

Beaches & Shores Advisory Committee
Thursday, October 1, 2009
Charlotte County Administration Center
Room #B-106

Members Present

Robert Pierce, Chairman
Dick Whitney, Vice-Chairman
Tommy Brock
John (Jack) Landis
Bill Weller

Excused

David Nellis
Kevyn Schweim

Staff Present

Commissioner Bob Starr
Missy L. Christie, Env. & Ext. Services
Jane Starr, Recording Secretary

Guests

Michael Poff, CEC
Wilma Katz, CWC, Inc.
Camilla Spicer, CWC, Inc.
Norma Zvosec, CWC, Inc.
Mike Zvosec,

- I. **Call to Order/Roll Call/Determination of Quorum**
Chair Pierce called the October 1, 2009, **Beaches and Shores Advisory Committee** meeting to order at 9:09 a.m. noting a quorum was present.
- II. **Approval of Minutes**
A motion was presented by **Bill Weller** to accept the Beaches and Shores Advisory Committee minutes as written. The motion was seconded by **Tommy Brock** and the minutes for **August 13, 2009** were unanimously accepted.
- III. **Additions/Deletions to Agenda** - *None*
- IV. **Chairman Comments** - *None*
- V. **Commissioner Comments** - *None*

Old Business

Update on Stump Pass Dredging and Beach Restoration

Michael Poff stated he is in receipt of the project worksheet from FEMA to approve the County's request for funding to restore the beaches in the wake of Tropical Storm Fay. He reported that, in reviewing the application, the Department of Environmental Protection has issued a second request for additional information. Further clarification in writing has been requested from the DEP regarding their request and it was stated this should be received as early as next week. Information was also provided regarding a teleconference that took

place earlier this week. **Mr. Poff** stated the Public Works Department has asked him to present the forthcoming information to County Administration. He stated he did not anticipate having documents out to bid for a late 2009 or early 2010 project and felt the start date for a dredge would be at least five (5) months away. A question and answer period ensued and **Mr. Poff** responded to questions and concerns.

Tommy Brock mentioned changes that have occurred as a result of removing the GEO textile tubes and felt long term plans need to be discussed to keep the north to south flow from dumping sand back into the pass. A discussion ensued.

Dick Whitney asked if the estimated time frame for dredging to begin would interfere with nesting season. **Mr. Poff** responded that the permits do allow for construction to commence during nesting season, but the Board of County Commissioners will ultimately have the final decision as to how and when to proceed. **Chair Pierce** commented that it was his understanding there was not enough money for additional dredging. **Mr. Poff** stated the Budget office has confirmed there are sufficient funds in the MSBU/MSTU dollars to cover the state's share, but it will be the Boards decision if they want to borrow from this fund to front the DEP cost share knowing that there is no guarantee of reimbursement. Additional comments were offered by **Commissioner Starr**.

(Jack Landis arrived at 9:30am)

Michael Poff reiterated that a second submittal to FEMA is required to get the project fully authorized and he suggested inviting Jason Stoltzfus from Budget and Administration Services to present additional funding information. Further discussion resulted in the decision to have Mr. Stoltzfus present at the November meeting with a follow-up in December and to reschedule the discussion on the groin system for January, 2010.

(Missy L. Christie arrived at 9:33am)

Discussion continued regarding the dredging project and the response from the Department of Environmental Protection. **Tommy Brock** asked **Mr. Poff** if he felt a letter from the Committee would be beneficial and was told he felt it was premature at this time. **Chair Pierce** asked if there would be any problems as a result of delaying the project. **Mr. Poff** confirmed that from a navigational standpoint, there might be local knowledge needed to avoid bumping bottom, but from a flushing and hydraulic standpoint, he did not see any problem in waiting until next fall, assuming it is a quiet hurricane season in 2010. **Chair Pierce** inquired if FEMA would provide additional funds if a storm were to fill in the pass during the 2010 season and was told this question would best be answered by Mr. Stoltzfus next month. **Mr. Brock** asked when **Mr. Poff** last visited the area and voiced concerns that the recent deterioration has not been observed. He

described the current conditions and **Jack Landis** agreed with his assessment. **Mr. Poff** stated the project's purpose is to provide sand to the beaches for storm protection and permitted fill segments and not for navigation purposes and advised that a navigation project would need to be funded locally at 100 percent.

VI. New Business

FSBPA Beach Watch Membership – Members to be appointed to present request to MAC at their October 8, 2009 meeting

Chair Pierce advised that Kevyn Schweim contacted the Marine Advisory Committee and stated, because of Sunshine Laws, that they have requested this to be presented in a formal fashion at their next meeting. **Dick Whitney** advised of information he discovered in Charlotte County's Comprehensive Plan regarding membership in programs like the Florida Shore and Beach Preservation Association and read a portion of the document. **Commissioner Starr** confirmed that County funds are not available at this time for memberships that are not absolutely necessary and said he would be attending the Marine Advisory Committee meeting on October 8th and suggested this be discussed further at that time. **Jack Landis** confirmed he would be in attendance at the upcoming MAC meeting.

Mr. Whitney asked **Mr. Poff** if he was aware of the Coastal Lands presentation that is being heard before the Supreme Court. **Mr. Poff** provided an update on the situation as he understood it, but stated the best source of information would be to view the newsletters available online at the FSBPA and the ASBPA websites. He added that he encourages all of his governmental clients to continue their membership in FSBPA. In answer to a question by **Mr. Brock**, he stated he did not feel existing projects would be affected by the Court's decision, but felt it could have an impact on future projects.

Letter to Commissioner Starr from Troy Gills

Chair Pierce asked **Commissioner Starr** about a letter he received from Troy Gillis regarding property rights on Manasota Beach. **Commissioner Starr** confirmed this will be addressed but stated it is underdetermined at this time what action will be taken. He stated the solution will need to be defined and fair to all residents.

Commissioner Starr went on to say that there is a lot more public right-a-way available than residents realize. **Mr. Brock** agreed and said he felt there was a proper way to handle intrusions onto private property. **Commissioner Starr** confirmed the County Attorney is looking into Ordinances that have been written in other municipalities and counties that deal with this issue. He also stated that the Sheriff's office has been noticed by the Attorney General that it is no longer acceptable to issue citations unless there is a justifiable legal violation. Discussion continued regarding erosion control lines and it was stated the US Supreme Court will make their decision within the next twelve (12) months and

this will have dramatic ramifications on statutes state wide and federal wide depending on the outcome of the case.

Tommy Brock provided members with handouts of the Beach Restoration Easement Contract he recently received as a homeowner. **Commissioner Starr** inquired about the contract received several years ago and advised he would obtain the previous copy and compare the differences. **Mr. Poff** led a discussion about specific wording with regard to property rights following beach maintenance and the creation of public easements. **Commissioner Starr** requested **Mr. Brock** provide him with an email stating his concerns and he would discuss it further with the County Attorney.

Goals and Objectives for the 2009-2010 Season

Chair Pierce advised that Assistant County Attorney Derek Rooney would speak at the November meeting regarding the current laws that pertain to dogs on the beach. **Missy L. Christy** stated this is a statewide problem and one that is being looked at by many agencies. On a positive note, she advised that a unique species of shore bird was seen nesting on Palm Island and she documented only one dog that came in by boat during round the clock observations over a thirty-nine (39) day period. The owners were advised of the situation and they immediately removed their pet. **Chair Pierce** added additional comments and **Mr. Brock** commented on the lack of signage in public areas that inform residents of the No Dogs on the Beach Ordinance. **Ms. Christy** spoke further on the issue and the importance of finding a balance.

VIII. Action Items

Chair Pierce commented on the letter that was sent to the Commission recommending natural fencing on the beach.

IX. Committee Reports - None

X. Correspondence and Communication - None

XI. Public Comments - None

XII. Staff Comments - None

XIII. Member Comments

Tommy Brock commented on the derelict boat program and provided members with a handout. He spoke of two sailboats that are presently in the mangroves as well as other boats that have been sunk in the area. He suggested obtaining funds for establishing a mooring area in Lemon Bay. **Michael Poff** advised of studies that have been conducted and suggested touching base with Parks and Recreation and the Marine Advisory Committee as there are eligible dollars available through WCIND and other boater grants. **Ms. Christie** advised she works on the

Abandoned Vessel Program and suggested notifying her department to have boats removed.

XIV. Next Meeting

The next meeting is scheduled for Thursday, November 5, 2009, at 9:00a.m. in Room B-106.

XV. Adjournment

Chair Pierce called the meeting to a close at 10:43a.m.

Respectfully Submitted,

Jane Starr

Jane Starr
Recording Secretary