

MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, April 9, 2015, 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 were noted; Chair Ireland praised Fiscal Analyst David Johnston for his work on the MAC budget and grant applications process.

V. Citizen Comments on Agenda Items

None were offered. Mr. David Johnston commented on his forthcoming presentation and he noted that he anticipated having a full report at the next meeting, which would break down the second quarter of 2015, and would also indicate which projects were complete and which ones on-going.

After approval of the minutes (below) Chair Ireland commented on the removal of the "Commissioner Comments" as an item on the regular agenda, although the Commissioner can still speak on matters.

VI. Regular Business

A. Approval of the Minutes of the Pre-Agenda Meeting from April 2, 2015 – Additions, Corrections or Deletions. – Approved by acclamation.

B. Approval of the Minutes of the Regular Meeting from March 12, 2015 – Additions, Corrections or Deletions. Approved by acclamation.

C. MSBU Update

In the interests of time, Mr. Chuck Mopps offered to brief by exception to the written report only; with regard to Gulf Cove, he mentioned a pre-application meeting taking place later today; concerning Harbour Heights, he indicated that he had emailed National Marine Fisheries about the material submitted in September 2014, and was told they were working on submittals from June 2014. He noted the new projects for Manasota Key (North Beach Erosion Study) and South Gulf Cove (Parallel Lock); regarding Stump Pass he noted that staff was working on easements and was getting decent results working with some of the larger communities on Palm Island and Manasota Key. Mr. Schermerhorn asked, regarding the parallel lock design, whether it was meant to be also permitted as

a storm water control structure; Mr. Mopps said it would be, as a matter of permit requirements. Ms. Buck asked, regarding the Manasota Key erosion study, how long before it would be completed; Mr. Mopps responded that it would take about six months for the 2003 study update, and in response to a question from the Chair, he noted that it would be approximately three years from conceptual design through permitting until renourishment had been accomplished. With regard to the parallel lock project time estimate of about three years, Mr. Mopps noted that the DEP had suggested that the County put the lock next to the one already there; the only mitigation requirement would be for the existing mangroves. He indicated that while the design phase might take a while, he didn't think the permit process would be lengthy. Chair Ireland said the community was in no hurry, since they are very far from being built out.

VII. New Business

A. Mr. Meckenberg commented on the Orientation materials which had traditionally been provided to new member, explaining what they are and indicating that the material was now available digitally, via either a thumb drive or CD; he handed these materials out to the new members.

B. FY 2016 Grant Applications – the Final Set.

Item 1 – Charlotte Harbor Gateway Parking: Ms. Debrah Forester, CRA Manager was present to answer questions, noting that the request was made to cover increases in construction costs. Chair Ireland what was the source of the increase in funds needed, whether it was merely inflation; Ms. Forester noted the need for a manager to be hired due to inclusion of federal funds which need to be closely managed to meet all federal criteria. But, she noted, this requested money is actually just for the actual construction, which was about one million over what had originally been planned. Mr. Hamilton asked about the time frame within which the monies are to be spent; Ms. Forester responded that construction would commence on May 15, 2015 and should be complete by March 2016, and so funds will be drawn down once the project is completed. Mr. Harris asked if the change amount is in addition to what was previously allocated several years ago, noting that it constituted a 57% cost increase, which is a very high increase. Ms. Forester spoke to that issue, noting that the budget includes, testing, construction, and 25% of costs for a bathroom facility serving the boat launch which is served by about 25% of the parking. Mr. Hofmeister commented that MAC is a boating function and said he didn't see the connection to that parking and thought that this part of the project should be paid for out of 1 cent sales tax. Commissioner Deutsch responded that this position has been discussed in the past, and he noted that the repair of the seawall is important for fishing and likewise the pier will be the second phase which will provide access to small boats and is therefore very consistent with our own and WCIND goals. He noted that it would have been less costly if the project had been able to start two or three years ago. Mr. Harris commented to Mr. Hofmeister that while every Charlotte County taxpayer pays something to WCIND on their property tax, not every taxpayer has a boat; they need to get value for the money they contribute also. Mr. Harris made another comment, observing that when these projects get delayed no fault of our own, we need to consider the inevitable inflation and perhaps increase these allocations to account for it. Ms. Forester indicated her agreement, noting that she has been told that many grant requests routinely over-estimate to allow for inflation. Chair Ireland then called for the vote which was 20 Aye for approval and one Nay by Mr. Hofmeister.

Chair Ireland noted the recommendation to defer item number 2 to FY2017, based on the money not actually expected to be disbursed until that time. Mr. Harris commented that MAC had previously agreed not to approve money for projects until the permitting have been approved. Chair Ireland also noted that in addition to saving \$301,000 this year, the postponement would put this budget in the black, per David Johnston. Mr. Buckley motioned to postpone this item as recommended by Mr. Johnston, with a second by Mr. Hamilton, who asked whether people should speak to it at this time, which the Chair said was certainly alright. Ms. Forester returned to the podium to say that postponement until next year was fine. Chair Ireland called the question, and the vote was unanimous for approval.

Mr. Hamilton noted that there had not actually been an official motion to approve item number 1; after discussion on the matter, Mr. Ludvig moved approval for item one, second by Mr. Dye; the vote was repeated with the same outcome, 20 voted aye for approval, one nay from Mr. Hofmeister.

Next to be considered was Item 10 from the spreadsheet, a request by the Charlotte County Department of Public Works; Mr. Mopps returned to the podium to present the request. He noted the age of the boat to be replaced, explaining that it was no longer meeting the purpose, and was breaking down which posed safety issues, especially when going three-four miles offshore. He also detailed the virtues of the foam collar on the boat which is being considered. Chair Ireland asked whether they would be passing on the old boat; Mr. Mopps indicated that it would go to Fleet for disposal, at which point the Building Construction Services division would be able to request it. Mr. Harris asked if BCS was then going to be coming to MAC for funds to improve that boat; Mr. Mopps noted that there's no assurance that Fleet will actually give them the boat to begin with. Motion for approval was made by Mr. Kumm, second by Mr. Harris; the vote was unanimous for approval.

Item 12 concerned a request for new markers/navigational aids in Pirate Harbor, Mr. Mopps presenting. He indicated that the request is traditionally for new and maintenance markers separately; although this request has been labeled "Pirate Harbor" as though that is the only location, but in fact the work there will require replacement of numerous markers as well as new markers. Mr. Harris suggested that there is an MSBU for things like this; Mr. Mopps agreed but pointed out that MAC has funded many other similar situations through the new marker project, as well as replacement of MSBU markers through the maintenance portion. He also observed that not all money necessarily will be spent. Ms. Bareither asked whether, having asked specifically for funds for markers in Pirate Harbor, you can't then use it anywhere else; Mr. Mopps commented that this is for new markers generally, as in the past, but for some reason, it came in as a request for Pirate Harbor specifically. Further discussion ensued on the issue of whether earmarked funds can't be used for the same uses in other locations. Mr. Hamilton asked whether it is possible to just change the application language to "new marker" money in order to have the flexibility; this led to questions about whether the application would need to be resubmitted in that case. Mr. Johnston provided clarification about labeling these projects, e.g., that new markers are separated from maintenance markers based on requirements of the funding sources; it's traditionally not for any specific location, but as needed. It's true that this application did specify Pirate Harbor.

Mr. Hamilton motioned to approve \$10,000 for new markers for the coming year, second by Mr. Buckley; Mr. Dye observed that the body of the application referred to locations throughout Charlotte County's waterways, resolving that issue. The motion was approved by unanimous vote.

Item 15 involved the Punta Gorda Police Department request for a GPS chart plotter; John Kennedy, Police Marine Officer presenting. He addressed concerns about the amount of the request, and gave a breakdown of the prices of the individual components involved in the request. He also described the use of the device for search, rescue and recovery operations, noting the force has been without this technology for some time now; he gave further technical details about who would be using the equipment. Mr. Hoffman asked about the brand and model being considered for purchase; Officer Kennedy indicated it was a Garmin. Mr. Buckley asked whether the sonar for the SeaGrant boat could be used also; Officer Kennedy responded, indicated that in instances where his people had asked for SeaGrant vessel assistance, they were always in a standby situation. Ms. Buck indicated she had been shocked when on their boat to find they did not have GPS for Harbor lighted boat parade; she then made a motion to approve the request, second by Mr. Gertner. Mr. Hoffman said that he had a hard time understanding why the most expensive equipment is needed, noting that Garmin has less costly units; Officer Kennedy responded that the selected item is not the most expensive Garmin model, and that it's not for fishing, but for emergency personnel purposes, offering better visibility. Mr. Hofmeister commented regarding possible availability of the equipment under GSA contract, noting that there is a substantial discount if you buy under them. Chair Ireland then called the question, and the matter was approved on unanimous vote.

Item 19 was submitted by CHEC; Mr. Thomas Hecker presented. Mr. Hamilton asked whether visitors with their own kayaks or paddleboards would be able to launch from that site; Mr. Hecker responded that they would, and that there would be no charge to launch unless they were using CHEC equipment. Mr. Harris observed that it was a lot of equipment for what CHEC does, asking why MAC should finance it; Mr. Hecker responded, to get more people out on the water in this pristine area, to get more activity at the CHEC site, and to create earned income streams for future sustainability. Mr. Harris had further questions, including a question about what might happen if a person gets on a paddleboard and then disappears, what is the Center's liability. Mr. Hecker noted that the intention was to have these be naturalist-led guided trips; in addition, users were intended to sign waivers. Mr. Hecker stated he had done research, and found there was not a lot of kayak rental opportunities in the area. Capt. Blago noted that while MAC had been a long-time supporter of CHEC activities, it was his recollection that the pontoon boat was funded by the School Board in the past, and then we supplemented that. Then, he said, the School Board dropped their funding and MAC helped with a bridge loan. He characterized the current grant application as "request creep", noting that MAC seems to be becoming a major funding source rather than CHEC looking to other funding sources; he summarized by pointing out that MAC assistance is up to over \$155,000 having started out at \$5,000. He expressed his intention to vote against the request. Mr. Dauster had a question on the fourth grade program being funded for \$60,000, asking what the intention for that program. Mr. Hecker responded that it would get all fourth graders in the Charlotte County school system out on the pontoon boats; he also noted that CHEC has matching grants for this purpose. Mr. Dauster restated his question, asking what is the money being used for? Mr.

Hamilton stated he had a problem in funding expenses for a money-making venture; he clarified that he likes the overall effort, but has a problem with funding revenue stream expenses. Ms. Buck commented on the floating docks line item, asking Mr. Hecker if he was aware that the City had floating docks built for the Regatta that were funded by MAC; she suggested he contact the City so you don't have to spend that money. She then mentioned the line item with just question marks for \$3,491, and asked what that was for. Mr. Hecker responded that it would refer to lumber for building the kayak racks; Ms. Buck suggested seeking contributions from others such as Home Depot. Ms. Bareither raised an issue regarding the \$25,000 to pay the captain, noting that MAC doesn't generally do that type of funding; she also commented on the electric boat, asking whether it was a Duffy boat which she thought are extremely expensive. She asked whether CHEC was replacing their pontoon boats with Duffy boats; Mr. Hecker responded no, that pontoon boats would be used in the Harbor, and the Duffy in other waterways he indicated they were not married to that brand. Ms. Bareither said she felt those are expensive items which shouldn't be in grant request. Mr. Hecker said he had been told that MAC had funded salaries in past. Mr. Schermerhorn said he felt this was a poorly put-together application; he made a motion to reject the application and suggest that it be resubmitted; second by Mr. Buckley. Mr. Hoffman recommended that on their next attempt, CHEC have separate applications, as some items may get approved.

Mr. Buckley sought to clarify matters, suggesting that CHEC get familiar with those items which are already available in the City. Mr. Rose posed a question to Mr. Hecker regarding when the educational portion of the money was intended to be spent; Mr. Hecker responded that those efforts are ongoing but that CHEC was funded to October 2015. Capt. Allen recused himself, as he is on the Board. Mr. Johnston pointed out another option, to partially fund the request if members wanted to do that; Chair Ireland said it would be cumbersome to pick and choose. Mr. Hofmeister commented on the amount requested for transportation for school student busing, asking whether the school board shouldn't be transporting those students; he also commented that he is generally opposed to the application, feeling it includes items MAC shouldn't be funding.

Chair Ireland called the question and the vote was unanimous to reject the CHEC application for now.

Mr. Davidson commented that it seems confusing for the requesting organizations that have to write the grant requests, because MAC has supported things like this in the past; he said he felt the Committee should give better direction about what will actually be funded. He did agree that the application had been poorly written, but observed that others have made requests for boats that have been granted. Mr. Harris responded that the parameters are laid out in WCIND and BIF about how we can spend money that comes from them and from the state; these parameters are set out in the Orientation materials. Mr. Buckley also commented, suggesting that new applicants should refer to those guidelines to assist in future grant requests.

Item 21 was the YMCA Sailing School request, with Mr. David Blair presenting; he noted that his group were now a 501(3)(c) named Learn to Sail, and that this year they were making their request under the YMCA aegis, next year they will come back as a YMCA affiliate, while their transition is underway. Mr. Blair offered comments on the group's request, noting that Sunfish boats will be

gotten used where possible, but the grant application can't be specific at this point, and this is the same with the other equipment they hope to be able to buy used. Mr. Hofmeister motioned to approve, with a second by Mr. Gertner. Mr. Rose proposed an amendment to the motion, to delete money for scholarships, commenting that MAC has never done scholarships in the past, and should not start down this path; Mr. Harris agreed. Mr. Hofmeister amended his motion, deleting the scholarship funding; Mr. Kumm offered suggestions on how the amendment should be accomplished; a second to the suggested amendment was provided by Mr. Hofmeister, and the group voted on the suggested amendment, which passed unanimously.

Next, a vote on the motion as amended was called; Mr. Bobko asked who would own the equipment, the YMCA or the sailing club? Mr. Blair indicated that, based on current negotiations, after the transitioning is complete, items currently owned by the Y would be transferred to the non-profit sailing club over time, based on an agreed-upon price. Mr. Bobko responded that MAC had paid for materials in the past for the prior sailing school grant applicants, who then turned around and left along with the equipment; if the vessels are transferred to your group, those vessels might end up leaving also. Mr. Blair sought to reassure the membership that this was not contemplated. Mr. Hoffman asked for clarification about the nonprofit status of the group which Mr. Blair confirmed. Mr. Randy Dunn of the YMCA acknowledged that Mr. Bobko had made a good point; he noted that the two entities were still negotiating, and should perhaps "put a string on those boats" so that such assets would come back to the Y if the non-profit fails. Mr. Kumm asked about a guarantee to the stipulation that assets will stay with the Y; Mr. Dunn gave his word and also suggested that MAC make their motion based on confirmation of such a stipulation existing. Mr. Kumm then offered an amendment to that effect, second by Mr. Harris. Ms. Bareither commented that she wanted to make sure they realize these are matching funds, because there had been some confusion the previous year on this account; Mr. Blair confirmed that was understood. Mr. Buckley recused himself as did Ms. Buck. Chair Ireland called for a vote on the amendment to the motion, which passed unanimously.

Mr. Davidson again pointed out that the Committee receives requests from both public / private entities (CHEC and the YMCA), that both grant requests are for essentially the same purpose (for education of kids), but one group has been denied. He suggested that the applicants should have better guidance in making their requests.

Chair Ireland then called for the vote on the original, twice-amended motion, which passed unanimously.

Lastly, Item #22, a request by the Peace River Power Squadron in support of their safe boating program, Ms. Betty Campanella presenting. Mr. Harris asked how many students were assisted by last year's funding from MAC; Ms. Campanella responded that the group had 366 students last year. Ms. Buck, as a former student, thanked Ms. Campanella and made a motion to approve the request, seconded by Mr. Buckley. Mr. Dauster asked why this is different from the prior scholarship request? Mr. Rose, who recused himself from the vote, noted that the difference is that costs are reduced for every attendee, not just for scholarship winners. The vote being called, it was unanimously approved.

C. Slow speed at Gasparilla – Roger DeBruler presenting.

Regarding recent complaints about the need for slow speed zones around bridges and areas of low visibility; this is regarding the GIBA second bridge and third bridge.

Mr. DeBruler indicate that the first bridge already has a slow speed zone; the County and the public want to extend that to include the trestle area and some of the inner waterway. The second area is at the second bridge where there are four water paths coming together, hindering visibility. The County requested action by FWC who would not act without some proof there was harm to boaters or manatees, but there is no evidence of harm or accidents. However, people continue to press for it; County attorneys went to FWC about writing an ordinance to cover the slow speed zone, and FWC responded "send us a draft". The County attorneys will send a draft to FWC for review to see if such an ordinance would interfere with any state statute, and to give an OK to put the signs in place. The County is interested in getting MAC's opinion on this, and wants to know if you are amenable to the slow speeds being imposed.

Mr. Meckenberg asked if Mr. DeBruler was aware that there is language that addresses this issue in ORD 94-01; Mr. DeBruler responded that they are aware of it, but it falls short in that it doesn't include the bridge. Further discussion ensued, and Mr. DeBruler said that the attorney who mapped it out said it doesn't cover this.

Mr. Hoffman inquired what public is asking for this, it is two or three people; Mr. DeBruler responded that it was two people. Mr. Hoffman noted that he boats there all the time and doesn't see any problem. Officer Lytle came forward to address this subject; he noted that both the first and third bridges have the slow speed zone, but the second bridge does not, and it would be beneficial to have it there. The Sheriff's office has also approached FWC and the Coast Guard about it, with the same response: there is no documented harm to support the change. He discussed the area further, noting the traffic patterns and usage in the area, and concluded that they anticipate harms in future and feel the speed zone is recommended.

Mr. Hoffman responded on the subject, noting the second bridge is high, easily seen, unlike the others. Further discussion ensued. Mr. Harris noted it was suggested to the attorney at pre-agenda that the group needs an aerial shot to refer to, to make an informed decision. Chair Ireland we can postpone to May and ask for better visual aid. Mr. Buckley and Capt. Blago both returned to the point that there are only two people demanding the change, and Capt. Blago also commented that he uses the area and doesn't see a problem; he said the key point is that FWC has decided the slow zone isn't needed. If the citizens want it anyway and feel there is a case to be made, they should go and make that case to the FWC. Officer Lytle said he agreed with what is being said, but then described the incident that led to the complaint, which involved a gentleman fishing with his grandson. A large charter boat came by them at full throttle, creating a great wake and putting those people at risk. Officer Lytle also clarified that FWC is not saying it isn't need, they are saying there is no documented accidents. They are saying if the County wants it, they should do a draft and FWC will review it. Further discussion ensued. Chair Ireland restated the conclusion that there be no recommendation at this point; defer any recommendation to the next meeting.

Ms. Buck raised a question about the proposed discussion of the CCSO request for overtime patrol of the Harbor holidays and weekends, but apparently it has been approved already; she understood it was going to be discussed with the Sheriff, to

better understand the decision to pay overtime instead of hiring a fourth person. Chair Ireland agreed that had been the intention but that the Sheriff had left and the matter had been approved.

D. Old Business

None offered.

E. Citizen Comments

Commissioner Deutsch offered a few comments. First, he thanked all the volunteers who serve on this Committee, saying that the close attention to the money spent is appreciated. Second, he noted that the sheriff did want to come, and wanted to thank the group also, and would be available at next meeting. Finally, Commissioner Deutsch commented that he had recently had people raise a fishing issue he is not familiar with, namely establishing some pole and troll zones; he said he'd pass it on to the group. Mr. Hofmeister responded that the pole and troll issue comes up in his board's meetings, and it has been initiated in Lee Co. It is about boats traveling at high speed in the shallows, destroying sea grass; he indicated his group would like to institute pole and troll areas to save the sea grass which in turn will help support the fish population which is under pressure. Commissioner Deutsch invited the discussion at a future meeting. Mr. Gertner indicated it was also a safety issue, and mentioned Judd Creek as a place where boaters go too fast; also, people in kayaks are at risk from boaters' high speeds.

Mr. Rose suggested that, before reinventing the wheel, the group review minutes, because MAC had spent time on this subject in previous meetings. Mr. Harris said it took Lee County three years to get their pole and troll ordinance sorted out; it is a big project, especially for an aquatic preserve. Mr. Hamilton said that enforcement is also a big issue with this; if you initiate a pole and troll zone, you have to provide for additional staff, because you can't create it but then fail to enforce it. Chair Ireland acknowledged this is not an easy subject.

F. Good of the Order

Ms. Buck reminder to members to turn in their recusal forms to the Recording Secretary.

G. Next Meetings

- The next Pre-Agenda Meeting will be held Thursday, May 7, 2015 at 9:30 a.m. in B-106.
- The next Regular Meeting will be held Thursday, May 14, 2015 at 9:30 a.m. in Room 119

H. Adjournment

On motion made and unanimously accepted, the meeting was adjourned at 11:15 a.m.