office] and get up to the number of

members they have listed [for free].”... Members will also be able to buy a certain number of guest bands.

### **Tents at the beach on July 4**

Caperton said there should be a designated tent area and tents should only be allowed in this area. The tents should not be upfront because they will block the view of people sitting behind the tents. The tent space should also be purchased in advance. The number of tents should be limited.

The Chief said, “From a legalistic side, you are going to have to have a barrier [for tents].”

Board Liaison to the Recreation Committee, Nancy Luehring said there may be an enforcement issue because they are talking about rules and not law.

Chief Middleton recommended that Stacy Hoover check with the POA attorneys before they do anything.

It is a discussion point as to whether the POA could limit gate access to the Village on July 4. Possibly, If there is not a pass issued at the gate, then that party is not allowed entrance.

### **How much authority does the Beach Patrol have?**

[Beach Patrol](#) is part of the Compliance Department. If the Beach Patrol observes illegal acts, then they need to contact the Police Department.

If members break a rule, their privileges may be suspended for 30 days. The members who live outside of HSV, are not heavily affected by this.

Donna Aylward said the next steps will be:

- Looking at fire safety laws, and determining the beach capacity, and
- Looking at Ms. Caperton’s plan and determining if and how this might work.

It was determined that a sub-committee is needed and will consist of three or four members.

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[Click here to view the Balboa Beach discussion](#)

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The Recreation Committee held its regular monthly meeting immediately after the Balboa Beach discussion.

[Click here to view the regular Recreation Committee Meeting \(February 10, 2020\)](#)

The Recreation Committee members are our friends and neighbors who work diligently to find solutions for many recreational issues in the Village. Much thanks to each and everyone one of them for their dedication and tireless service to the community.

As always, the ideas from this committee are not set in stone. The Recreation Committee does not set policy and can only research, discuss and recommend solutions.

Thank you for reading. Please consider bookmarking this site so you will not miss any updates.

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By [Cheryl Dowden](#), February 15, 2020

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