

DRAFT MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, October 9, 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

The recording secretary indicated that Ms. Forester would not be present, but would attend the November meeting.

Ms. Buck noted that the Punta Gorda Boaters Alliance candidate would actually be Mr. Ron Ludvig, not Mr. Brian Gleeson as indicated on the agenda.

Mr. Meckenberg made an announcement in appreciation of the current recording secretary who came on board at the beginning of this year, and has done a good job keeping the organization's affairs in order since that time.

V. Citizen Comments on Agenda Items

None.

VI. Commissioner Comments

Mr. Meckenberg noted that Commissioner Deutsch was required to leave the meeting due to travel obligations, so there would be no Commissioner comments today.

VII. Regular Business

A. Approval of the [Minutes](#) of the Pre-Agenda Meeting from October 2, 2014 – Additions, Corrections or Deletions. – Minutes were approved as written without objection.

B. Approval of the [Minutes](#) of the Regular Meeting from September 11, 2014 – Additions, Corrections or Deletions. Moved without objection that the minutes be approved as circulated, by Jay Buckley, second by Mr. Hofmeister.

C. MSBU Update

Mr. Matt Logan offered a brief summary of the items on the monthly report, and he indicated that Mr. Mark Kincaid was available to address the group on Stump Pass. Questions were posed by Ms. Buck on the projected length of the process, Mr. Harris on the various agencies in the process, and others on the material in the report. Ms. Buck also asked what guidance the division was waiting on with regard to the Edgewater North project; Mr. Logan noted that this project has had a long timeline and at various times there has been little consensus on continuing. He offered to research it in depth and follow-up on that and provide an update. Mr. Gertner asked about National Fisheries due to sawtooth fish, and in particular, if any dredging had been approved by that group to date; Mr. Logan said the review was just a "speed bump" and there have been no rejections.

Mr. Meckenberg asked to have Mr. Davidson present his applicant information first, as he has a schedule conflict, and have the Stump Pass updated moved to later in the agenda. Mr. Davidson gave a brief summary of his background, noting that he had applied at the suggestion of Commissioner Constance. Capt. Blago asked Mr. Davidson where he lived and how long he had been a resident of the County, and whether he was a member of any other County advisory committees. Ms. Buck asked if he had any incentive other than the advice of Commissioner Constance to want to attend these very long meetings; Mr. Davidson referenced his love for the water, and a conservationist's concern over the BP oil spill. Mr. Harris asked if there were any organized spearfishing groups in the county; Mr. Davidson said he knew of an event in Englewood, and believed there was a local spearfishing group, but said he was not active in that group. Capt. Blago asked who Mr. Davidson would be replacing; Mr. Fleming indicated he would not be standing for reappointment and it seemed to him Mr. Davidson was even better qualified than himself.

Mr. Harris and Mr. Ireland discussed moving ahead with the vote as there were no further applicants.

On Motion by Chairman Ireland for a recommendation to the Commission that the Marine Advisory Committee accepts the application of John Davidson, the vote passed with unanimous approval.

Mr. Harris explained to Mr. Davidson the process for the Commission to approve the appointment, noting that Mr. Davidson was welcome to attend MAC meetings before his final approval; Mr. Davidson then left for his other appointment.

Chairman Ireland then invited Mr. David Johnston, Fiscal Analyst, to the podium. Mr. Johnston offered some comments on the MAC budget, specifically regarding the disbursement of grant money to applicants, and estimates of money coming in, stating that FY 2016 would see half

million from WCIND, another half million from CNIF funds for navigation improvements, and another \$670,000 from Boater Improvement funds. Mr. Johnston had two suggestions: he recommended setting aside one million dollars for disaster reserve and another \$250,000 for contingency reserve. He noted that both recommendations would require a vote by the Committee and he asked that they have this vote on this. He also elaborated that his estimate of next year's budget assumes setting aside this reserve money; he noted they could alternately choose to have that money in the open funds where it would be available but not reserved. Chairman Ireland commented that the money will not be "lost" – Mr. Johnston agreed, they would be reserved. Further discussion ensued on this matter, including Chairman Ireland's observation that if there were to be a disaster, they could shut down other disbursements to provide for the emergency, but having the reserve would be a good alternative.

On Motion by Mr. Kumm, seconded by Mr. Bobko the proposal was made to accept the budget recommendations of Mr. Johnston. Chairman Ireland called the question, which passed unanimously.

Chairman Ireland offered compliments on the ease of understanding the budget documents created by Mr. Johnston. Mr. Rose asked where the million and a quarter came from; Mr. Harris said Mr. Johnston had gone back through the past budgets, cleaned up, found the "unbuilt" items that had been funded and generally combed through it for 'forgotten' funds.

VIII. New Business

A. Herman Novak Resignation

Chairman Ireland spoke to the issue of Mr. Novak's situation, and the personal and health circumstances behind his resignation. He spoke about the effort to find a replacement and particularly for the position of Vice-Chairman, asking for interested persons to contact him.

B. Open Positions on the Committee

With regard to the nominee from the Punta Gorda Boaters Alliance, the actual candidate is Mr. Ron Ludvig; Ms. Buck indicated Mr. Ludvig was present, if anyone wanted to speak to him.

C. Reappointment of existing members – letters of support due from organizations.

Chairman Ireland asked if all the letters were in and was advised that the recording secretary had received all but one, which has been requested.

D. Open Member-at-Large position.

The application of Mr. John Davidson for the member-at-large position had been handled earlier in the meeting.

E. Update of Bay Heights Project

None offered

IX. Old Business

A. Stump Pass Update – Mark Kincaid

Mr. Kincaid of Coastal Engineering introduced himself and then gave a summary of the Stump Pass project to this point; currently, the groin structure is being reviewed. In response to a question about timing of the work, Mr. Kincaid said that the best estimate was that the Army Corps would provide a permit by June of 2015; the DEP should provide a permit in July 2015. Once permits are place, the work can be put out to bid by the County purchasing department. Chairman Ireland asked whether the pass would need dredging before the work could begin, but Mr. Kincaid thought not, based on a review done as part of the permit request.

Additional questions from the members were offered, and Mr. Kincaid responded: Mr. Harris asked what the engineering costs were running at this point (the project has been going on for a couple of years now); Mr. Kincaid indicated everyone is frustrated with the time frame, which is all due to federal government responsiveness, specifically the Army Corps of Engineers (ACE), which disburses the project review materials to the other branches of government that review the material. All contact goes through the ACE who blame others, but you can't check up on that directly; the system is broken. Mr. Harris renewed his question regarding the total estimated cost of this project when finished; Mr. Kincaid didn't have an answer on hand but indicated he could research it.

Capt. Blago asked if there would be a ten year permit so future modifications would be speedier; Mr. Kincaid confirmed. Capt Blago commented on whether the review process is getting better, as had been previously promised; he said Sarasota reviews seem to fly through and wondered what is the problem with Charlotte's? Mr. Kincaid said there were things Charlotte County could do better; for instance, the County has no approved manatee protection plan (MPP) and that is considered as part of the review. This plan needs to be developed by the county and approved by the state. Capt Blago said there recently had been some talk about delisting manatees and he wondered if that would help; Mr. Kincaid was not able to say. Ms. Buck commented what else is needed beside the MPP? Mr. Kincaid responded regarding cooperation among groups, noting how engineered plans in the permitting process turn into compromises among the bird people, the turtle people, and other groups.

Mr. Harris said he thought the County was updating the MPP, what happened? Capt. Blago indicated that Andy Stevens told him the state was putting the MPP on hold, waiting to see about rumored federal rules change said to be coming, moving from endangered to threatened; he said no one has done a MPP in FLA for two years.

- B. Charlotte Harbor Walk – Debra Forester (Ms. Forester had requested to be rescheduled for the November meeting.)

X. Other Business

- A. Roger de Bruler reported on results of a request from MAC to identify pump-out locations in the County, so he brought a spreadsheet with the results of that research; a copy is attached to these minutes. Mr. de Bruler also reported regarding the ability to transport the pump-out boat to Chadwick Cove; the boat is not designed to be hauled when full, so it would have to be emptied before the return trip. Chairman Ireland asked where it would launch from; Mr. de Bruler didn't have the answer.

Ms. Bareither asked where we stand with Chadwick; Mr. de Bruler answered that the Sheriff's representatives are here to answer that. Will those people illegally dumping out there be amenable to having their boats pumped out? Most likely no. Mr. de Bruler also noted that the Beaches and Shores Committee is also concerned about this subject and is talking about a joint committee meeting specifically to deal with the Chadwick Cove area. Chairman Ireland noted that would be a public meeting, just like last one that got out of hand. Mr. de Bruler noted that BSAC had suggested there be an outside mediator to control the meeting, and a limited time frame for comments.

Further discussion ensued on this subject. Chairman Ireland asked if free pump-outs are refused by these folks, what recourse is there? Cpl. Lytle responded that providing the local option meets one of the excuses why they don't do it. First you have to respond to that excuse and provide the service; then when they still refuse, other action can be taken. Asked what the reasoning would be for not accepting the service, Cpl. Lytle responded with reference to an article in the paper that covered one of the scofflaws, who is a "sovereign citizen" with a boat full of guns and no residence in Florida; another is a drug dealer reportedly doing business out of his boat. So law enforcement is playing out the rope and needs to go through each step mandated by law before more aggressive action can be taken. At some point each of these boats that fails to meet the sanitation standards becomes a nuisance vessel and can be removed from the waters. Chairman Ireland asked if was a good idea to send the pump-out boat there; Cpl. Lytle agreed that it was, noting that FWC was on-board with the effort also, and they will not be so lenient. Further discussion ensued, with the group concluding that it's a long road to deal with this.

Chairman Ireland suggested not trailering the pump-out boat but just running it up there on the water. Mr. Hofmeister objected to the plan, saying that a precedent is being set and then these people will expect it every two weeks, which will increase operation costs; he doesn't agree with setting the precedent. Mr. Harris said that he supported the Sheriff, saying "let's eat the elephant in little pieces". Mr. de Bruler indicated he would discuss scheduling with Rusty and the City, and report back on a

target date. Mr. Rose suggested formally endorsing the Sheriff's plan, since the group does not have directive authority.

On Motion made by Mr. Rose, seconded by Mr. Harris to endorse the steps already described in the record; further discussion ensued, including, in response to questions posed by Capt. Blago, a review by Cpl. Lytle of the steps currently being taken and intended to be taken, after which Chairman Ireland called the question on Mr. Rose's motion; the vote was unanimous in support. Mr. Gertner asked that there be notice via email when this operation was going to happen; Chairman Ireland agreed the matter needed to be well-publicized.

XI. Citizen Comments

None offered.

XII. Good of the Order

None offered

XIII. Next Meetings

- The next **Pre-Agenda Meeting** will be held Thursday, November 6, 2014 at **9:30 a.m.** Room B-106.
- The next **Regular Meeting** will be held Thursday, November 13, 2014 at 9:30 a.m. in Room 119

XIV. Adjournment

On motion made and unanimously accepted, the meeting was adjourned at 10:56 a.m.