

MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, September 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

Vice-Chair Herman Novak indicated that Chair Tom Ireland was traveling and thus Mr. Novak would handle the Chair's duties. He also announced that Ms. Buck's mother had passed away, and offered the sympathy of all the Committee members to Ms. Buck at this difficult time. He also offered congratulations to Commissioner Deutsch on the recent primary outcome.

IV. Changes to the Agenda

None offered.

V. Citizen Comments on Agenda Items

None offered.

VI. Commissioner Comments

Commissioner Deutsch spoke on the matter of Chadwick Cove, asking if anyone had any update material on the issue of the half-dozen or so boats there that were in questionable shape. He noted the subject had come up at the Commission meeting, and referred anew to the possibility of having the pump out boat travel to that location, and asked for any update on that situation. Mr. Novak commented that Officer Lytle was here to speak on this issue, as he did at the previous meeting.

Cpl. Lytle addressed the group, answering Commissioner Deutsch by noting that enforcement efforts have begun at Chadwick Cover, and indicating he was aware of the complaint that was made during the Commission meeting (an allegation that enforcement personnel had boarded a boat when the owner was not aboard.) The officer clarified that the enforcement efforts currently under way focus on the sanitation devices on the boat, to ensure all are in compliance with state statute. He indicate that he, Roger DeBruler and FWC personnel had been working on this matter for the past month and a half; this effort included giving 'fair warning' to the boaters about the plans for enforcement. He confirmed that there are both derelict

vessels and unregistered vessels there; some vessels neglect to run their navigation lights at night; and just generally, many non-compliant vessels. Cpl. Lytle stated that of all the vessels inspected in Chadwick Cove, not one was in compliance with the sanitation regulation. Answering a question from Commissioner Deutsch, the officer estimated that there were about 10-12 vessels there. The Commissioner first voice his support for this effort, and then paraphrased the complaint which had been made at the Commission meeting as having been about government intruding on the boater's freedom and it being a constitutional issue. Commissioner Deutsch noted that the speaker admitted to having been unable to readily free his mooring equipment, which suggested the boat had been in that spot for a very long time, and he asked: where had the contents of the vessel's holding tank been going all this time. Cpl. Lytle agreed that the mooring balls are also a non-compliance issue, and observed that none of that equipment should be there permanently.

The basic issue he sees is that these folks are being made to come into compliance and they simply object to that. With regard to the boaters' constitutional right, the officer observed that his personnel has every right under Federal regulations to board every vessel; this situation is governed by Federal regulations. Rhetorically asking whether his staff can board and search a vessel when there is no one on it, he agreed that was not the best idea; but can he board the vessel to knock on the cabin door to determine if anyone is aboard – yes, he can do that. Sanitation device inspection, however, does require entering the boat (because the equipment is in the bilge) and objections arise at this point, however he has the right to make these inspections. Boaters may confuse the rights they have on the water as being the same as those afforded to land owners and homeowners on the land, which is not the case.

Officer Lytle gave some examples of responses he gets from the boaters (e.g., they aren't using their sanitation devices, they are using buckets which they then empty into a dumpster on the land) which are merely describing other illegal activities. The story changes with each inspection, and each story is essentially describing some other illegal activity. In any event, he emphasized to the group that his personnel are not violating anyone's rights, the people complaining are simply angry about the enforcement. Officer Lytle indicated that as these folks come into compliance, they will eventually be asked to produce their pump-out receipts.

Commissioner Deutsch indicated that while he respected the boaters' constitutional rights, he also respected the constitutional rights of other citizens and this is an issue that involves both safety and public health. He asked the office to keep him posted and informed. Further discussion ensued on the ways in which these boaters get around the existing mooring restrictions; Officer Lytle emphasized that because of the way the State statute is written, he cannot make these vessels move, and he noted that it has become a problem in many other locales.

Commissioner Deutsch invited the officer to set up a time to meet with the Commissioners to come to grips with the problem, especially by getting the state involved and organizations like WCIND. Vice-Chair Novak indicated the group would be having a discussion later in the meeting regarding the pump-out boat and asked Cpl. Lytle to please stay for that discussion.

VII. Regular Business

- A. Approval of the Minutes of the Pre-Agenda Meeting from September 4, 2014 – Additions, Corrections or Deletions. – Approved without objection that the minutes be approved as circulated.
- B. Approval of the Minutes of the Regular Meeting from June 12, 2014 – Additions, Corrections or Deletions. Approved without objection that the minutes be approved as circulated.
- C. MSBU Update
Mr. Matt Logan (“the new Chuck Mopps”) offered to answer any questions members might have on the material he had submitted, noting that he had no additions to his report as delivered.

Capt. Blago took the opportunity as others reviewed the report to ask about Stump Pass progress in particular; Mr. Logan indicated that the Stump Pass permit has been submitted, and the County has received an RAI and Coastal Engineering is working on documents. Capt. Blago noted this was the status quo and asked if there was any particular progress; Mr. Logan indicated there had been a number of teleconferences involving Coastal Engineering and the regulatory agency staff and that progress is being made. Capt. Blago asked if we would get a jetty there and if so, is there an anticipated date; Commissioner Deutsch noted that it had been suggested that work would be done in the spring and he had hoped to move it quicker, but he was not currently optimistic on that point. Mr. Logan said that the projected timeline from Coastal is still anticipating going to construction in November of 2015. Mr. Harris commented the process seemed stuck where it had been for months; the Commissioner responded with reference to the state’s participation in the process and noted that he hears the same timeframe as in Mr. Logan’s report. Further discussion ensued on the length of time this process has taken. Mr. Harris suggested that at the October meeting, the Coastal Engineering folks come and present an update to the group. Vice-Chair Novak suggested to Mr. Logan that he spend a little time with Charles about his approach to summarizing the report: going over each of the items, identifying the project, how far along it is, are funds required, what is the status of permitting, description of any hold-ups, etc., in order to be able to concisely talk about the items.

Mary MacMurray, Charlotte Harbor Aquatic Preserves, said that she had spoken to the National Marine Fishery Services about the project and it was on public hearing and is now at the Army Corps federal level; her group is supposed to take those agency people out around the beginning of October to do a resource site inspection. She offered to update the group at the October meeting. She believes that with the project being at the federal level, it is moving along appropriately. Vice-Chair Novak requested Mr. Logan to invite Coastal to the October meeting as well. Further discussion ensued, and Mr. Harris noted that there were other Army Corps Engineer ‘hold-ups’ mentioned in the report, affecting: Alligator Creek, South Gulf Cove, etc., and suggested that all of them be discussed.

VIII. New Business

- A. Open Positions on the Committee
Vice-Chair Novak noted that at the last meeting, the group had voted for the Punta Gorda Boaters Alliance to take the place of CCA, and asked Mr. Buckley to update the group on progress in finding a representative from the PGBA. Mr. Buckley responded that the nominating committee has selected a candidate, who

will be presented to the PGBA at their meeting next Thursday. He appears to be well-qualified and there should be no issues with his nomination, so that the paperwork can be completed including the group's recommendation to MAC; he noted that this candidate is not Mr. Gleeson.

- B. Reappointment of existing members – letters of support due from organizations. Vice-Chair Novak reviewed the expiring terms, which include Tom Ireland, Larry Hofmeister, George Bobko, Homer Fleming, Jake Dye, Charles Gertner, William Kumm, and his own term. All terms expire as of December 31, 2014. He asked that each of those folks determine with their organizations whether they will be re-nominated or whether someone new will be nominated, and have the resulting letters delivered to the recording secretary by the end of September. In that way, there is sufficient time for the County Commissioners to vote on these issues before the end of the year. Commissioner Deutsch emphasized the need to do this quickly; he noted that Nov. 11th which is a regular commission date has not been rescheduled due to the holiday, and so there will only be one commission meeting in November and one in December.
- C. Dan Gallagher commenting on the open Member-at-Large position, and the modifications to the Committee's charter. Vice-Chair Novak indicated that when reviewing the charter document, he didn't see the modification showing the Boaters Alliance had been added. Mr. Gallagher confirmed that the change referencing the Boaters Alliance has not yet been made to the Resolution; he was waiting to see if the actual representative was going to be named. Vice-Chair Novak asked if there was an "open" position in the member-at-large category. Mr. Gallagher indicated he had spoken to the recording secretary, Ms. Moore, who indicated that a member-at-large seat would open up at the end of the year; the idea is to advertise for applications for that position (including from the sitting member if he wishes to reapply) and then bring the applications to the Committee to get input, and then take all submitted applications to the Commission for their decision.
- D. Update of Bay Heights Project
Andy Stevens was not available, and Ms. MacMurray commented in his absence; the state authorized the boat ramp in July. Further discussion ensued. Vice-Chair Novak asked that any report material come to the Committee members and also to the recording secretary. Ms. MacMurray recently spoke with the National Marine Fishery folk, and the project has not yet reached their level; it will also need to be reviewed by the Army Corps. Ms. MacMurray also mentioned that her group is doing a boat tour on the 23rd and extended an invitation to Committee members to join them. Sara Buck asked about the sediment tubes Ms. MacMurray had mentioned, and a brief explanation was provided.

IX. Old Business

- A. Update on Placida Boat Ramp
Mr. Andy Stevens presented information on this project; he mentioned there would be resealing and restriping the facility and the scheduling would be either the last week of September or first week of October. It will be done in phases so that the facility will not be closed for use; they will also encourage use of the overflow parking lot. The contractor believes it can be done in two days. Mr. Stevens also said that changes would be made in recognition of the fact that

both boats and towing vehicles are now larger than they were in the past. Capt. Blago had some questions which Mr. Stevens addressed.

X. Other Business

A. Pump-out Boat activity

Mr. Harris commented on the reports that had been provided to the Committee by City staff; he reminded the group that at the last meeting the request had been made to identify where the work was done, and detailed how the report did not meet this standard. Further discussion ensued as to how to improve the presentation of the data.

Mr. Buckley indicated he had a discussion with the Dockmaster subsequent to the last Committee meeting, regarding sending the boat to the Cove. It was agreed that is a very long trip to pump out whatever number of boats need the service. Another option is to trailer the boat, and the Dockmaster's question is where would the truck or the trailer come from. Yet another question is, once such pump-out had been done, then where is the boat going to get pumped out, since it would now be that much heavier to take back to Punta Gorda. All these issues need to be discussed. Cpl. Lytle was invited to comment for the record, where the pump-out boat would be emptied after it had serviced the vessels in Chadwick Cove. The officer suggested that the same business that services the port-a-johns could do it; Mr. Harris noted they would have to have the special attachment for doing the job.

Vice-Chair Novak asked about marinas in the area; Cpl. Lytle indicated there was a Chadwick Cove Marina there, but said he wasn't sure about whether they had pump-out facilities; he did believe that owner was a proponent of making that a permanent mooring field, so it would be good to make contact and find out whether he does have the capabilities for pump-out. The officer offered to make that contact and bring the information to the next MAC meeting. For the general information of the group, he also noted that the code for sanitation devices, should any member have a need for it, is Code of Federal Regulation Chap. 33, Part 159, also in Chap. 40, Part 140.

Roger DeBruler, Parks and Natural Resources Department, commented on the pump-out locations around Lemon Bay; the following have, or have had, facilities: Royal, Stump Pass, Gasparilla Marina. There are facilities there, but whether they are active and functioning, he could not say; he said he would visit these and determine their status, and also whether there are any others in the area. Vice-Chair Novak asked Mr. DeBruler about whether he could be the person to trailer the pump-out boat inasmuch as he has a truck that seems equal to the task; Mr. DeBruler responded that the truck has the capability of hauling, for instance, the County boat which is a five-ton boat. He said he wasn't sure what the weight of the new pump-out boat is and whether it has its own trailer (others in the room said that it does), in which case, with the proper hitch, yes, that truck could move that vessel over. He acknowledged this would make the process easier. Vice-Chair Novak asked that for the next meeting, he investigate this possibility. Andy Stevens mentioned that there could be some liability and insurance issues connected with that choice, and that he would get that information for the Committee's consideration also.

Mr. Rose spoke about the money being expended to pump-out illegal boats, and he suggested it might be smarter to make the boats move and save the money;

he confirmed that there is no revenue to be had from providing this service to the boats. Offering pump-out to these vessels is essentially supporting them in an illegal activity, which is not a wise move. Vice-Chair Novak acknowledged the comment's pertinence. Mr. Harris directed his comment to Mr. DeBruler, regarding the pump-out facilities at the various marinas, asking that Mr. DeBruler also find out if there is a fee attached to dumping there. Also, he suggested, that on the very first pump-out, there be sheriff's personnel present, since it may not go down well with every boat owner. Mr. DeBruler responded that the other option is to hit those boats up first and let them know the date to expect the enforcement ... maybe they will be gone on that date, or maybe they will take the offered service. For one thing, the owners of these boats are not usually present during the day, but are on land, so there would be no one present when the pump-out boat arrives in any event. Mr. Buckley commented that it was not necessary for the owners to be present for the pump-out operation; there is a fitting they can make available for this operation to be completed in their absence. He said he has seen this approach succeed at other marinas. He also said he agreed with Mr. Rose.

Mr. Hoffman asked why the group was considering trailering the pump-out boat; Vice-Chair Novak responded that the issue was the length of the travel time back and forth from Punta Gorda, the burning of the fuel and the personnel time involved; he asked Mr. Buckley about the substance of his conversation with Rusty at the Marina and whether they involved comparison of the time to accomplish that travel on the water vs. trailering. Mr. Buckley responded that the trip is about 50 miles one way, and it would be inefficient. Capt. Blago disputed the mileage and the time frame, noting that guides make that trip all the time; he said he could make it in less than 45-50 minutes. It's certainly shorter by water than by land. Further discussion ensued on the matter. Vice-Chair Novak said there would be an on-going evaluation of the boat and the service to determine whether the group wanted to support it and whether it was worth the money (which is less than 1% of the total that the group has to award in grants.) He indicated this could be looked at closely during next year's budget process. Cpt. Lytle offered the concept that because this is a County boat, if it is made affordable to Punta Gorda, it has to be made affordable to everybody, or else there is liability to the County to not offer it countywide. So it has to go to Lemon Bay, however it gets there – navigating it there, or trailering there. Navigating it there takes it through some very shallow waters, e.g., Ski Alley. There can be a valid argument from boat owners that we are boarding and inspecting their vessels without offering them the pump-out services. Commissioner Deutsch said he thought that the bigger issue is that those boats don't belong there; this is an environmental issue also, but it is the boat owner's responsibility not to be polluting, to have the proper lighting, to be in a legitimate mooring area, etc.

Vice-Chair Novak summarized the two issues he saw before the group: one is the legality of supporting the boats that are illegally anchored in Chadwick Cove; the other is how do the County and the City use that boat to the benefit of the citizens. He proposed that the investigation and discussion continue. Mr. Hofmeister asked what the overall goal of the boat is, not in terms of cleaning out waters, but are they chartered to pump out more and more (in these reports, is a bigger number better?) and when do we go into boat two and three and four? Vice-Chair Novak noted that this is a heated subject and would take numerous members to go through the history of this question; he suggested

that Mr. Hofmeister consult with other members such as Capt. Blago, Mr. Rose and Mr. Harris separately from the meeting and get their viewpoint and the history of the question (keeping within the Sunshine Law requirements.) Mr. Rose noted for the record that the City of Punta Gorda owns the boat, and that this committee's involvement is with regard to the funding for a portion of its operation, but not the registered ownership so, for the officer's purpose, it really is not a County resource being used, it is a City resource available for County use. Vice-Chair Novak agreed to a certain extent, and in his mind the financial support from the County, via the Committee, means the boat needs to support the entire county.

XI. Citizen Comments

None offered.

XII. Good of the Order

- Ms. Sara Buck made a brief presentation on both the Youth Regatta and the Lighted Boat Parade. Ms. Buck indicated that the Youth Regatta is intended to wrap up the summer season for the various youth boating organizations; this year will be the second annual Youth YMCA Regatta. She gave details about the preparations for this event, which will take place on Saturday, September 20th. She invited everyone to participate, and noted that she had hired a drone to take video of the event, which the participants will receive on a DVD afterward. With regard to the Harbor Lighted Boat Parade, she noted she is the new Chairman for this event; she is hoping to increase participation over last year which was 17 boats. She gave some details about the folks participating in organizing this year's event, and indicated she would have a drone to capture that activity also. Again, she encouraged participation by the members and their organizations in this event which will take place on Dec. 14th.
- Mr. Harris, for the good of the order, commented in support of these activities; he also noted that the fiscal year was coming to a close, and asked if the group would have a review at the October meeting of how they had done on their budget. Vice-Chair Novak agreed that would be appropriate to go on the October agenda.
- Mr. Buckley mentioned that he had received an email from Mr. Randy Dunn advising that the YMCA has not yet received the \$1,000 grant made to them earlier this year. Someone indicated that the actual grant amount was closer to \$6,000; others including Ms. Buck recollected that the money was to buy a motor. The Committee doesn't write a check for that, the group should send in an invoice. Mr. Stevens said that he would follow up with Fiscal to see if the YMCA had ever submitted the invoice, which is a precondition for disbursing the funds.
- Mr. Buckley indicated he also has some interest in hearing about the grant to the Charlotte Harbor project, and would like the person managing the grant (Debrah Forester) come to speak about it.
- Mr. Harris asked about the YMCA motor option to be stored in the Punta Gorda Public Works yard with security, which meant that the associated equipment to pick the motor up off the boat for storage would not be needed; he asked for a status update, which Ms. Buck provided.

XIII. Next Meetings

- The next **Pre-Agenda Meeting** will be held Thursday, October 2, 2014 at **10:00 a.m.** Room B-106.

- The next **Regular Meeting** will be held Thursday, October 9, 2014 at 9:30 a.m. in Room 119

XIV. Adjournment

On motion made, the meeting was adjourned at 10:47 a.m.

Respectfully submitted,

Gayle Moore,
Recording Secretary

Minutes Approved by

Tom Ireland, Chairman
Marine Advisory Committee