

**Minutes**  
**Beaches and Shores Advisory Committee**  
**Tuesday, January 7, 2016, 9:00 a.m.**  
**Commission Chambers, Rm. 119**  
**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**

Tommy Brock, District 3 / Vice Chairman  
Clifford Kewley, Member-at-Large, Chairman  
Robert Pierce, FL Shore & Beach Preservation Assoc.  
Dick Whitney, District 1

**Members Excused**

[vacant], District 5  
Katherine Ariens, District 2  
Rich Parchen, District 4

**Staff Present**

Chuck Mopps, Charlotte County Engineering Division  
Joanne Vernon, County Engineer  
Lynette Auger, Natural Resources  
Gayle Moore, Recording Secretary

**Guests Present**

Michael Poff, Coastal Engineering Consultants  
Chad Lach, State Parks  
Commissioner Stephen R. Deutsch  
Capt. Ron Blago, MAC Liaison

**Call to Order**

Chairman Kewley called the meeting to order at 9:01 a.m.

Following the roll call, and on motion made by Mr. Brock, seconded by Mr. Pierce and carried unanimously, the minutes from December 3, 2015, were approved as received.

Chair Kewley welcomed the guests to today's meeting. He spoke to the mission of the Committee so that new guests would understand the priorities.

**Additions/Deletions to Agenda Items**

*None offered.*

**Citizens Comments on Agenda Items**

*None were offered.*

**New Business**

*None offered.*

## **Old Business**

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

Chair Kewley invited Mr. Mopps to lead off on this item. Mr. Mopps navigated through the PowerPoint Presentation (a copy of which is attached to these minutes) and he noted there would be some updates made to the presentation, based on changes to the schedule as shown on the PowerPoint.

Mr. Poff joined the meeting at 9:06 a.m. as Mr. Mopps continued with his presentation, providing further detail about the reasoning behind the timing of the bid process. Ms. Auger joined the meeting at 9:09. Mr. Mopps also spoke to the arrangements that would be made if the dredging work was still going on when the Waterfest 2016 event was scheduled to take place. While noting that the timing changes would cause boaters to deal with current conditions in the Pass for somewhat longer than would be ideal, he also observed that while the Pass is narrow, it is also deeper, due to the force and volume of water moving through it. As indicated on the accompanying PowerPoint, it would be the work on the south end of Manasota Key that would be delayed the longest under the proposed timing changes, and staff is working with the Chamber in Englewood to accommodate the Waterfest activities, and provide appropriate instructions to the contractor for moving their equipment out of the way during the four-day festival pending any cost implications.

Mr. Pierce said he felt the outlined material made sense. Mr. Kewley asked about the permit hold-ups. Mr. Poff responded, noting that the involved agencies work under conditions of "lots of work, not a lot of employees" which stretches the process out for all projects by three or four times the amount of time usually required; additionally, local agencies have had to wait for National Marine Fisheries Service (NMFS) consultation and/or biological opinion, which now involves a legal review on each item, thus impacting all submittals, not just ones from our County. He gave additional detail about the NMFS not allowing the Army Corps of Engineers (ACOE) to render "No Effect" determinations on impacts to endangered species. The current delays are time-generated; they are not issues of incomplete applications being submitted by the County. There is now a regional biological opinion option available for smaller projects which go through review, which will alleviate backlog conditions somewhat.

There was further discussion about the legislative efforts that County staff had made in order to get permit reviews completed by the agencies; Mr. Poff noted that the bid process can go forward while this effort is being made, but the winning bid cannot actually be awarded until the permits are in hand. Mr. Brock asked how long it had been since it was originally submitted to DEP; Mr. Poff said (noting that he did not have the paperwork to refer to) it seemed as though it had been about 15-16 months. In response to a comment by Mr. Brock, Mr. Poff observed that ACOE has no requirements to meet as to timing – only the state review agencies are under time constraints. It is just a frustrating Federal process. Further discussion ensued on this topic.

Chad Lach, noting that work can't be done during turtle season, commented that the original dredging was scheduled for April to June and asked where would that dredge material go; Mr. Mopps responded that it would be placed on Don Pedro Island. Chair Kewley asked whether there were no turtles on Don Pedro; Mr. Poff responded that, according to the state biologic opinion, Manasota Key has one of the highest nesting site rates on Florida's west coast. He explained that because other beaches within the project limits are not as high density nesting sites, work can continue based on implementing Best Management Practices, which involves nest relocations.

Chair Kewley asked whether anyone present needed a review of the background material related to the Stump Pass dredging and was asked to provide a review. Mr. Mopps responded by navigating to the main County web page Project Status Update pages, which he noted were very complete resources for citizens to obtain information on these projects. He spoke at length regarding access to this information, as well as to project details.

Mr. Mopps also noted that the permitting process normally takes 3 years to complete, and then the funding process must be navigated. Mr. Brock asked for the funding mechanism to be described; Mr. Mopps described first the Palm Island MSBU, based on property owned and also offered details on the dredging expenses paid out of the West County MSTU, which includes all property owners in West County.

#### *Beach Erosion Study for North Manasota Key*

Chair Kewley next opened the discussion on this matter, seeking currently available updates. Mr. Mopps demonstrated the process of navigating to this information online. He noted there is a stakeholder meeting of the Sandpiper Key Association on Monday, January 11<sup>th</sup> at 2 p.m., and likely there will be another meeting sponsored by the Chamber in Englewood. Mr. Mopps noted that at this point in the proceedings, the County now has the ability to establish a taxing district for the project; now staff is working to see what the cost would be through different options which could be presented to the Commission, so they could indicate whether or not they even want to go forward with the project based on whether or not it would be deemed affordable. He also referred to the MSTU/MSBU establishment schedule page which had been distributed earlier (a copy of which is included at the end of these minutes.)

Commissioner Doherty joined the meeting at 9:37a.m.

Chair Kewley commented on how he had become aware that municipalities in other parts of the county get federal dollars, and asked why Charlotte County doesn't get that sort of money? Mr. Mopps indicated that the County has often applied for such funds, but we are usually told that we don't qualify; Mr. Poff elaborated, noting that while the ACOE is the responsible permitting agency, historically, they have investigated all the inlets in Florida and all the beaches. They recommended the terminal structure at the south end of Manasota Key immediately updrift of Stump Pass as well as routine dredging for commercial interests. However, when they do their cost/benefit analysis, Charlotte County does not receive enough points to warrant a federal interest; there is not enough commercial interests going through Stump Pass to warrant federal involvement or federal monies being spent on it.

The ACOE also looks at shore protection and storm damage reduction benefits to upland commercial development and residential development; they look at public access, and how much money does that community generate along the beaches that would then, in turn, come back into the federal tax revenues. Again, there is not sufficient revenue generated and not enough public access to the beaches (compare to for example, Miami Beach, or Pinellas County, which host millions of visitors each year, generating huge amounts of revenue for the federal government.)

Chair Kewley noted that there is still participation available from the state; Mr. Poff agreed, and noted that there's also other types of federal aid available -- for instance, via FEMA funding after engineered beaches are eroded from hurricanes. So there are opportunities, but not from the ACOE. Where FEMA doesn't want to help because they

say erosion was balanced by accretion, the County is fighting that determination, but Mr. Poff said he didn't know the current status of that effort.

The state has a dedicated funding source for beaches, and all beaches in the state compete against one another for this pool of funds; Mr. Poff explained that here also, there is ranking, and projects receiving federal dollars receive more funding; also high public access projects receive more funding, and more cost-sharing. The maximum level of state cost-sharing is 50% of total eligible costs, based on 100% public access. Through improvements to public access and parking over time, we're now eligible for about 44% funding assistance on the 2016 project.

Mr. Brock asked how much land is owned by County and State; his point is that access for the public to the state park and County beach makes the access percentage high. Mr. Poff confirmed that 36% of the overall project length from Chadwick Cove to Don Pedro is either commercial or public or state park lands. Mr. Poff also pointed out that the determinations are based primarily on dollars of revenue; compare to, e.g. Siesta Key, which brings in millions of dollars that generate federal tax money -- this is what the feds care about. Further explanation was provided regarding the formulas that influence these decisions. Mr. Mopps also noted the downside of being a federal project, which puts your project on the federal time table, and may therefore delay action.

*[To hear the discussion in its entirety, please visit the Charlotte County Government website at <https://www.charlottecountyfl.gov/boards-committees/bsac/Pages/Meeting-Minutes.aspx> and choose the audio file for January 7, 2016.]*

### **Citizen Comments**

Chair Kewley opened the floor to citizen comments. Commissioner Doherty noted that he was currently sitting in for Commissioner Deutsch who was feeling ill.

Mr. Steve Stump asked for information on the County's position on beach hardening, specifically whether property owners could go further south with boulders. Mr. Mopps responded that such a project would have to be permitted, and if it could be permitted, it would be allowed. Chair Kewley raised the question about whether hardening then destroys beach; Mr. Mopps explained the physics involved in that. Mr. Stump asks if boulders north of Charlotte County caused the scouring here. It was noted that the south end of Manasota Key had seawalls before the north end, so no, that's not the whole story; it had more to do with the fact that the "river of sand" that usually comes south along the coast has dried up, and sand isn't coming through any more. Further discussion ensued on this topic.

Mr. Stump asked, in view of that, is a beach nourishment project futile; Mr. Mopps noted that it was more useful to understand it as a management cycle, one which, the bigger it is, the longer it with last and also, once it is an engineered beach, then you can go back to FEMA to help restore it on the next management cycle. Mr. Stump asked about how much public parking added to the road project on the Key would help the funding; Mr. Mopps felt that it could, because it impacts project ranking in the state cost-sharing calculation. Further discussion ensued concerning the private easements along the north part of the key which some people are OK with changing from private walkways to public ways.

Mr. Andy Wing, Chairman of Manasota Key Streets and Drainage MSTU; current plan includes the possible addition of 52 parking spaces in the commercial part, but nothing has been said about looking at parking on the north end of Beach Road.

Mr. Rawy Shediak had a question about the costs shown in the slides, concerning the \$7million, how was it spent; Mr. Mopps indicated he didn't have the details with him, but offered general comments, as did Mr. Poff.

Mr. Scott Reed asked whether the slides are on the website (yes). He also asked, with regard to beach renewal on the Key, and based on timeline for Stump Pass, we are just beginning this three-year cycle; Mr. Mopps indicated it is actually about one year into the process; we are still trying to determine whether the project can be afforded, and that is a Commission decision. Then comes the Request for Proposal (RFP) part of the process which will take a couple of months; then comes the permitting process.

Mr. Pierce commented that the process has started, but no decision has been made yet to go ahead, and that depends on the residents getting involved. Mr. Mopps responded regarding the possible timeline with reference to the MSBU/MSTU schedule handout, noting that these are the times citizens can indicate to the Commission their support of the project. Mr. Reed questioned then whether it may never happen; Mr. Pierce responded that might be correct, unless the property owners get behind it.

Mr. Don McNamara asked what the consequences would be if nothing is done; he noted that Tamarind (where he lives) had a beach at one time, now it's gone and Tamarind resident have to go to the public beach. This means Key residents will be taking spaces from other County residents because we can get there early. He felt the situation was very serious.

Mr. Brook Risner had questions about quantifying the money that the project would cost, per property owner. He asked whether the proposal works out to something like \$100 per Charlotte County person? \$10,000 per person? He wondered when discussions get to that stage, because that's what is going to drive decision making. Chair Kewley observed that the process was still in Legal to determine how to construct MSTU/MSBU, and those determinations should be available in February.

Mr. Pierce asked whether an estimate could be made based on the current project; Mr. Mopps responded that the projects represented very different magnitudes of work, including the very costly hard bottom mitigation. He felt it would be wrong to give an estimate based on substantially different kinds of work. Mr. Pierce noted that people need to be prepared and that the project cost per resident would not be in the \$100 range; it's going to be substantial.

Mr. Risner spoke about how the project would diminish both privacy and property; Chair Kewley pointed out that the property is already diminished and Mr. Risner responded that was true and he was still paying the same taxes, despite that loss of beach. He said the project was a hard sell to neighbors who have seen the sand come and go; a hard sell to say it's not coming back.

Mr. Pierce observed that the privacy issue had never made a huge difference before; he said he felt it was a little overblown and that the issue is going to be financial. Mr. Brock objected, saying that privacy is a huge issue for people who live on the beach, and asked about the possibility of a 10-20 foot buffer for beach properties and whether there had been any research on achieving that. Mr. Poff responded that their due diligence was specifically about the state-required Erosion Control Line (ECL) which is set at the preconstruction Mean High Water Line (MHWL), as determined with about six months from the start of construction. That line now falls along the rock revetments on the private properties. Where this condition has existed in other parts of the state, the state has allowed for the ECL to deviate from the MHWL seaward one foot past the structure and then comeback and tie in to the MHWL. Mr. Mopps added that the sand would be being placed on top of the structure; Mr. Risner suggested then the buffer might be more than one foot, and described his "slumped" revetments which, if covered with sand, would give him 20-30 feet of sand. Mr. Poff agreed

that was a possible outcome, but not a given; permitting agencies could say the rocks rolled beyond the original footprint ... it just depends.

Mr. Poff shared a summary of the Erosion Control Line process. The process includes the MHWL survey, preparation of survey plats, public hearings, and recording the survey in the County records. Mr. Poff said that there will be a meeting in West County, probably at the Tringali Center, for all residents who care to attend. He also noted that there would be an independent hearing officer present to hear and record the sentiments of the residents, for and against the project. If residents want the project, fine; if they reject the ECL, then the project can't move forward. Mr. Poff also referenced various internet resources for understanding the state's requirement for the ECL; in addition, there has been information distributed to the Committee members which is also available through the Project Engineering Updates portion of the County website:

<https://www.charlottecountyfl.gov/projects/Pages/Project-Details.aspx?project=66>

Mr. Risner asked whether, if the area behind his home becomes public beach, there will be leniency regarding certain restrictions, such as no walking of your dog. Ms. Auger confirmed that the County ordinance restricts dog walking to private property; Mr. Risner confirmed that's the ordinance he had in mind, noting that any new sand would not be his property so he couldn't walk his dog. Mr. Lach and Mr. Brock confirmed the ordinance information as it applies to state lands, but Mr. Lach noted that enforcement is light.

Mr. Thomas Geimer spoke about the privacy issue, which he says is complicated by demographic issues and economic issues. He stated that he owns a commercial rental property and that privacy matters to people he rents to; he said that he has neighbors who pay less tax but still rent out their properties, and their guests come onto his beach. Mr. Geimer indicated that he is paying a premium to preserve privacy, and that privacy concerns have to be part of the considerations in going forward with this project.

Mr. Geimer called the ECL controversial because what police enforce is "as long as your feet are in the water" people can remain on the beach (the public part), and he asserts that if you move the erosion line, it's going to make that explanation even more complicated and preserving his private beach will be more of a challenge. He stated that it would make paying taxes of five figures a year difficult to justify. He wants more support from the County to enforce his privacy.

Chair Kewley sought to understand more about Mr. Geimer's situation, and tries to clarify for him that an ECL will serve to preserve the beach he has now. Mr. Geimer responded, but who will enforce it? He thinks the push to get state or other funding assistance by ensuring public access to the beach means that the average consumer will now feel more entitled to be on his beach. Mr. Geimer thought that enforcement is not something he is comfortable with, saying he has been threatened when attempting to run people off the beach, has had to call the police, and further comments regarding the situation. Further discussion ensued on his situation, with Mr. Brock commenting on best timing of the ECL for preserving the most beach, and perhaps petitioning the County to lower the taxes for people who had lost beachfront, and noting that this had been done in the mid-90s after the loss of beach. So, it may be opening a can of worms, but that is a consideration.

Mr. Wing posed a question about cost-sharing which Mr. Mopps answered.

Mr. Geimer commented that there's also been a FEMA insurance premium increase, don't know if the Commission know.

Mr. Bisgrove suggested that property owners should add their own sand, it might be cheaper. Mr. Mopps noted that private property owners would have to go through the permitting process just like the County would, and would have to have an ECL set according to state law.

Mr. Shediak had a question about ability to do work on your existing revetments; if you have rocks, do you need a permit to change it to a wall; Mr. Poff commented on how to proceed via a field permit, noting there are greater repairs that require other permits.

Commissioner Doherty questioned whether a detailed project timeline has been created so people can know the process timeline; Mr. Mopps suggested that the MSTU/MSBU time chart provided that, but the Commissioner asked for one document covering the specific project, so that all information is in a single place for convenience. He suggested Engineering personnel work with Administration to produce this.

Mr. Brock identifies two prime questions for a public meeting to answer: 1) what will the cost be; 2) addressing privacy concerns of property owners on the beach, which might need legislation to allow the desired privacy.

Mr. Pierce asked if there has ever been discussion of what will happen to the south key over time, and how the establishment of an ECL would protect the property that currently exists. Mr. Poff responded with reference to a detailed erosion study (on the website) noting that erosion patterns pre-2001 were very mild at about one ft./yr of erosion; that average is now 3.5 ft./yr.

Mr. Poff noted that people rejected this sort of project in the past because they were confident the beach would come back naturally, or because they didn't want to work with the County, etc. The objections now are the same as they were then. Science predicts the erosion rate will continue; recent loss has been significant; there is now a trough 10-12 ft. deep, denuding the limestone for 4.6 acres. There is insufficient continuing sand wave north of the revetment that would be equal to filling in this area. Naturally, much depends on storm patterns – storms were very harsh for a while, and then were quiet until recently; but the area may be due for heavy storms again. The erosion trend is likely to affect more and more of the Key. Mr. Poff closed by predicting that if you asked the residents today, those same people may wish they had gone ahead with what was proposed back in 2003.

Mr. Risner asked about Sarasota participation; Mr. Poff responded that Sarasota County (like the southern end of Manasota Key in 2003) has no motivation today to join in a project; there's nothing in their funding stream for this and they had a lot of the same issues with property-owner disinterest in such a project.

### **Staff Comments**

Mr. Mopps announced he is leaving the County to pursue other opportunities. He referred to Ms. Vernon as person who will be over-seeing the Stump Pass project until she appoints someone to that position.

### **Member Comments**

Mr. Whitney referred to an article regarding possible opening of Bird Pass and asked staff about the status. Mr. Mopps suggested that the City would have better information; he noted that they are still investigating whether it would even be permissible.

Mr. Brock questioned the meeting schedule for MSTU/MSBU hearings. Ms. Vernon indicated that she can't speak to that because her group did not create the schedule. Commissioner Doherty speculated that this is about getting property boundary data into the Property Appraiser's system, not about budgeting money for projects.

Chair Kewley mentioned the two meetings in February and asked if there will be a presentation on the north Key erosion situation. Mr. Mopps explained that at the Joint Workshop, it will either be his replacement or Ms. Vernon presenting. Chair Kewley suggested that there was no point to have both the workshop and the BSAC meeting; Mr. Pierce motioned to cancel the February Beaches and Shores meeting and for members just to attend the annual joint workshop; second by Mr. Whitney. The motion passed unanimously.

Mr. Whitney proposed a resolution to express the Committee's deep appreciation of the efforts of Chuck Mopps during his service to the group. The Resolution language was: *WHEREAS, Mr. Chuck Mopps has been of great service to the Beaches and Shores Committee of Charlotte County for the last several years, including several years of active service on behalf of his country, we express our appreciation for his diligence to the job, and the assistance that he has given us, and that his presence has been much appreciated.*

Mr. Brock asked if Mr. Mopps will be at Jan. 11<sup>th</sup> meeting on the Key, which it was indicated he would be; Mr. Brock asked Mr. Wing to see that meeting is publicized. Mr. Poff indicated that meeting will be largely a repeat of today's information. Mr. Wing indicated the meeting location next Monday would be at Gulf to Bay room on North Beach Rd.

### **Adjournment**

Motion to adjourn was offered by Mr. Brock, seconded by Mr. Pierce; the meeting adjourned at 10:57 a.m.

Respectfully submitted,

Gayle Moore  
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman  
Beaches & Shores Advisory Committee