

DRAFT MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, April 14, 2016, 9:30 a.m.
Charlotte County Administration Center
18500 Murdock Circle, Room 119, Port Charlotte, FL 33948

1. Call To Order and Pledge of Allegiance 9:30

2. Roll Call

3. Chairman's comments

A. REMINDER TO ALL VISITORS ADDRESSING THE COMMITTEE: PLEASE SIGN IN. It is helpful when preparing the Minutes. A clipboard and a pen are provided on the podium for your convenience.

B. REMINDER TO ALL MEMBERS STATE THEIR NAME AND ORGANIZATION and TO USE THE MICROPHONE WHEN ADDRESSING THE COMMITTEE. It is helpful when preparing the Minutes.

C. REMINDER TO ALL MEMBERS AND VISITORS TO PLEASE SILENCE THEIR CELL PHONES.

4. Changes to the Agenda

Mr. Darden asked for the CCSO grant request to be added along with the discussion on the trestle repair grant request.

5. Citizen Comments on Agenda Items

None.

6. Regular Business

A. Approval of the Minutes of the Pre-Agenda Meeting from April 7, 2016 – Additions, Corrections or Deletions – none offered. Approved by acclamation.

B. Approval of the Minutes of the Regular Meeting from March 10, 2016 – Additions, Corrections or Deletions – none offered. Approved by acclamation.

C. MSBU Update

Mr. Logan provided details to accompany the written report distributed earlier:

- Alligator Creek had the pre-bid yesterday and the bids are due back on May 4th;
- Buena Vista Waterways (WW) - Marine Contractor was selected and approved by the Board, and we are now awaiting Purchasing to schedule the pre-construction meeting;
- Gulf Cove WW submittals have been made, now awaiting Army Corps permit;
- Harbour Heights had a pre-bid meeting yesterday; bids are due back 4/27;
- Hayward canals – surveys of the canals are being prepared for;
- Manasota Key North Beach Erosion – there is an RFP out now for a consultant to do the design and permitting; County staff is still working on how to fund that project;
- Northwest Port Charlotte, a recent survey indicates they are stable;
- Pirate Harbor – we withdrew the old permit and are working to schedule site visit with DEP, FWC, etc., to discuss potential mitigation strategies;

- Stump Pass – we are still awaiting the easement back from state, it should be forthcoming shortly; the project is on schedule.

Ms. Buck asked regarding Alligator Creek, how far up the creek the dredging will go; Mr. Logan indicated it would go up to where the creek narrows. Commissioner Deutsch commented on any projects that might not be moving as quickly through the Corps, indicating staff should touch base with him so that WCIND can assist in getting it pushed through.

- D.** Budget Update – Mr. Darden offered brief comments regarding the Financial Report handout he provided, reviewing grant money activity past and projected; he then called for any questions on the Financial Report. Commissioner Deutsch asked if there are any projects in the lower section that he anticipated may not be up and moving before the next fiscal year; Mr. Darden responded that there was nothing significant, and further indicated that he would be talking with grantees over the next quarter to ensure that funds get timely spent.

Mr. Darden also reported that he was working with WCIND regarding the FY17 grants. There had been some pushback for the portable classroom project for the Flotilla which had included about \$1,900 for permitting and licensing, and WCIND doesn't fund that, so an adjustment will be made to move that into the BIF local funds. Regarding the USCGA and Punta Gorda's Patrol Boat, because this is reimbursement, it requires making sure they will have the upfront funds, or if the County would have to come up with those funds for them. We need legal advice on whether we can pay that up front and get the WCIND reimbursement of their half.

A deal was struck on trestle, between WCIND and Fiscal Services and others, resulting in a very good deal with WCIND Regional funds paying for 80% of the project, and the County paying the remaining 20%; an application will be discussed later this morning on this project. Commissioner Deutsch offered additional comments on the trestle subject, noting his feeling that the County is getting its fair share of reimbursement which we had fought for, since it had been considered the County's total responsibility in the past. Further comments were offered on this topic, including the possibility of putting a historical marker on the end of the fishing pier regarding the phosphate industry.

Roger DeBruler commented on the agenda topic regarding the ICW Navigation Survey – Mr. DeBruler indicated this refers to a request by the WCIND for the US Coast Guard to find out if there were any obstructions within the ICW; if you know of any such obstructions, please report them so they can be cleared.

Mr. Buckley reminded the group of the small grant approved for a weather station on the harbor, and reported that project is proceeding; it had been planned to be placed on marker 3, but eventually settled on marker 4 which is lighted and better protected. Mr. Darden cautioned that the group please not spend the money until Oct. 1st or it won't be reimbursed, because it is a FY17 grant.

7. New Business

- A.** Presentation by Betty Staugler: the Charlotte Harbor Fisheries Forum. Ms. Staugler showed a PPT regarding "empowering local communities to engage in fisheries governance in meaningful ways" (a copy of this presentation is attached to these minutes and made a part hereof.) The final results of the forum

appeared to focus on Boating Behavior as a thing the group felt they could have an impact on; Ms. Staugler indicated the next meeting would be May 12th at Lashley Marina in the Community Room, from 6-8:30 pm. Commissioner Deutsch commented on boating safety, and suggested getting more involvement through The Waterline, as they will be supportive editorially or through articles; Ms. Staugler indicated their publisher had come to the last meeting. Mr. Hamilton asked whether the presentation was online, and was advised that it would be included as part of the minutes. Capt. Blago requested further information about the safety zones; Ms. Staugler mentioned that regulatory permitting can be very difficult to push through, whereas by using the buoy approach, you only have to permit the device, not the behavior. Capt. Blago, referencing the historical pole and troll controversy, noted that both commercial interests and guides had vehemently opposed it, and asked if things had changed; Ms. Staugler responded that commercial fishers remain very opposed and that the group is not proposing this. Instead, it would be an "educational zone" enforced through peer pressure. Capt. Blago asked where it would be, and was advised the buoys would be between Alligator Creek and Pirate Harbor, marking the deepest area where newbies can safely boat.

- B.** Review MAC Policy re: Boat Funding – Chair Ireland introduced this topic, referencing the most recent rounds of funding, and commenting on concerns over boat funding, since that is not our mandate. The idea has been put forth that the Committee needs a better approach to people who will request funds for new or replacement boats; specifically, that they need to fund 50% of their expense and we can make up the balance. He called for comments and Capt. Blago responded, noting that in the past about 70% of the MAC budget went for boats. He indicated that he thought NGOs (e.g., Coast Guard Auxiliaries) and our own County Departments should be considered separately. Look at both of them as different: County staff have department budgets and they should include boats in those budgets just as they do patrol cars or fire trucks. NGOs are different, and MAC has traditionally felt more generous and understanding toward them, since they have no other source of funds. Chair Ireland indicated that he agreed with this distinction, and noted that if any given budget set aside a specific amount each year (e.g., 10% of a total expense) they would have their 50% contribution. Mr. Hamilton said it would be informative to find out what other counties do; what are their policies with regard to boat purchases. It was agreed to get that information before next year's grant application process. Mr. Hamilton suggested the group table this matter until next month's meeting. Ms. Buck recommended that when a new decision is taken, that prior applicants be informed of the new restriction. Chair Ireland called the question on tabling the issue, which was adopted by unanimous vote.
- C.** Boca Grande Railroad Trestle Repair – Grant request. Mr. Darden presented, with Mr. DeBruler assisting. Chair Ireland noted that this version is a reduction in the requested amount and expressed appreciation that they had taken a second look at it. Ms. Buck asked about a large chunk of metal on the trestle which at one time it was thought might be recycled – would that be part of this request; Mr. DeBruler responded that the current effort would concentrate on stabilizing the structure, because right now it's teetering on a concrete pedestal, on top of which is a "turntable". The fenders (or outer spans) have all disintegrated, so it is essentially just balanced now but if a storm moves it, it will fall over and then block access from the second bridge into Gasparilla Sound. At that point, it

would cost much more to deal with. Justin McBride has suggested is to restabilize and resupport that now, and there is no decision at this point whether to keep this structure for its historical value, or remove it for scrap. Commissioner Deutsch commented on the age of the structure; Mr. DeBruler also pointed out that this turntable allowed boat passage to go through the trestle when phosphate was being loaded. Commissioner Deutsch added that the concern is not just the turntable, but also the timbers (dead heads) that create a substantial hazard to navigation. Mr. DeBruler commented further on the "removal" which is actually re-supporting/stabilizing, not removing the entire trestle; the work will be stabilizing what's there, removing only pieces serving no purpose.

Mr. Hamilton asked how long the fix would last, and when is it anticipated that additional funds will be required. Mr. DeBruler responded that we don't know, but that hopefully it would be longer than five years; he noted that pilings which are properly installed and maintained last for around 20 years. Commissioner Deutsch estimated anywhere from 5-10 years, but emphasized that the work has to be done now. Capt. Blago asked about the metal portion of the swing bridge and whether it was composed of some special metal that someone would pay to take away; he wondered if it would be there forever; Mr. DeBruler said that at this point, it seemed the metal would be there forever. Mr. Harris asked why that metal wouldn't be sold for the cash; Commissioner Deutsch responded that the County could look at that for the future, but that the primary issue is boating safety and user safety. Further discussion ensued on this topic.

Mr. Hamilton noted that funds are from the CINF, and asked how much will be left in that fund; Mr. Darden said it would leave about \$30,000-35,000 after this expenditure. Further comments were offered on where the funds will eventually come from. Mr. Hamilton moved to approve the request, second by Mr. Gertner; unanimously approved.

- D.** Chair Ireland noted that the Charlotte County Sheriff's Office (CCSO) had submitted a late request for funds for overtime for WaterFest 2016 (no advance paperwork was provided on this) and asked Mr. Darden to present details of the request. Mr. Darden noted that he has no money left in the Boater Improvement funds (local or state), and that WCIND will only fund marine operations, not land operations. Commissioner Deutsch indicated he would take the fight to WCIND, arguing that the land operations are 100% related to the water activity. Mr. Darden responded that, in view of that, the Committee should vote on the CCSO application for \$31,000 and see if WCIND opposes paying for it.

Capt. Blago asked how this request affects the overtime pay of \$20,000+ that was already granted; Mr. Darden pointed out that money has to be spent before Oct 1st, whereas the WaterFest will be not held until November. Capt. Blago observed that would be more than \$50K in over two years? Commissioner Deutsch commented on the very positive activity and response from locals regarding last year's WaterFest; he also suggested that other communities are substantially more generous to their Sheriff's office for water-related activities. Mr. Kumm moved approval. Chair Ireland asked the CCSO representatives about Cpl. Lytle, who normally appears in support of CCSO matters, and learned from Gary Ellsworth that Cpl. Lytle is now on the road, and CCSO is choosing a new person on the water; there is still a marine patrol. Mr. Dye seconded Mr.

Kumm's motion; discussion ensued. The question then being called, it passed unanimously, Chair Ireland abstained.

- E. Gasparilla Estates Slow Speed Zone – Mr. Jason Ouimet indicated he had received a request for a slow speed / boating safety zone behind Gasparilla Marina (not a named waterway.) Mr. Ouimet noted it was already considered a slow speed area by residents, but was not enforceable since it was not officially marked. He noted that FWC considers that this situation meets every statute requirement for marking. This meeting is intended for the MAC to hear from the residents, but not to vote on it today – Mr. Ouimet indicated he anticipated having another meeting with residents before bringing the matter back to be voted on.

Mr. Ouimet had some graphics to accompany his comments about conditions in the area (these graphics are attached to the minutes and made a part hereof.) He indicated that some residents hoped the slow speed zone would not include the entire channel abutting their Estates, but only be imposed on the part also used by kayakers, noting that when kayakers return to the waterway from the Wolverton Trail, it is a blind corner and therefore if there are boats on the water, it can be dangerous; Mr. Ouimet also had video of boats powering past a resident's dock near that trail entrance, which he offered along with comments on the boating conditions here. He then suggested opening the public hearing; Chair Ireland cautioned prospective speakers, based on the number present, to limit their remarks to two-three minutes. He also advised the citizen group that the MAC is not a deciding body, and that their issue ultimately goes to the Commission for a decision.

Mr. Roger Harris, the resident who made the request, noted that the activity described by Mr. Ouimet occurs in front of his property; the majority of boaters are courteous and friendly, but there are a couple who are not law-abiding, and who put others in danger. Mr. Harris also said that about nine feet of his property has eroded into the canal, which is also due to excessive boating speeds. He felt that many of these boaters have never taken a boating safety course and do not know they should moderate their speed. Ms. Buck asked what he would recommend; Mr. Harris responded that he favored signage. Capt. Blago asked if this waterway was a shortcut or a dead end; he was told that it dead ends at the marina. Capt. Blago also questioned the reference to this waterway as a "private" canal, and asked who owned it; Mr. Harris said that it was public "down the center" and acknowledged that navigable waters are all state-owned.

Ms. Elizabeth Fitter, resident of Gasparilla Estates, called this canal a "speedway for joy riders"; she added that her property is also eroding from the boat speeds.

Mr. Mike Tokarz, resident of the community and a director of the HOA Board, offered a detailed commentary, from which is appeared that he doesn't want to be included in a speed zone, since the community residents self-police so they don't need this. His comments also indicated that he thought the canal or part of it was privately owned.

Mr. Jack Lawrence, park manager, also read into the record a letter in opposition to signage from the owner of the Park; he likewise was against the signage because slow speed is enforced by park residents. Capt. Blago asked for

clarification, commenting that while residents might not need the slow zone, the public does; so he asked if there is a consensus or a majority opinion.

Commissioner Deutsch posed a few questions; first, how long a run is this – is it miles? Mr. Ouimet responded that it is 4100 ft. total. The Commissioner sought to understand what might be the negative side of going slower for $\frac{3}{4}$ of a mile? Also, Commissioner Deutsch noted, in his experience, there's a pecking order on the waterways of who has right of way; so in terms of boater safety, what could be the problem with working to have boater safety. Mr. Lawrence responded in terms of rules in the community by-laws regarding water safety, noting people can get evicted from the park if they don't observe the rules. Commissioner Deutsch responded that since not everyone who boats there also lives there, they may not know the rules and penalties, so wouldn't it be good to caution them?

Chair Ireland confirmed that the community have their own signs up, and observed that they do also on the east coast ICW – everyone has signs up, but no one pays any attention because they are not official ordinance signs. He asked, why would a couple of signs be a problem? Mr. Lawrence responded with information about the nature of this dead end canal, but did not address the question of the community's objection to official signage. Commissioner Deutsch tried again to get specific information about the nature of the objection to the posting of signs, asking whether they felt it was over-regulation, property rights or something of that nature. He stated he could not understand what the objection was if posting the signs could prevent even just one accident.

Mr. Rose asked if this issue was just impacting the 2000 ft. to the entrance. Mr. Dye indicated that there are two areas, developed and undeveloped; he acknowledged that the developed area can be self-policing, but that wasn't also true in the undeveloped area, where there is both fast boating and danger to kayakers.

Mr. Len Harris, noted that this area is an aquatic preserve; that boaters have a responsibility for their wake; but without legal signs, you're going to have a problem. He observed that the community members say the occasional speeders are not residents, but what difference does that make; just put the legal signs up to ensure safety. Ms. Buck commented that Alligator Creek not only has signs but also a reflective mirror for blind intersections. Mr. Kumm suggested the public continue speaking.

Mr. Skip Galeone, President of Mobile Homeowners Assoc., stated that his opinion changed when he saw one or two boats speeding. He said that he had no objection for signs at the entrance to the canal, although everyone is concerned about enforcement further up the canal, which they believe is a private canal.

Ms. Linda Rohrback indicated she was confident about the self-policing effort but realizes now they didn't know there was a problem, especially with regard to the kayakers. They are concerned with "more government" because that issue is a "hot spot with everybody". She also felt the signage should stop at the point where the kayakers come into the canal, and not be "in our back yard."

Mr. Dan Gualtieri also spoke to the issue of the self-policing, stating he is one of those doing the policing. He noted that there used to be signs in the canal for low wake that slowed down outsiders; however, when the blueway was posted,

those other signs were removed. He felt the signs being proposed now would let people go faster than the original signs did. He also stated that as far as problems with kayakers go, they get there from channels where boats go much faster than on this canal, so if kayaker safety is the issue, look elsewhere. But he closed by saying he didn't have an opposition to signage at the entrance.

Mr. Mark Packer, resident of the community and a safe-boating instructor, lives in first house as you enter the waterway; he stated he was appalled to see that video of the boat on plane in front of his house. He offered his opinion on the kayakers' abilities (or lack thereof), but indicated they are respectful of boat traffic; the speeding boater should be arrested. He indicated he had no objection to signage at the beginning of the canal. He asked if there is a budget of money to put law enforcement in that canal; Chairman Ireland thought that would not happen.

Mr. Ouimet offered some clarifications: Mr. Harris's property is 1000 ft. from the entrance to the Coral Creek Waterway; he said he would have no problem limiting signage to the beginning of the canal, up to where the mobile home park starts, but that he was obliged to remark that if there were to be an accident later, and the history of this matter is that it came before the MAC and we tried to recommend signage that was not accepted, that might be a problem.

Commissioner Deutsch indicated he still didn't understand the opposition to signage. He pointed out that while the HOA has rules, you can't evict a stranger, whereas signage would mean they could be arrested, and asked: What's wrong with that? Comments were made from the citizens, but not at the microphone, so they were mostly inaudible; one gentleman referred to fears that "there was another agenda in here somewhere" while another resident indicated they "don't want the law" in their backyards. Commissioner Deutsch requested that the matter be tabled, and let staff and the residents sit down together to talk it out.

Mr. Hamilton offered a motion to table; some members responded that they preferred to finish the matter up. Mr. Harris offered a motion to make a recommendation to put legal signs on that section on the south end of the canal up to where it makes the 90 degree turn; seconded by Ms. Bareither. Capt. Blago offered the thought that the group is being asked to regulate stupid boaters, but no signage will make them smart. Mr. Hamilton pointed out that he made a motion first, to table it; Mr. Harris agreed, on the condition that staff meets with residents. Upon the question being called, the vote was unanimous to table the matter.

Commissioner Deutsch, Mr. Hofmeister, Mr. Buckley left the meeting; most of the public left the meeting.

F. ICW Navigation Survey – this matter was addressed at the beginning of the meeting.

8. Old Business

A. Boca Grande Pass - Relocation of Buoys – Chairman Ireland indicated this matter did not need further discussion.

B. Boca Grande North Minimum Wake Zones – Jason Ouimet spoke regarding his discussion with FWC. He said the County had gotten to go ahead with the

minimum wake zone project; now they notice the public for 21 days, that they may ask for hearing. If one is requested, it will be held in Charlotte County. If the determination is in our favor, it goes back to our Board so, it is a slow process but it is moving along.

9. Other Business

Chairman Ireland indicated that a new membership applicant, Mr. Ron Jelliff, is present today, and asked if there were any questions for the applicant. He invited Mr. Jelliff to speak, which did, covering his personal details briefly, noting he had moved about a year ago, to South Gulf Cove; he has been a boater for about 8-9 years, and was with Coast Guard Auxiliary in the Keys. Ms. Buck asked why he wanted to join; he replied that he was interested in the County and in boating, and that he had learned quite a bit from today's discussion. Mr. Rose motioned acceptance of his application; after discussion the question was called, and unanimously approved.

Mr. Andy Wing also approached and turned in an application for the vacant member-at-large position, which the group decided would be discussed at the next regular meeting.

10. Citizen Comments

None offered.

11. Good of the Order

A. Chair Ireland indicated he would not be here for pre-agenda in May, Ms. Buck will Chair.

Next Meetings

- The next Pre-Agenda Meeting will be held Thursday, May 5, 2016 at 9:30 a.m. in the Room B-106.
- The next Regular Meeting will be held Thursday, May 12, 2016 at 9:30 a.m. in Room 119.

12. Adjournment

On motion made and unanimously accepted, the meeting was adjourned at 11:39 a.m.