

**Minutes**  
**Beaches and Shores Advisory Committee**  
**Tuesday, January 6, 2015, 9:00 a.m.**  
**B-106 conference Room**  
**18500 Murdock Circle, Port Charlotte, FL 33948**

*\*\*\*Please note that one or more Charlotte County Commissioners may be in attendance at any meeting of the Beaches and Shores Advisory Committee\*\*\**

**Members Present**

Clifford Kewley, Member-at-Large, Chairman  
[vacant], District 5 / Vice Chairman  
Tommy Brock, District 3  
Robert Pierce, FL Shore & Beach Preservation Assoc.  
Dick Whitney, District 1  
Katherine Ariens, District 2

**Members Excused**

Rich Parchen, District 4

**Staff Present**

Commissioner [unable to attend]  
Roger De Bruler, Parks and Natural Resources, Charlotte County  
Chad Lach, Florida State Parks  
Matt Logan, Charlotte County Engineering Division  
Gayle Moore, Recording Secretary

**Guests Present**

Michael Poff, Coastal Engineering Consultants  
Steve Reilly, Sun Herald

**Call to Order**

Chairman Clif Kewley called the meeting to order at 9:03 a.m. and led the group in the Pledge of Allegiance. The Recording Secretary took the roll and it was determined that a quorum was present.

On motion made by Ms. Ariens, seconded by Mr. Pierce and carried unanimously, the Minutes from December 4, 2014 were approved as received.

A suggestion was made by Mr. Whitney to address the annual election of Committee officers; Ms. Ariens asked about whether the election of officers needed to be on the agenda, citing the Sunshine law; the consensus was it did not. Discussion continued regarding the nomination and election of officers for 2015; Ms. Ariens indicated she did not have a copy of the By-Laws and asked that a copy be provided. Chair Kewley nominated Mr. Whitney, who declined the honor; Mr. Brock nominated Mr. Kewley and Ms. Ariens seconded that nomination. Mr. Pierce declined to be nominated, noting that he had already served in that capacity for a number of years, and asked Mr. Brock if he would consider chairing the Committee; Mr. Brock deferred to Mr. Kewley, but said he would be available as Co-Chair or otherwise be available for back-up for Mr. Kewley.

Mr. Whitney moved the nomination for Chair be closed, seconded by Mr. Pierce; Mr. Kewley was elected by unanimous vote. Mr. Whitney then nominated Mr. Brock for Vice-Chair and Ms. Ariens seconded; this nomination was also carried unanimously.

### **Citizens Comments**

None were offered.

### **Commissioner Comments**

Commissioner Deutsch was not able to attend, due to a concurrent Commission meeting.

### **New Business**

*Communicating to the public the current and future plans for beach renourishment on Manasota Key*

Chair Kewley commented on the beach renourishment issues, including the associated costs, that have been raised by members of the public (referring to an email received from Mr. & Mrs. Borasch) and how to respond to such questions. He invited comments and historical context from those present regarding the MSTU and MSBU methods of funding these activities.

Mr. Brock commented regarding questions he has heard from Manasota Key residents regarding erosion along the shore, including comments about lost sand and questions regarding the renourishment. Discussion ensued on whether or to what extent countywide funds pay for the dredged and renourished areas along with MSTU and MSBU funds.

Mr. Whitney asked Mr. Poff about the Erosion Control Line and the funding sources; Mr. Poff commented on the funding sources: WCIND taxes on all county residents vs. the MSTU for West County vs. the MSBU for the island south of Stump Pass that gets direct sand placement, noting that the funding is spread amongst all these sources on a graduated scale, with barrier island residents paying the most and receiving the most benefit. He noted this approach has been in place since 2003.

Regarding the historical context on Manasota Key, Mr. Poff noted that Sarasota and Charlotte had done a joint beach erosion study, from the north Sarasota County line to the south Charlotte County line, but excluding incorporated City of Venice and City of Sarasota which are under Federal Shore Protection projects. The study developed individual plans for each of the beach segments. There were multiple public workshops in both counties. Specific to Manasota Key, public opinion ran 50/50 in favor and against going forward with beach restoration plans. Those against the plans stated that they liked their small "pocket beaches" and had no interest in paying significant money toward beach restoration.

Mr. Poff shared that there have been regular meetings with the Manasota Key Association since 2003; they have been encouraged to go to BCC meetings and let their voices in support of the restoration be heard, and also come to BSAC meetings to discuss this. Only a handful have ever come forward to speak up and request this. Mr. Poff contrasted this response with that from Palm Island / Knight Island / Don Pedro Island, where more than 90% of residents supported the work on their beaches, and created an MSBU to fund the work.

Mr. Poff had further comments about the cost analysis of this sort of project, but noted that the County hasn't moved forward with it due to lack of consensus from the community. Mr. Poff noted that he thinks the BCC would respond positively if such support were shown, and provided additional details on this point. Ms. Ariens asked for clarification regarding his assessment of the public attitude, wondering why residents wouldn't show support if the erosion is such a big issue for them. Mr. Poff referenced the trade-off involved in such projects;

in this case, the establishment of an Erosion Control Line (ECL) which establishes the location of their property line as the pre-construction Mean High Water Line (MHWL) from that point onward. The beach seaward of the ECL is owned by the State of Florida and is publicly accessible. This would permit the public to be on "their" sand, and how this drives their lack of participation. He spoke about how some Manasota Key residents have zealously staked out their property with an eye to limiting intrusion by the public. Ms. Ariens asked about whether it really is THEIR beach or THEIR sand. Mr. Poff explained the concept of where the property line ends, either at the ECL or the MHWL, and further discussion ensued on this topic. Ms. Ariens suggested that these people are now seeing that there's a disadvantage to them by waiting and Mr. Poff agreed. He also pointed out that it could be an economic issue – north of the public beach, where there is limited public access, there's no cost sharing funds available; while south of the public beach, with greater public access, qualifies for cost sharing. Ms. Ariens commented that it was good to have this in the record today, as it would serve to answer the Borasch inquiry.

Mr. Poff stated that with the rock revetments/shoreline armoring the properties on the north end of the Key beginning to fail, this may change the outlook among property owners. In his opinion, there is no available response to that problem that doesn't include adding sand at the very least. Certainly, the cost to address the eventual failure of upland structures would be an order of magnitude greater than a beach renourishment cost. Mr. Whitney asked what percentage of residents would have to vote for it for it to pass; Mr. Poff said to his knowledge there's no policy setting such a percentage; the Commission wants "consensus" but hasn't defined that – perhaps it would need to be a super-majority. Mr. Whitney asked whether, if such a project is approved, do 100% of property owners have to be involved? Mr. Poff indicated that, yes, if they are within the MSTU or MSBU, they have to pay even if they didn't vote in favor. Mr. Pierce commented about how this process worked on Palm Island in the past, where there was some serious pushback from just two people who opposed it. Mr. Poff remembered that they actually went to Tallahassee to present against it to the Governor and Cabinet during the 2003 project permitting. However, the majority overwhelmingly wanted it, and many of them came to Tallahassee to show support for the project.

Chair Kewley commented regarding the Borasch property being located south of the public beach where they, in the past, have been the beneficiaries of the dredges that have occurred. He sought clarification on whether the groin being installed would reduce the amount of sand they would receive in future. Mr. Poff said that was partially true, that the beach would be rebuilt back to a certain point; however the beach north of the State Park is not proposed to get sand now because it doesn't need it now. He went on to say that this beach may get sand in the future, as needed, based on authorizations that are being requested for this project for up to 10-15 yrs. With that said, the ECL will have to be established, and construction easements must be obtained from the property owners; and these things are the task of the County.

Mr. Poff asked if Mr. Brock had ever received an updated easement document from Real Estate Services yet? Mr. Brock answered "no" and commented that once the sand is restored, even if it's under your house, they own that property. Mr. Poff indicated that the County had been given recommended changes in the language to address these issues, but doesn't think the work has been done since then to update the language in existing easement forms. Mr. Brock said he had received one update but the new one still said it would own your property past the construction period, and detailed that they had the right to access across your property or to remove shrubbery, etc. Further discussion ensued between Mr. Brock and Mr. Poff about what the easement language means if that language is not changed.

Regarding the ECL issues, Mr. Poff emphasized, for Manasota Key to receive new beach sand, there must be an ECL, according to the state. Mr. Brock commented further regarding some

survey results he had received; it appeared that he had received information regarding the Coastal Construction Control Line, not the ECL. Mr. Poff explained that the CCCL is a line the state establishes which defines a 100 year flood line; to build seaward of that line, you have to meet very stringent rules to protect your property. He also noted that where the MHWL goes under someone's building, the ECL goes around those structures, because the state doesn't want to own these properties. Some further discussion was held on this subject.

Mr. Poff had one last comment regarding the challenges associated with a North Manasota Key beach project, that being the presence of near-shore hard bottom, which may be affected by the fill, and thus may need mitigation, making the project more expensive. He noted this has not been an issue in Charlotte County to date, where the beaches have been maintained from the pass south since 2003 and no hard bottom currently exists (i.e. is exposed).

Ms. Ariens raised another point on the MSBU, and Mr. Poff said he would make a guess that the County would require the residents receiving sand to be in the MSBU as a part of receiving the benefits in return for providing a construction easement and setting the ECL. He further noted that, if the beach is eroding, the sooner you set the ECL, the better off the property owner will be. Conversely, if the beach is accreting, then the owner might want to wait. Some further discussion ensued on this topic.

Mr. Poff gave hypothetical details about how this process of establishing the ECL would work in practice, including the matter of workshops/public hearings; the residents would be notified by certified mail; and they are allowed to attend and speak before an impartial hearing officer. If there is consensus, you get the ECL; if a majority of those participating speak against it, you won't get the ECL. It is a very formal process, running about six months duration.

Ms. Ariens addressed the lack of understanding of the details on these technical matters on the part of the public; she asked how best to educate the public so people know what is going on and understand what is involved. There followed a comprehensive discussion on the topic, including remarks from Steve Reilly of the Sun-Herald, who emphasized that education is based on repetition. He noted that it was important to rely on all available avenues, since people in general were referring to their smart phones more often than to the print newspapers. He also emphasized the value of advance items describing upcoming workshops or meetings (to ensure participation) rather than just reporting on the outcome of these events. The various available options were discussed at length, including the possibility of having a meeting relocated to the Key to better accommodate those residents.

A question was posed to Mr. Poff by Mr. Brock, regarding the first dredging and the natural rebuilding of the beach northward after that activity, whether that is a potential currently or will jetties help build the sand back. Mr. Poff indicated that the properties north of public beach are too far away to be affected in this manner; these beaches are "sediment-deprived" and there are no projects immediately north of those areas to assist. Nothing changes the fact you need to add sand to address the erosion problem. Having a project to address that specifically on North Manasota Key would be in all likelihood part of an entirely separate process, not an add-on to the current project noting project construction is slated to begin winter 2015.

Mr. Brock asked whether this section can be a separate MSTU/MSBU? Mr. Poff said he thought it could possibly be a separate one, but suggested first looking at the existing Manasota Key MSTU/MSBU. There have been recent conversations with Manasota Key people on how they get in on the project, but it didn't go anywhere, they didn't draw in their neighbors. Even if general agreement was reached, from that point, it would take at least three years before it resulted in sand being placed.

Mr. Pierce related how a civic association was established to develop consensus and push these things through; this is a big step, and one is needed for the Key. Mr. Poff suggested that there could be a two-tiered MSBU, where beachfront properties pay one amount, while the back properties pay a lower amount; Mr. Pierce agreed, reporting that a one-fourth/three-fourths split was how the old one was done for the 1994 Palm Island project. Mr. Brock had another question on matching funds; Mr. Poff responded that extending the project to the north will give it additional lifespan AND there will be more matching funds from the state; the bigger the project, the more of both benefits will accrue to it. Further, a joint project with Sarasota County would get better scores from the state as regional projects. As for whether "seed money" is necessary, possibly but not necessarily.

Ms. Ariens commented regarding taxes, suggesting that issues concerning the beach are very much the same as with education: Even if you don't have kids, you still want citizens to be better educated. These resources benefit everyone. Mr. Poff responded, noting that economic studies have demonstrated that the number one beneficiary of beach restoration programs is the education system. The beach restoration increases property values which then increases the portion of those taxes going to schools. Further discussion on this and related points continued.

### **Old Business**

#### *Michael Poff – Report on results of study in response to reports of shoaling in Stump Pass*

Mr. Poff reported that the buoys have been re-set to mark the deepest water currently available; he has proposed to the County to plan for a few more surveys to keep up with conditions. There has also been a request for removal of the pilings no longer functioning as navigation aids, and this is being pursued. Mr. DeBruler reported that the approval is already in place, but they need a more capable firm than the one they have on contract; it may take six months to make all that happen, as they have to be completely removed so as not to impact the dredging work. Mr. Poff suggested the County consider requesting the assistance of WCIND to pursue this work.

Mr. Brock inquired whether this is referring to the wooden pilings, because he noted a comment from a local fishing boat operator who asks why, if you are dredging, would you want to take them out, if that's going to be the pass? Mr. De Bruler noted that the pilings constituted current dangers, and people have misread what the pilings are telling them which has sent them in the wrong direction. Mr. Brock also commented on the current draft, and he relayed a complaint from a boater whose vessel draws five feet and has issues, so this gentleman is asking for 7-10 feet.

#### *Update on the Stump Pass 10-Year Inlet Management Plan*

Mr. Poff indicated the County has received a second request for information from the State reviewers; it was very straightforward, anticipated communication, nothing unexpected. He also offered comments on the issues surrounding traversing the hard bottom area and finding an alternate way around it, which he said would not hold up permitting. Further discussion ensued on the hard bottom, the size of the area, the needs with regard to surveying, the timing of the surveying, and potential outcomes and liabilities if there was a breach of the pipeline.

#### *Mooring at Chadwick Cove*

In this ongoing discussion, Chair Kewley noted the Committee had sent a letter to the Commission after the last meeting, on the subject of encouraging boating without attracting derelict vessels; content of that letter included concerns about increasing jurisdiction in the area, and suggesting that the Commission would want to become more knowledgeable about the legal issues involved, and eventually set up some reasonable regulation, which might include a mooring field. He asked Ms. Ariens if there had been a discussion at the Parks & Rec Advisory Board meeting; she said their initial response was that it "doesn't concern us" and that she pushed back on that attitude. She reported that they did change their stance based on the discussion that was held. She reported that she had encouraged they study the issue before the upcoming workshop in order to move forward productively.

Mr. Poff recommended Betty Staugler be invited to workshop, as she would have valuable information to share; Mr. De Bruler indicated he would talk to her about it. Further comments were made by Mr. De Bruler on the enforcement activities in the Cove, including the news that FWC just got done doing an entire statewide boarding and inspecting of boats, which resulted in quite a few citations being issued; this activity did not include participation by the Sheriff's departments of the various counties. Chair Kewley indicated the business community should be represented at the Joint Workshop also, as these issues impact their businesses. Concerns were expressed about whether Room B-106 will be big enough to accommodate everyone.

### **Citizen comments**

None offered

### **Staff Comments**

Roger DeBruler offered a comment on how to have more Key participation, noting that Palm Island is a single owner whereas on Manasota Key there are a lot of rental properties, and those people aren't here, they are not going to be reading the paper. He noted that Lynette Auger does registered mail for when she has mailings regarding violations of the sea turtle ordinance, and he suggested this as an alternative.

A discussion of the possibility of the Committee having a Facebook page was held, including a discussion of how sunshine law restrictions might play into this. Ms. Moore commented that the Emergency Operations Center had a Facebook page, and Mr. De Bruler commented on the Community Services Facebook page, and how it is used to deliver information to the public. Mr. Reilly reiterated that the best approach is to use every form of communication available from letters to newspaper to social media. Further discussion of the Sunshine Law then ensued.

Mr. Poff suggested a field trip to the state park beach, the public beach, and if a parking facility could be designated they could also meet on the North end of Manasota Key; the group would have to invite the public to participate also. This could be in March, and then the April meeting could be devoted to discussing the findings.

Chair Kewley asked Mr. Brock whether he knew anybody who would let the group park on their property. Mr. Brock said he would look into it, as well as use of a vessel, but noted that as there is no BSAC budget to pay anyone, people would have to chip in. Further discussion ensued, but in general there was not an expectation of a large crowd.

### **Member Comments**

Mr. Whitney posed a question to Mr. Poff regarding an article he had seen concerning the Cape Canaveral – NASA road on the beachfront, in an area which eroded, and where beach renourishment was considered not to be the answer; instead they decided to put in sand dunes

behind the beach. He asked whether that would be germane to our situation. Mr. Poff indicated that he was not familiar with the project, and so couldn't comment on it specifically, but he noted that dunes are a part of our approach already and were done at the state park, and on the island; dunes are growing since put in place.

Mr. Poff expressed some curiosity about the financials on the other project given that on a barrier island, dunes can be built but the water comes from both sides of island, so eventually it will encroach. Sea level rise is raising new questions for these locations, and it is being asked at federal government level what to do going forward.

Mr. Pierce mentioned the recent news on how high sea level rise will be which is now considered to likely be at the upper limit of past projections. Further discussion ensued on this topic. Mr. Brock asked Mr. Poff if there have been any measurements done recently that speak to these issues; Mr. Poff indicated that based on the tidal datum record that was redone recently, there was a 0.1 foot increase in the published Mean High Water value over the past 20 years. A member of the committee noted that an inch in 20 years is considered significant.

Mr. Brock also asked about interim pass dredging before the big dredging project; the temporary solution remains moving the markers. Mr. Brock also asked about marking of a channel into Chadwick Cove, noting that if there is to be a mooring field, there would have to be channel markers, and so it seems reasonable to have channel markers now. Mr. Poff suggested that this would be a MAC initiative, and so he should bring it up at Joint Workshop. Mr. De Bruler also pointed out that anything outside the ICW is handled by Jason Ouiment, and has to get permitted through DEP, etc., because this area is within an aquatic preserve.

### **Adjournment**

Motion to adjourn was offered by Mr. Pierce, seconded by Mr. Brock; the meeting adjourned at 10:53 a.m.

Respectfully submitted,

Gayle Moore  
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman  
Beaches & Shores Advisory Committee