

**PUNTA GORDA ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
JANUARY 20, 2011**

**MEMBERS PRESENT:** Bill Dixon, Chairman  
Nancy Dauster, Thomas McAlear, David McBride,  
Charles Thomas, James Thompson

**OTHERS PRESENT:** Randy Brodersen, Canal Maintenance Supervisor  
Teri Tubbs, Zoning Official  
Rick Keeney, Public Works Director  
John Dauster

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- Mr. Dixon confirmed the Committee's existing vacancy had been announced at the January 19, 2011 City Council meeting.
- B. Next Scheduled Meeting
1. Thursday, February 17, 2011, 1:30 p.m.
  - Mr. Dixon reminded members their next meeting day had been changed from a Monday to a Thursday, explaining same was due to a conflict with a holiday observed by the City. He announced he would not be in attendance at the next meeting.

**APPROVAL OF MINUTES**

- A. December 20, 2010 Meeting
- Mr. McBride clarified his statement on page 3 with regard to Mr. Thomas' offer to research assessments of other condominiums.
  - Mr. Thompson MOVED, Mr. McBride SECONDED approval of the December 20, 2010 minutes as amended. MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Permits Authorized by City Staff for Installation of Docks, Lifts, Outpilings, etc.
- B. Budget Utilization Report – December 2010
- C. Seawall and Seawall Cap Replacement Status Reports
- Mr. Randy Brodersen, Canal Maintenance Supervisor, reported 22 permits were issued in December 2010, pointing out same were described in the agenda material. He then confirmed members had been provided with the Budget Utilization Report for the previous month as well as the Status Reports for Seawall and Seawall Cap Replacement.
  - Mr. Thompson questioned the number of crews currently working.

- Mr. Brodersen replied he believed five crews were working on seawall caps and three on seawalls, with two barges currently in Punta Gorda Isles (PGI) and one in Burnt Store Isles (BSI).
- Mr. Thompson asked if staff felt that level of manpower could be maintained throughout the remainder of the year.
- Mr. Brodersen replied he was diligent in encouraging same, acknowledging costs could vary greatly each month. He then commented on the Vasco Peoples Bridge, stating work was ongoing at this time. He clarified seawalls had been installed on the north side, adding seawalls caps were currently being formed. He mentioned the contractor wished to begin work on the south side; however, Florida Power & Light (FPL) had not yet relocated their power lines. He expressed hope work would be complete by February 1, 2011, reiterating same was dependent upon FPL. He explained FPL would drop the lines which currently extended over the canal and run them parallel with the Bridge.

#### **PUBLIC HEARINGS**

- A. GA-01-11 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 6, Punta Gorda Code, known as "Boats, Docks and Waterways;" Article II, "Punta Gorda Isles Canal Maintenance Assessment District," Subsection 6-28, "Same - Governing Body; Advisory Committee;" amending Subsection (b), adding a provision to require review for variance requests that are located within six (6) feet of the seawall on the property abutting the seawall; amending Article III, "Burnt Store Isles Canal Maintenance Assessment District," Subsection 6-35 "Same - Governing Body; Advisory Committee," amending Subsection (b), adding a provision to require review for variance requests that are located within six (6) feet of the seawall on the property abutting the seawall; providing for conflict and severability; and providing an effective date.
- B. ZA-02-11 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, known as the Land Development Regulations, Article 3, "Regulating Districts," amending Section 3.13, "SRO, Special Residential Overlay District," Subsection (t), "Walkways in Rear Yards," removing provisions to increase walkway width by special exception; amending Chapter 26, Article 16, Section 16.10, Punta Gorda Code, "Variances," Subsection (d), "Public Hearing Notice," adding provisions for requests for variances for structures within 6 feet of a seawall to be heard by the appropriate canal advisory committee and providing additional criteria for such structures; providing for conflict and severability; and providing an effective date.
- Ms. Teri Tubbs, Zoning Official, reminded members of a discussion at a previous meeting regarding variances affecting areas located close to a seawall and the

potential detriment to same. She stated a recommendation was made to amend City Code to provide for a “trigger” to avoid overlooking the appropriate canal advisory committee’s technical review for such variance requests. She then read the title of GA-01-11 into the record, stating same would require requests to increase the width of a walkway adjacent to a seawall to be approved through the variance process.

- Mr. Dixon requested clarification of the different language between GA-01-11 and ZA-02-11.
- Ms. Tubbs explained the proposed language in Chapter 6 of the City Code was a generic reference to variances, adding “GA” represented a “general amendment” to something other than the Land Development Regulations (LDRs). She clarified Chapter 6 was not a part of the LDRs. She continued “ZA” represented a “zoning amendment” and then read the title of ZA-02-11 into the record. She explained the first amendment in Chapter 26 was to the Special Residential Overlay (SRO) zoning district, specifically the reference which arose as a result of a sidewalk which was allowed to be widened by special exception; however, there was no criteria in a special exception for that type of request, which should not have been allowed. She noted the proposed amendment would correct that small area of City Code. She advised the amendment to Article 16 was to the public hearing notice requirement for variances or for public hearings in general. She stated the proposed amendment included technical criteria to consider and require as variance criteria in general may be slightly different, adding there may be additional areas which should be reviewed for requests which may affect a seawall, thus the basis for the difference in language. She clarified variance requests were submitted for structures as opposed to uses.
- Mr. Thompson pointed out the Committee had no actual authority but rather only made recommendations. He confirmed the process outlined in the proposed amendments was similar to other types of applications where certain boards and/or committees made recommendations to City Council.
- Ms. Tubbs agreed, adding City Council valued the more technical review provided by the City’s advisory boards/committees.
- Mr. John Dauster observed the agenda material referenced a five foot wide walkway, asking if a request for a seven foot wide walkway, for example, would automatically trigger a review by this Committee.
- Ms. Tubbs replied affirmatively, assuming the walkway was proposed to be constructed so as to abut the seawall or be located within six feet or less of same.
- Discussion ensued with regard to setback allowances and restrictions as same related to the area between the rear of a home and the seawall.

- Ms. Dauster requested clarification of special exceptions.
- Ms. Tubbs explained special exceptions were particular requests for a use, citing as an example a request by The Home Depot for outside display and sales. She noted a special exception application was required to undergo the public hearing process and required review by the Planning Commission prior to presentation to City Council.
- Mr. McBride MOVED, Mr. Thompson SECONDED to recommend approval of GA-01-11 and ZA-02-11. MOTION CARRIED UNANIMOUSLY.

#### **NEW BUSINESS**

- Mr. Rick Keeney, Public Works Director, announced budget preparations were underway, asking members to begin considering any recommendations. He advised staff was always open and available for any questions of individual members.
- Mr. Dixon commented the backlog of seawalls needing to be replaced seemed to be increasing, asking if anyone felt a recommendation should be made for an increase in the annual canal maintenance assessment fee.
- Mr. McAlear replied he did not believe the Committee had sufficient information to validate such a request.
- Mr. Thomas agreed, stating he felt the Geographic Information System (GIS) program must first be fully implemented.
- Mr. McAlear pointed out work crews may be unable to keep pace with an increase in revenue.
- Mr. Brodersen responded monthly progress meetings continued to show the proper expenditure of funds.
- Mr. McBride clarified no decrease in quality and/or work issues had been observed.
- Ms. Dauster expressed agreement with Mr. Dixon with regard to the apparent increase in backlog.
- Mr. Thompson questioned the availability of other marine contractors in the area.
- Mr. Brodersen replied there were few; however, he pointed out bids were accepted from all registered contractors.
- Mr. Keeney mentioned the existing contract was three years in duration. He recalled Marine Contracting Group (MCG) actually lowered their bid at the time of the most recent renewal, adding they had also increased crew sizes to keep up with the City's schedule.
- Mr. Thomas then commented on the delay in completion of the GIS program, as had been discussed at the Committee's past several meetings, asking if additional revenue would expedite same. He suggested perhaps an outside contractor with the proper GIS expertise could be retained to avoid being dependent on Charlotte County's staff.

- Mr. Brodersen responded the City had retained Mr. Gary Disher as an outside GIS contractor, noting Mr. Disher had provided a GIS presentation at the Committee's December 2010 meeting.
- Mr. Thomas then recommended more attention be given to mangrove trimming.
- Mr. McBride requested year-end actuals for the previous fiscal year for comparison purposes. He further requested staff's projections for the next three to five years based on current levels of spending.
- Mr. Dixon asked when the Committee could expect their annual budget presentation from the Finance Department.
- Mr. Keeney replied the Finance Department was currently developing the budget timetable, reiterating budget preparations were very preliminary at this time.

#### **UNFINISHED BUSINESS**

##### A. Condominium Assessment Methodology

- Mr. Dixon questioned members as to how they wished to proceed on this issue.
- Mr. McAlear reminded members the issue of methodology was raised every three to four years, asserting his belief the Committee should be proactive as opposed to reactive and maintain same as an active agenda item. He opined the problem was difficult as opposed to insoluble.
- Mr. Dixon asked if Mr. McAlear planned on presenting additional information at the Committee's next meeting.
- Mr. McAlear replied he did not, stating he wished he had the expertise to do so as did Mr. Thomas. He asked Mr. Thomas to continue his research of condominium assessments and present same to the Committee for discussion. He expressed hope such discussions may reveal a solution.
- Mr. Thomas recalled he had intended to be scheduled with Mr. Steve Fabian of the City's Marine Unit Volunteers in December 2010 or January 2011, stating same would have allowed him to take advantage of Mr. Fabian's extensive research and institutional knowledge; however, the schedule had fallen through due to inclement weather. He clarified he still intended to meet with Mr. Fabian under the same circumstances and was simply awaiting notification of the Marine Unit's upcoming schedule. He asserted the methodology for all members of the Canal Maintenance Assessment District (CMAD) should either be based on linear feet or remain the same, acknowledging the former was most likely too controversial to ever take place.
- Mr. Dixon countered the Committee was advisory only, adding he would not hesitate to make a recommendation simply because it was controversial; however, any recommendation must be made with sufficient back-up material.

- Mr. Thomas agreed, stating all information must be laid out accurately, concisely and must provide a comparison between the current situation and one based on linear feet.
- Mr. Dixon concluded "Condominium Assessment Methodology" would remain as an agenda item under Unfinished Business.
- Mr. McAlear asked if the entire CMAD would have to be surveyed if a change to linear feet was made.
- Mr. Thomas replied he did not believe so, stating he felt adequate linear measurements were available through the Charlotte County Property Appraiser's records.
- Mr. Dixon expressed his belief a survey of the CMAD was unnecessary; however, he maintained the Committee must remain cognizant of the problematic nature of such a proposal.

B. Update on Seawall GIS & Charlotte County GIS

- Mr. Brodersen reported as of the end of this date, he anticipated six to eight miles of seawall would remain unsurveyed. He noted significant effort was made to input the data collected on a timely basis.
- Mr. McAlear asked when supplies of the older rebar would be exhausted.
- Mr. Brodersen replied crews had been utilizing the newer rebar material for the past four to five months.
- Mr. McAlear countered he had personally observed the older material being used very recently at a location on the rim canal.
- Mr. Brodersen asked Mr. McAlear to send him the exact location, stating he would look into the matter.
- Mr. McAlear then confirmed crews continued to use green, epoxy coating for seawall caps.
- Mr. Brodersen agreed, noting same would continue until an agreement could be reached with MCG to utilize an alternative coating.
- Ms. Dauster then recalled the Committee had questioned the cost of a seawall panel, excluding installation, asking if that information was available.
- Mr. Brodersen replied he would provide same at the Committee's next meeting.

**MEMBERS COMMENTS**

- Mr. Dixon reminded members election of officers, Chairman and Vice Chairman, would be held at their February 2011 meeting.
- Mr. McBride commented complex issues such as the assessment methodology discussion held this date tended to go on for long periods of time with no conclusion, mostly due to the restrictions of the Sunshine Law, suggesting one remedy was for the Committee to create a project objective and assign one person to perform the

necessary analytical work. He asked members to consider creating a budget item which would allow an outside individual to be retained on a temporary basis to obtain the analytical information necessary for a proper discussion and a final decision.

- Mr. Dixon noted the Committee itself did not have a budget; however, a recommendation could be made to City Council for funds to be so allocated. He asked staff to include Mr. McBride's suggestion on the February 2011 agenda.
- Ms. Dauster commented there had been a significant increase in boat traffic in Ponce de Leon Inlet.

**ADJOURNMENT**

- Meeting Adjourned: 2:38 p.m.

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Bill Dixon, Chairman

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Mary Kelly, Recording Secretary