

West Galveston Island Property Owners Association
October 20, 2012

The WGIPOA Board meeting was called to order at 9:00 a.m, by Jerry Mohn, President. A quorum was established by attendance of Clay Lewis – Sportsman Road, Tom Boothe – Condo’s, Peggy Zahler – Spanish Grant Bay, Lee Petros - Pointe West, Al Galli – Jamaica Beach, Debbie & Bruce Reinhart – Kahala, Boyd Carr – Isla del Sol and Mary Jan Lantz – Bermuda Beach. Susan Gonzales, CKM Property Mgt, Secretary for WGIPOA was also in attendance. . Jay Hellerich from Acapulco Village was also in attendance.

Jerry Mohn introduced the dignitaries present. From the General Land Office, Commissioner Jerry Patterson, and Helen Young – Deputy Commissioner Coastal Resources. From the Parks Board, Kelly de Schaun – Executive Director, Mario Rabago – Deputy Director, Marie Robb is on the Parks Board of Trustee and is on the Galveston City Council, and Dr. Craig Brown – Chair of the Parks Board of Trustees. From the City of Galveston, Mayor Lewis Rosen, Judge Frank Price, Libby Stone – Coastal Development Planner – Department of Planning and Community Development, and Galveston City Manager Michael Kovacs. Former Mayor Joe Jaworski was also recognized. Mayor Pro Tem from Jamaica Beach, Eddie Burke, was also recognized as well as Otie Zapp, Chairman of the Galveston Windstorm Action Committee, and Bill Broussard, President of GAIN.

The minutes were reviewed. Upon motion duly made by Tom Boothe and seconded by Clay Lewis the following resolution was adopted by unanimous vote. RESOLVED THAT, the Board approved the minutes of September 15, 2012, and the Treasurers Report.

Community Policing – Officer Myers stated there have been changes, Chief Henry Porretto was sworn in as Chief of Police and Lt. David Torres is now representing the west end and handling the community policing activities. There have been 17 crimes on the west end since January. Over all for the island there were 1065 property thefts but only 33 thefts for the west end. Patrols are generated for the number of calls generated. He feels the west end is not reporting all the thefts – regardless of the size of the theft, Officer Myers stressed the need to call in any crime regardless of the size. The Police Department keeps on files all the calls and the patrols for any area really depend on the number of calls. There is a continuation of patrolling in the neighborhoods.

Lt. Joel Caldwell – **GARM** – stated it has been very quiet they have received no calls. Contact GARM 40-682-3603.

Peggy Zahler – **WGIPOA newsletter**. Peggy stated the last newsletter of the year was published, we are in year 2, and there has been more and more interest. Jerry Patterson’s office has been contributing to the newsletter.

Marie Robb – City Council – **District 6 Happenings**. Marie stated the Planning Department released their report on Land Development Regulations and she requested that it be set up on the website to allow enough comment time. Non-parking areas – trash is being picked. Marie would like to know from the west end any issues on infrastructure - on potholes, cracked streets, etc, and other neighborhood infrastructure issues. Marie.robbs@cityofgalveston.org or call her at 409-256-4518.

Jerry Mohn introduced **General Land Office Commissioner Jerry Patterson**. Commissioner Patterson stated that the \$45 Million dune construction and sand nourishment project he put together in 2010 from the end of the Seawall to 13 Mile Road was stopped when the Severance Case decision by the Texas Supreme Court occurred. The Texas Constitution advises the State cannot spend public funds on private property and the Severance decision made the dry beach areas private property and the wet beach as public.

Commissioner Patterson reviewed the history of the original land grants from the Texas Sovereignty, over years land was given by a grants in the form of a survey or by a call (survey measurement term) each conveyance had four (4) corners, the boundary referenced to the gulf of Mexico with its changing moving property boundary. If your beach grows you gain title and you pay nothing. The state owns the submerged lands 9 nautical miles into the Gulf of Mexico to the mean higher water mark. This data is based on tidal data and takes into account the measure of mean high water and mean low water over 18.6 years. The public beach easement was from the mean high tide line up to the vegetation line. If the easement moved landward onto private property, the State could seize it but now with an avulsive event, they cannot.

Ownership has not changed since the Severance decision – what changed is the public beach easement. From the mean high water line to the continuous line of vegetation the public had the right to be on it. Severance Case changed it to if the movement is caused by an avulsive (hurricane) event, the easement does not move and the State cannot claim title to the property. The Open Beaches Act had the rolling easement in favor of the public that allows access to and use of the beaches on the Gulf of Mexico, the boundary of which easement migrates solely according to naturally caused changes in the location of the vegetation line, without proof of prescription, dedication or customary rights in the property so occupied. With a Rolling easement – you can continue to spend money on the beaches. The GLO cannot spend money on private beaches, without the rolling easement.

Static easement is defined by a survey, with a rolling easement you would have to have another survey. The GLO plans to change the definition of the avulsive in the upcoming legislative session to allow the GLO to spend money on the beaches. It was pointed out that some of the erosion on the beach is man made. Commissioner Patterson referenced John Anderson's book.

Marie Robb and Chris Robb made a point that a majority of work done on the US shorelines is from mean high tide seaward. Jerry Patterson's response was all beaches are different and we may not have the money for that type of project. Jerry Patterson further stated the type of easement to beachfront owners wanted after the Severance decision was a static easement and the State cannot do any project on this basis unless it is a rolling easement. He said a static easement is a recorded document defined by a survey on the ground but they are no good when you have high tides and you need another survey. Jerry Patterson stated notwithstanding something we can do by statute; the state is not likely to participate in a dune restoration and sand nourishment project unless there is a rolling easement. To contact Jerry Patterson: jp@glo.texas.gov.

Other:

Easement: WGIPOA is working with legal counsel on an easement to be presented to the GLO. We are trying very hard on resolving the issues on getting renourishment.

Noise Ordinance: A noise ordinance was passed for 85 decibels; we are concerned that that is inadequate. Although not sure what 85 decimals is and whether it is too high or low. It is measure at the origins of the compliant. Surf is at 78.

Ike Dike – Jerry Mohn & Marie Robb went with a group of 40 people led by TAMUG Dr. Bill Merrell to visit five Ike Dike systems in Holland. We are convinced that the dike system would work.

Trash Barrels: The parks board is cleaning trash on wet beach. The Parks Board has identified two types of sites for trash barrel pickups. On site where the public has access to the beach like at 13 Mile Road and 8 Mile Road and the Parks Board will continue to pick up here. Offsite refers to the areas where no public access to the beach is possible like in front of Kahala Beach Estates and the City will now pick up these trash barrels. Property owners or Associations are responsible for raking the seaweed.

The **Land Use Plan** by the City of Galveston will make another presentation in December 2012.

Galveston Windstorm Action Committee – looking at an increase of 5% of properties on the west coast. The GWAC and Chamber of Commerce are very active. Big rally at the State Capital in Austin on March 5, 2013, to protest the rates. Need to let legislatures know we do not like these rates.

Adjourn at 10:55 a.m

Susan Gonzales, Acting Secretary