

MINUTES
FORT MYERS BEACH
Anchorage Advisory Committee
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931
Wednesday, September 21, 2022

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chair Light.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Bob Beasley, Douglas Eckmann, Ted Lawwill, Katherine Light and Sam Lurie.
Excused: Greg Holmes and Mike Ratliff.
Staff: Public Works Manager Jason Freeman and Harbormaster Austin Gilchrist.
Council Liaison: Rexann Hosafros

IV. PUBLIC COMMENT – no public comment.

V. APPROVAL OF MINUTES – August 17, 2022

Correction: She (Chair Light) was not opposed to renting balls when patrons left for a week or two, ~~but~~ and she was not opposed to marking the ball when people left to get fuel or water.

MOTION: AAC Member Eckmann moved to approve the amended minutes; second by AAC Member Lurie.

VOTE: Motion passed unanimously.

VI. STAFF REPORT

Manager Freeman stated that reappointment applications were due on September 23, 2022, by noon. Chair Light and AAC Members Beasley, Lawwill and Lurie were up for reappointment. Harbormaster Gilchrist indicated they were busy with the expansion and letters informing vessels to leave by August 31, 2022, went out. As of today, three remained, with two leaving soon. He was working with the Sheriff's Office to determine ownership of the third vessel. Harbormaster Gilchrist noted that boats and systems should be in the expansion area at the end of this month or the beginning of next. He indicated that law enforcement was helping to remove vessels in the backwater. About 40 boats were on the wait list between the next two months. The pump-out boat was running great and scheduled for an oil change. Harbormaster Gilchrist was working with Lee County and Bowditch Park staff to match up all rules and ordinances and install uniform signage throughout all the dockage. He noted that more people inquired about storing their boats this year.

Chair Light questioned other Mooring Fields that allowed rafting. Harbormaster Gilchrist replied that Vero Beach and a private Mooring Field in Sarasota allowed rafting. He stated he allowed rafting only by request, which was not a common practice. Chair Light felt it was a dangerous practice, especially with windy afternoon thunderstorms. Harbormaster Gilchrist commented that Coastal Engineering tested the helix poles.

Chair Light presented the recommended 25% increase in Mooring Field rates to Town Council. She discovered that staff suggested dropping the weekly rate. Manager Freeman commented that the weekly rate would be the daily rate times seven. Chair Light pointed out that it was not a daily rate, not a weekly rate. Harbormaster Gilchrist indicated that the weekly rate was not utilized but eliminating the weekly rate would result in amending the Harbor Management Plan. Chair Light stated that the weekly rate was removed from the fee schedule provided by Council Member Veach. Harbormaster Gilchrist will review the document. A weekly rate had to be included per the plan, but it did not have to be a discounted weekly rate. He explained that people were using the daily rate just for a discount on the monthly rate.

AAC Member Lawwill questioned whether they needed to increase the fees to cover new personnel. Manager Freeman replied that the increases would help cover new staff, maintain the level of service and help with potential future projects. Harbormaster Gilchrist indicated that the pump-out boat was subsidized and grant funded.

Harbormaster Gilchrist confirmed that Dockwa automatically adjusted the rates for people who stayed longer than anticipated. Chair Light questioned how AAC felt about offering a discounted weekly rate. AAC Member Eckmann thought that a daily and monthly rate was enough as a practical matter. AAC Member Lurie commented that if the outcome was to encourage people to stay, it did not seem to be a needed incentive at their high occupancy. AAC Member Lurie supported a discounted weekly rate. AAC Member Beasley noted the standard was to offer some discount for a weekly rate, but he could go either way. Chair Light wanted to see the weekly rate remain and indicated the rate was in line with other mooring fields.

MOTION: AAC Member Eckmann moved to recommend an increase in rates by 25% across the board and keep the discounted weekly rate; second by AAC Member Lurie.

VOTE: Motion passed unanimously.

VII. APPEAL – GRAY

Liaison Hosafros swore in those providing testimony. Chair Light noted that the role of the AAC was to make a recommendation to Town Council.

Helen Gray provided materials to the AAC and Town Clerk before the meeting, so she summarized her appeal. The definition of liveaboard was five consecutive days or ten nonconsecutive days and she was granted the status in September of 2020. Her vessel was still being repaired from the lightning strike and was not in the field. She received a list of liveaboards from Dockwa. The Harbormaster mentioned an insufficient number of pump-outs and she disputed that. She was told in August that pump-outs were weekly and she pumped out once a month, which was on the logs. Ms. Gray brought up reassignment to the east field and stated her vessel draws over six feet and the east field water was skinny. She was worried about running aground. She added that a small dinghy dock was located at the end of Gulf Beach Road, but it was poorly lit and without potable water. Purchasing ice was inconvenient, and there were no convenient landside showers or toilet facilities. She discussed the lack of parking and commented that she could park under the Matanzas bridge, but she would not leave her car there overnight due to safety concerns. She

concluded that she wanted her liveaboard status reinstated and assigned somewhere in the west mooring field. She explained that the channel approaching the east mooring field was not deep enough.

Harbormaster Gilchrist stated that staff was relocating vessels in preparation for the expansion. He explained that he was trying to locate transients towards the front, liveaboards toward the middle with wet storage vessels toward the back because they did not do pump-outs. All liveaboards in the field were required to pump-out weekly and signs with pump-out procedures were posted in all accessible areas. He listed all the ball reassignments and noted that Ms. Gray was the only one who objected. He stated that Ms. Gray had not pumped out within the time required of liveaboards as indicated by the Fish & Wildlife Conservation (FWC). All the liveaboards had to provide documentation of a compost system or a sanitation device approved by the coastguard. Some of the vessels were in the front of the field because they were liveaboards who fell into the five days consecutive with the ten days weekly. Harbormaster Gilchrist verified with people that the vessel was not occupied more than two weekends out of a month maximum. Ms. Gray did not meet the criteria for liveaboards and he explained how it cost time and money to try to operate with wet storage boats in the east field. He stated that staff had not received any police reports regarding the safety of the dinghy dock. There were no reports of grounding in the backfield with vessels larger than Ms. Grays. He explained that staff was trying to run the field the most economical way possible and maintaining one boat back there hindered operations. The previous emails and decisions starting in September 2020 were from the former public works director, not the harbormaster.

AAC Member Eckmann questioned whether Ms. Gray objected to weekly pump-outs. She replied that she would do it even if it was not necessary. AAC Member Eckmann questioned whether she was a liveaboard. She referred to Exhibit C and noted she met the liveaboard criteria as stated in the permit. She questioned the definition of wet storage and indicated that very few people took their vessels out. Ms. Gray stated that the boat size did not matter; it was the draw.

AAC Member Beasley questioned whether she lived on the boat and Ms. Gray replied that she was on the boat for five consecutive days or ten nonconsecutive days, but it was not her primary domicile. She felt she should not be limited when she could utilize her vessel based on the tide.

Chair Light reviewed the timeline provided by Ms. Gray and Ms. Gray stated that she was never warned about her liveaboard status or pump-out schedule before August 8. Harbormaster Gilchrist disagreed and noted that all boats were assessed, and Ms. Gray's boat did not show up on the pump-out list, so her vessel was relocated to Ball 53. Chair Light asked again whether Ms. Gray had been warned about her pump-out schedule. Harbormaster Gilchrist replied that they verified proof of liveaboards through the pump-outs and she did not meet the criteria of proof. Chair Light pointed out that the Harbor Management Plan noted that Ms. Gray should have been notified and allowed to rectify the situation. She was never told that she needed to do a weekly pump-out. Harbormaster Gilchrist did not have a record of Ms. Gray receiving a liveaboard status.

AAC Member Lurie verified that Harbormaster Gilchrist was instructed to add Ms. Gray to the list at one time and when she was removed, the next person on the waiting list was added.

AAC Member Beasley questioned how other mooring fields monitored liveaboards. Harbormaster Gilchrist replied that pump-outs were used, but the rules about how they confined the mooring fields dictated the problem.

AAC Member Lurie questioned whether she could be moved to a more satisfactory location depth-wise and more westerly. Harbormaster Gilchrist commented that her vessel was located on the channel and closest to the access to the dock. He added that Ms. Gray had options she could utilize to improve her situation.

Discussion was held regarding the difference between liveaboards and wet storage. Chair Light revealed that the former public works director granted Ms. Gray liveaboard status, although she did not qualify. She referred to the current land lease and noted that Ms. Gray qualified under paragraph 24. She read the special lease conditions for 10 liveaboards in Section 26 and indicated that Ms. Gray did not need the liveaboard status. Ms. Gray was concerned that she would be limited to six months in any twelve-month period absent liveaboard status. Harbormaster Gilchrist pointed out that she could utilize the field at an extended lease for as long as she wanted as wet storage. Chair Light discussed the special exception granted by the state in 2002 for 10 liveaboards.

Harbormaster Gilchrist confirmed that the current liveaboards lived on their vessels but were not allowed to declare primary residency.

Ms. Gray stated that she was looking for how not to get kicked out after six months and preferred the west field. She would comply with the pump-out schedule.

AAC Member Eckmann summarized that Ms. Gray preferred Ball 23, but maybe there was an alternative ball that would be a compromise. However, it was up to the discretion of the harbormaster to manage the Mooring Field and move the boats around based on how they were being utilized. Ms. Gray stated that she was originally on Ball 7 and admitted that boats moved all the time.

AAC Member Lurie questioned whether Ms. Gray was paying while her vessel was not in the field. Ms. Gray replied affirmatively and stated she came into the Mooring Field in January 2018. She confessed that she paid for six months to get a \$25.00 parking permit.

Chair Light confirmed that Ms. Gray was in compliance before the lightning strike. She concluded that because of Ms. Gray's usage of the boat, she did not qualify as a liveaboard. Harbormaster Gilchrist should have warned her before taking action, but he did have the authority to move a ball wherever he wanted to improve operations. Chair Light did not agree with grouping liveaboards and non-liveaboards. She noted there were no eyes in the east field and it was a safety issue. She felt the pump-out boat should go to all areas of the field every time it was out. Harbormaster Gilchrist revealed that the backfield was checked daily with a drone.

AAC Member Eckmann thought that Harbormaster Gilchrist's decision was correct.

AAC Member Lawwill hoped that Ms. Gray would be able to continue to use her boat the way she used it now.

AAC Member Lurie remarked that Ms. Gray was in good standing and that the AAC should accommodate her request to be located more westerly.

AAC Member Beasley agreed with members and agreed she should not have been granted a liveaboard status. He thought they should try to find a compromise to satisfy both parties.

Liaison Hosafros stated that their job was to determine whether Harbormaster Gilchrist followed the rules and if he did, his actions were legitimate, and the discussion should stop. If Harbormaster Gilchrist did not follow the rules, then compromises and solutions could be discussed. AAC Member Beasley stated that Harbormaster Gilchrist followed the rules. Chair Light agreed he had the right to reassign the ball and followed the rules. She questioned whether he correctly revoked the liveaboard status. AAC Member Beasley replied that he did, but he did not like how the status was monitored. Chair Light questioned whether Harbormaster Gilchrist should have given Ms. Gray a warning before revoking the status. Liaison Hosafros mentioned the word infraction and noted that the pump-out issue was an indication of status, not a violation. Harbormaster Gilchrist agreed it was a status change. Chair Light stated that the AAC appeared to agree that Harbormaster Gilchrist was within his rights for taking away the liveaboard status and reassigning the boat according to the Harbor Plan. AAC Members agreed that Harbormaster Gilchrist followed the

rules and his actions were justified. AAC Member Lurie commented that the AAC should review future procedures. Chair Light will write up a report to present to Town Council. She informed Ms. Gray that she could continue to use her vessel as she had. Harbormaster Gilchrist stated that when Ms. Gray's boating characteristics changed, he would work with her, but now he was setting up the field for season.

Ms. Gray thanked the AAC for their time.

VIII. HARBOR MANAGEMENT PLAN REVIEW

Chair Light stated that the capital letters needed to be added to the table of contents and the document. The heading of Communication Procedures with Renters under Communications was left off the table of contents and the document.

IX. MEMBER ITEMS AND REPORTS

AAC Member Lawwill stated they were missing data from the occupancy rate because July and August were combined. The income level was consistent with the increase in occupancy, but it compared gross to net, and he would try to fix that next month.

Chair Light suggested documenting infractions in writing instead of verbally.

No items from other members.

X. PUBLIC COMMENT – no public comment.

XI. SET NEXT MEETING AGENDA – October 19, 2022

XII. ADJOURNMENT

MOTION: AAC Member Lawwill moved to adjourn the meeting; second by AAC Member Lawwill.

VOTE: Motion passed unanimously.

The meeting was adjourned at 10:55 a.m.

Adopted 5/17/2023 with/without changes. Motion by Sam Lurie
(DATE)

Vote: 4 YES Signature: D.M. Edman

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