

**DRAFT MINUTES**  
**CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE**  
**Thursday, December 11, 2014, 9:30 a.m.**  
**Charlotte County Administration Center**  
**18500 Murdock Circle, Room 119, Port Charlotte, FL 33948**

**I. Call To Order and Pledge of Allegiance**

**II. Roll Call**

**III. 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**

**IV. Changes to the Agenda**

None

**V. Citizen Comments on Agenda Items**

None

**VI. Commissioner Comments**

Commissioner Deutsch received congratulations from the group on his becoming a grandfather. The Commissioner made comments regarding the holidays, upcoming topics on today's agenda (Stump Pass), and indicated the Commission assignments had been made and he would continue to be liaison to the Committee. He indicated there may be funds available from WCIND to move the markers in Stump Pass. He also invited Committee members to his church's Living Christmas Tree event.

Comments were offered on Chadwick Cove and the indications that there is greater pressure on the vessels out there; Officer Lytle was invited to comment at this point and he indicated, in answer to a question regarding the prospects for compliance, that he did not believe they would even comply. He noted that one of the individuals is the "sovereign citizen" who has arms on his boat and who comes to Commission meetings to inveigh against "illegal" enforcement. He's been given a warning, a citation, is still not in compliance and is still resistant. There is another vessel out there with five other vessels tied off to it now, including two which are used for storage; community members have indicated this person is dealing methamphetamines. He is considered to be dangerous, and he - like the sovereign citizen, also videotapes County meetings.

Officer Lytle explained more about the enforcement process and noted that these guys are willing to "push it" with law enforcement. The officer also invited Committee members to ride along on an enforcement visit; he stated that Sun Herald reported Steve Reilly went once and can comment on the experience. Further discussion ensued, including information about enforcement personnel availability for this task and the range these same officers need to cover in addition to Chadwick Cove; Officer Lytle indicated he schedules the whole day to do the Cove. He indicated that he was providing this information as a prelude to a discussion of adding another position to his enforcement team, through WCIND funding.

Mr. Harris spoke about the length of time this enforcement effort has gone on and asked whether it was time to get the state involved since Chadwick Cove is located in the aquatic preserve; Officer Lytle indicated that there are a few FWC personnel already involved.

Ms. MacMurray approached the podium to comment on recent fecal coliform samples taken at Chadwick Park; she indicated that once the data is back (in a couple of months) then that goes to DEP compliance personnel for assistance, and they may be able to do something then. Commissioner Deutsch asked whether the County can tie a positive sample into a particular boat; Ms. MacMurray said that she was not sure about that possibility. Further discussion ensued about the likelihood of being able to identify polluters; Ms. MacMurray indicated that it could more likely be tied to an area; Officer Lytle indicated that if it is tied to the area, that would be enough for stepped-up enforcement. Chair Ireland asked if there was anything the Committee could do; Officer Lytle responded that the Committee could help out with funding for another officer and the necessary equipment, including a surveillance camera in Chadwick Park. Mr. Schermerhorn had questions for Ms. MacMurray on the types of samples being taken which she responded to. Ms. Buck asked if there any other compliance issue we can get the worst offenders on in addition to sewage; Officer Lytle responded that the mooring balls there are also illegal, and further discussion ensued on that point. He noted that it was necessary to tread lightly, stating that if the decision is made to cut a vessel loose, that then creates a different kind of hazard.

Chair Ireland observed that issuing citations doesn't seem to work and asked what if the person doesn't pay; Officer Lytle responded that his license could be taken but if he doesn't have one. Eventually a criminal citation will be issued, leading ultimately to a summons and arrest. Mr. Schermerhorn asked the officer if he was familiar with the mooring surveys; Officer Lytle responded that he was, and added that this is a big problem everywhere. Further discussion ensued on the study.

## **VII. Regular Business**

- A. Approval of the [Minutes](#) of the Pre-Agenda Meeting from December 4, 2014 – Additions, Corrections or Deletions. – Approved without objection that the minutes be approved as posted.
- B. Approval of the [Minutes](#) of the Regular Meeting from November 13, 2014 – Additions, Corrections or Deletions. Approved without objection that the minutes be approved as posted.
- C. MSBU Update  
Mr. Matt Logan offered a brief summary of the items on the monthly report which had been provided to members in hard copy. He noted a number of projects which have been completed and can come off the list, including the Ackerman and Manchester waterways (WW), and Edgewater North. The permit status for Alligator Creek is being reviewed; there are Gulf Cove WW proposals to combine channels; this study has been given a go-ahead by their committee to determine feasibility.

With regard to Stump Pass, Mr. Logan noted that Coastal Engineering has submitted the formal RAI last month and is expecting a response from DEP within the next couple of weeks. They are also working on the funding agreement, which has increased to potentially \$300,000. Last to be mentioned was the shoaling-in of the channel; Coastal Engineering did the required survey, and

provided the information to the signing and marking division. Once that Division's trailer is fixed, they will go out and put in the new buoys. Mr. Poff did say that at the current time the controlling depth is approximately five ft. mean low water. Additionally Mr. Ouimet is getting cost information on removing the two wood pilings out there and putting in a lighted aid platform on the concrete pile.

Ms. Buck asked, concerning Stump Pass, if boater's need to get information on conditions in the Pass, who should they contact? Mr. Logan did not have that information; he was hopeful that the channel marking will be established by next week, and they are considering having Coastal on contract to do quarterly surveys to ensure they will be well marked.

Ms. Buck also commented that many things seem to get held up at National Marine Fisheries (NMF), and asked what the story is with them? Mr. Logan noted that the Army Corps has taken the cautious approach by seeing that every project goes to them for smalltooth sawfish review; therefore NMF has many reviews to do and not enough staff.

Capt. Blago noted that the marking at Stump Pass is a 20-year problem; moving markers is at best a temporary solution, the best advice for people is to stay outside the pass and wait for a bigger boat to go through, and follow the bigger boat. It is a "local knowledge" situation. Capt. Blago then pointed out that whether the jetty will stabilize the Pass is the big question. Commissioner Deutsch also commented on expectations for the completion of the project.

Mr. Ludvig asked about the impact of the bridge work along Edgewater on Committee members. Commissioner Deutsch responded that while the bridges will be closed for a year or so, he believes the WWs must be kept open, and can't be closed all day long so that ingress to lake area will remain available with only short limitations. Mr. Andy Stevens confirmed this.

D. Budget Update – David Johnston late – will come back to this

### **VIII. New Business**

Update on Bay Heights Project – Mr. Andy Stevens presented information on the Bay Heights project, describing his contact with Roger Warner, the project manager, who sent an email update on the project progress, which Mr. Stevens read to the group. This covered the project seeking authorization to remove the existing pilings from the basin where the trailer park used to be; to construct a public boat ramp associated with 20 vehicle/trailer parking spots, docks; dredge to a depth of five feet at mean low water in the basin and also dredge for an ingress/egress channel, and other details related to the installation of a seawall. Mr. Stevens said that the matter is in the Army Corps queue. He noted that DEP has worked with the County on mitigating impacts to the seagrass beds.

Mr. Stevens also offered an update on Jason Ouimet, who oversees the Stump Pass buoys, and who wrote to him that Coastal Engineering got out to the Pass recently and they did the requested bathymetric survey; this survey will allow plotting coordinates for the new buoy placement. The buoys should be in by Dec. 12<sup>th</sup>, weather permitting. He also noted that the two wooden pilings will be removed from the Pass and there will also be a new tower with a new type of solar light, which should be completed by Jan. 1<sup>st</sup> at a cost of \$11,000-\$12,000.

Commissioner Deutsch asked these notes in writing which he would use as part of a request to get funding. Mr. Stevens took the opportunity to remind members that the Commissioner regularly attends the WCIND meetings, and works hard for the funding; Mr. Stevens suggested that Committee members go to these meetings also to see how this committee operates.

Ms. Buck mentioned, with regard to Bay Heights, that there had been a big question about parking, turning, and cars entering onto the roadway, and she asked if this had been resolved. Mr. Stevens responded that apparently DOT had no issue with the situation; he added that he realizes that it's a difficult spot, but DOT says it meets the turning criteria. Mr. Harris also had a question on Bay Heights about funding; with the additional things that need doing, is it still coming in at \$5.2 million; Mr. Stevens said that he would defer to David Johnston for a definitive answer.

Mr. Roger de Bruler stepped up to the podium next; Mr. de Bruler wanted to clarify a question Mr. Buckley had asked earlier, whether it was about the shrimp boat the Iron Ox or the one to be reefed. He noted that the artificial reef project got pulled by the owner, who backed out of agreement because he thought he'd get more money from state; however, the state declined, at which point, he backed out of the whole thing. Commissioner Deutsch asked who owns property where the boat is; Mr. de Bruler said it was owned by Placida Marina. The Commissioner asked if he was renting the slip, because if he was in a rental but not paying then that boat will belong to the marina. Further discussion ensued on that point and other aspects of the situation. Commissioner Deutsch asked Mr. de Bruler to touch base with the boat owner one last time and find out his intention.

Chair Ireland requested Mr. de Bruler to mention details of the life jacket program he is involved with. Mr. de Bruler described a grant given by the Sea Tow Foundation which will be used to install kiosks at marinas and boat ramps to supply life jackets to the public for free. This is a program which has gotten great response so far in other spots, and so they asked the County if they could do it here at parks, and Parks and Rec Board agreed. They are going ahead with facilities at Placida, El Jobean, Spring Lake, Ponce (if the city agrees), the Port Charlotte Beach Complex, and in Harbour Heights. The Chair asked how theft will be reduced at unmanned boat ramp; Mr. de Bruler responded that this is an "honor system" operation and that the Foundation will replace jackets for free. Ms. Buck noted that there has been no theft in the program so far in other places. Mr. de Bruler was asked if someone will be contacting the City about participating and he confirmed that, noting that there already is one at Laisley and at Fishermans Village.

Mr. Stevens returned to the podium to discuss the Sheriff's Boat Electronics Request and opened the discussion with some details about the request, noting that it is looking for additional funding through the Navigation Improvement Fund, which does have the dollars available to meet the request. He also offered a reminder that CINF funds are available throughout the year, requests don't have to wait until March. Officer Lytle then provided further detail, noting that this request for money for electronics for the vessel arises out of last year's vessel request. He stated that the grant application submitted to the Committee last year was \$10,000 less than what was intended, for unknown reasons. So the amount granted was \$10,000 short of the amount needed and the Sheriff's

office had to eliminate equipment when ordering boat; unfortunately, this is essential equipment, safety equipment. One example is the gun locker leaning post to lock the locker. Further details on the equipment needed was provided by Officer Lytle, and he responded to questions about these specifics from Chair Ireland and Mr. Harris.

Mr. Harris then made a Motion to approve the request, seconded by Mr. Gertner; further discussion followed. Mr. Schermerhorn posed a question about the budget; Capt. Blago sought to clarify that the motion is to approve the \$10,000 request, which Mr. Harris confirmed, noting that if the amount submitted for what they bought is less, then that's what they will receive, up to the \$10,000 grant total. Mr. Meckenberg commented that some items mentioned in the request may be items MAC doesn't have authorization to fund from our sources; there are restrictions as to what categories we can spend on so there may be issues when invoices are submitted. Mr. Stevens responded that he had vetted the request through WCIND yesterday; it was confirmed that all items meet the criteria for Navigation Improvements. Ms. Buck asked if this request was going to affect the March request expected from the Sheriff; Chair Ireland responded that it would not. Mr. Harris asked for clarification that this is part of the 2014-15 budget; Mr. Stevens confirmed that it was.

The Motion was called by Chair Ireland, and the vote was unanimous in favor.

In a change to the agenda, the next guests to the podium were Mr. Randy Dunn representing the YMCA and Mr. Dave Blair a volunteer with their youth sailing program. Mr. Dunn discussed the YMCA spring request which was granted for \$5,762 dollars; he indicated that he didn't understand the timing of funding as it would affect the need in May for safety boats and motors. YMCA personnel went to Miami and got a boat motor/trailer combination to meet their needs, and also found one locally; together, these items met their needs for the summer program. They received a partial distribution of \$1,694, based on the value of the equipment they ended up purchasing.

Mr. Dunn indicated he was here today with an amended request for the balance of the grant (\$4,068) and he indicated he has a list of various parts needed to bring fleet back to safe condition. Chair Ireland sought further clarification on what was being requested, and further discussion ensued on these details; the Chair explained that the organization is only entitled to what has been spent to accomplish the stated goal; the \$5,000 grant was for replacing stolen motors; the YMCA bought the motors for \$1,694, therefore the stated purpose has been fulfilled for less money than contemplated. Additional money is not disbursed in advance of receiving receipts for expenditures.

This new presentation seems to be about a totally different request (replacing masts, etc.) Mr. Dunn indicated his intention was to amend the prior grant to include these new items. Mr. Harris noted that this had been discussed in November when the Committee asked Mr. Blair to bring back a list of the requested additional items; because the prior grant was not completely spent, this amendment covers how the balance would be spent. There was some confusion concerning the amended grant, which Committee members have not seen; apparently it was provided to David Johnston, who is not here. Mr. Buckley recused himself, as he is part of the YMCA Board of Advisors, mentioned that the matter had been clarified to Dave Johnston, regarding the misunderstanding on

the YMCA's part about how grant money is disbursed against invoices. At this point, Mr. Johnston arrived to answer questions about the amended request; he confirmed that, because of the YMCA's prior confusion, they were allowed to come back with an amendment to their original grant request. He provided additional details about their matching activities for the grant funds.

Ms. Bareither asked if the items were already damaged at the time of the original request, suggesting that if this damage happened over the summer, after the original grant application, then it wasn't granted. Mr. Blair indicated the items were damaged over the season. Mr. Hamilton noted that the Committee had just approved \$10,000 for the Sheriff's Department, for items they didn't include at all in their request; further discussion ensued on the appropriateness of the paperwork submitted by the YMCA.

Commissioner Deutsch commented that Randy Dunn and how he sees the money is still on the table and just wants to use it for something else within the same program. Capt. Blago, first offered his compliments to the YMCA for solving their problem with less expensive motors; he stated that he understands wanting to use the money for other worthy things, and spoke briefly about the proper approach to accomplish this in future.

Mr. Rose also spoke to the issue of the group approving money originally based on needs arising out theft, noting that this new request is a totally different issue. He stated that the group can, of course, approve it, but asked if the process is being changed. He suggested that the YMCA just do a new submission for what is needed now. He directed questions to Mr. Johnston, who responded that the YMCA had worked on a supplemental application and had just gotten it submitted, but then he was out of the office. He also noted that, as a guideline, funds aren't to be used for normal operating expenses but are OK for maintenance and repair. If the YMCA has to come back with a new application, there will be no funds available until October 2015, when what they're trying for is to amend last year's application.

Mr. Harris made a Motion that this new submittal dated Dec. 8, 2014 for \$4,068 be approved from the 2014/15 budget (as having already been allocated); second by Capt. Blago; the Motion passed by unanimous vote. Some further discussion ensued on details of the issue.

Mr. Johnston next provided his Budget Update to the Committee; he noted he has created a new quarterly report in a simpler format. It provides figures already noted in the last meeting, at which time there was \$2.5million in the budget, of which \$425,000 is still obligated from prior grants; it also indicates \$633,000 in newly-approved grant funds. This leaves a balance of roughly \$1.5 million available for the next cycle's grant applications. Mr. Johnston also noted that for the past several years, the Committee has generally approved about \$600,000; this suggests the budget is in good shape for new grant requests.

Mr. Harris noted that the Committee has contributed about \$200,000 each year for Stump Pass projects over the past couple of years; he asked what the total we have contributed to date might be. Mr. Johnston indicated he doesn't know that total off the top of his head, and Mr. Harris asked that he provide it for the January Pre-Agenda meeting. Further discussion ensued on related budget matters. Mr. Buckley asked for a review of this information in graph format. Mr.

Harris reminded Mr. Johnston that the Committee would be expecting to see a quarterly report in January. Mr. Johnston indicated that this is the quarterly report as of Oct. 1<sup>st</sup> and gave some additional details of when funds become available from WCIND. Mr. Hamilton asked for confirmation that Mr. Johnston would provide copies of his reports to the members via email.

## **IX. Old Business**

- a. Shrimp Boat – Andy Stevens / Roger de Bruler (had been moved up in the agenda order.)
- b. Charlotte Harbor Walk – Debra Forester Ms. Forester gave her presentation; she was able to report that a new letter had been received from FDOT indicating the County now has a notice to proceed on the Harborwalk, so bid documents can go out now; construction should commence by March 31, 2015. Further discussion ensued on plans for a groundbreaking event to which the Committee members will be invited. Mr. Dye asked whether the plans and description are available on the website; Ms. Forester indicated this information was available on the County website (<http://www.charlottecountyfl.gov/CRA/CharlotteHarbor/Pages/default.aspx> ).

Ms. Buck sought to confirm the March commencement of construction; Ms. Forester indicated construction should take about ten months, at which point Phase 1-b will begin, which will have the fishing pier and the “water taxi” dock. Capt. Blago recalled that many years ago, there was an architect’s sketch about such a pier; he asked if there was a date projected when he might be able to walk on that pier. Commissioner Deutsch suggested giving it about three years. Mr. Harris asked how long Ms. Forester had been the project manager; she responded that it must be at least five years, based on the funding cycles. Further discussion ensued on the history of the project and similar-sized projects done elsewhere. Further discussion ensued on the probable work timelines, with completion of the pier possible by January 2018.

The Committee next turned to the election of Officers. Mr. Meckenburg commented on the process and the selection of Ms. Buck to fill Mr. Novak’s Vice-Chair seat for the balance of that term. He noted that the incumbents of each seat have agreed to stand for reelection: Mr. Ireland for Chair, Ms. Buck for Vice-Chair and Mr. Meckenberg for Secretary; as proctor for the process, Mr. Meckenberg called for nominations from the floor for any one of those offices. None were offered in response to the three calls for nomination, therefore Mr. Meckenberg requested the Recording Secretary to log-in one vote each for reelection of the incumbents, by acclamation.

Chair Ireland next noted the request from the Department of Public Works (regarding the closing of Edgewater and the bridges, and whether or not these actions will affect navigation) of a delegate to attend the meeting regarding this project. The date being in question, the recording secretary indicated she would provide that information, and Mr. Harris tentatively volunteered to attend. Further discussion ensued on members volunteering, with the Chair noting that Committee members really should rotate their availability around the table so everyone gets the experience.

## **X. Other Business**

Beaches and Shores Liaison. The BSAC had indicated they would like a MAC delegate at each of their meetings, keeping in mind that they hold their meeting

at the same time and date as the MAC pre-agenda. A discussion ensued as to how this also could be a rotation among the members. Mr. Hamilton suggested they just assign each member to attend for a 22-month rotation and go down the list of MAC members and just have them attend in order, until you go through the entire rotation. Chair Ireland indicated he would bring a list to the January meeting; they agreed to discuss details later.

Mr. Schermerhorn requested a timeline for when the swing bridge is going to be replaced, whether the ICW would be shut down for 2-3 days, and if the County is going to continue working to remove the railway bridge; he asked if anyone present had any information. It was agreed to put this question on the agenda for next month.

**XI. Citizen Comments**

- None offered.

**XII. Good of the Order**

- Parks & Recreation Joint Workshop will be at 1 p.m. on Feb. 4, 2015. This is a workshop, not a meeting, no quorum required, but it is requested that everyone please attend.
- Ms. Buck reminded the members that this Sunday night is Harbor Lighted Boat Parade. She also noted that she had secured a drone to take aerial footage of the event which will be available for download on the Punta Gorda Chamber website about one week after the event.

**XIII. Next Meetings**

- The next Pre-Agenda Meeting will be held **Tuesday, January 6, 2015** at 9:30 a.m. in the Planning conference room in BCS Building.
- The next Regular Meeting will be held Thursday, January 8, 2015 at 9:30 a.m. in Room 119

**XIV. Adjournment**

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