

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
FEBRUARY 18, 2010**

MEMBERS PRESENT: Bill Dixon, Chairman
Nancy Dauster, Bill Folchi, Spencer Hughes,
Richard Kresge, Thomas McAlear

OTHERS PRESENT: Rick Keeney, Public Works Director
Randy Brodersen, Canal Maintenance Supervisor
Dennis Murphy, Growth Management Director
John Dauster, Bill Guenther, Bill Armitage

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Monday, March 15, 2010 - 1:30 p.m.
- C. Election of Officers: Chairman and Vice Chairman
 - Mr. Rick Keeney, Public Works Director, opened the floor for nominations for Chairman.
 - Ms. Dauster NOMINATED Mr. Dixon for Chairman.
 - Mr. Hughes MOVED, Ms. Dauster SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
 - As there were no other nominations, Mr. Dixon was reappointed as Chairman by acclamation.
 - Mr. Dixon then opened the floor for nominations for Vice Chairman.
 - Ms. Dauster NOMINATED Mr. McAlear for Vice Chairman.
 - Mr. Hughes MOVED, Ms. Dauster SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
 - As there were no other nominations, Mr. McAlear was appointed as Vice Chairman by acclamation.

APPROVAL OF MINUTES

- A. Regular Meeting of January 21, 2010
 - Ms. Dauster noted a correction to page 4.
 - Mr. Folchi noted a correction to page 5.
 - Ms. Dauster MOVED, Mr. McAlear SECONDED approval of the January 21, 2010 minutes as amended. MOTION CARRIED UNANIMOUSLY.

CANAL MAINTENANCE MONTHLY REPORTS

- A. Permits Authorized by City Staff for Installation of Docks, Lifts, Outpilings, etc.
- Mr. Randy Brodersen, Canal Maintenance Supervisor, announced 13 permits were issued in January 2010, displaying an overhead, as delineated in the agenda material, depicting the details of same.
 - Mr. Dixon commented the Committee had not been presented with a Special Permit application for several months.
- B. Budget Utilization Report
- Mr. Brodersen displayed the Budget Utilization Report for the reporting period as of January 31, 2010, confirming there were no questions regarding same. He mentioned Marine Contracting Group (MCG) had been pushing forward on seawall cap work, with over 350 feet accomplished over the past 2 weeks.
- C. Seawall & Seawall Cap Replacement Status Report
- Mr. Brodersen confirmed members had received the status reports for the period through January 29, 2010. He explained each location was designated as Complete (C), In Progress (IP) or High Priority (HP).

NEW BUSINESS

- A. Ordinances of Canal Assessment District - Informational Purposes
- Mr. Keeney drew members' attention to copies of Ordinance #549-79, #825-86 and #1034-92, as delineated in the agenda material, stating the Committee had requested same at their previous meeting. He provided a brief overview of the Canal Maintenance Assessment District (CMAD) from 1979 through 1992.
 - Ms. Dauster confirmed the annual fee should be referred to as an "assessment" as opposed to a "tax." She further clarified a referendum would not be required to make a change to the amount of the annual assessment.
 - Mr. McAlear asked if City Council was empowered to change the method by which property owners were assessed.
 - Mr. Keeney replied affirmatively, explaining City Council would meet as the Punta Gorda Isles (PGI) and/or Burnt Store Isles (BSI) CMADs when doing so.
 - Mr. McAlear asked if City Council could make a unilateral decision to reduce the allowed speed in the canal system to "Idle Speed/No Wake."
 - Mr. Keeney replied absolutely, noting City Council adopted the Manatee Protection Program (MPP) which regulated same; however, approval from the Department of Environmental Protection (DEP) was required. He explained the MPP took precedence over anything in the ordinance as same was the most recently adopted program. He advised the Legal Department was researching this issue. He pointed out the MPP was

being used in development of mooring fields and the day docks, for example, expressing concern with regard to changing same at the same time the City was seeking various permits important to the City.

- Mr. McAlear stated he understood local government could enact rules which were more strict than State or Federal guidelines, asking if the City could adopt a stricter level of protection without requiring a change to the MPP itself.
- Mr. Keeney expressed uncertainty regarding same, reiterating he would report back to the Committee immediately upon receiving a response from the Legal Department. He cited an example of State law prohibiting boaters from impeding navigation, adding boaters anchored off of Ponce de Leon Inlet; however, the City could not act more strictly by prohibiting anchoring completely.
- Ms. Dauster pointed out City Code Section 6-22, "Interference with Navigation Prohibited; Exception," stated anchoring or mooring to bridges or adjacent to heavily travelled channels shall constitute interference. She pointed out a boat had been anchored earlier this date in Ponce de Leon Inlet, blocking numerous other boaters before finally moving.
- Mr. Keeney responded the City could certainly move a recommendation forward to the State; however, the Committee had directed staff to take no such action.
- Mr. John Dauster recalled the MPP denoted certain markers on certain channels on the entrance to Ponce de Leon Inlet; however, the MPP was silent upon entrance into the canal system. He clarified there was no direction with regard to speed or any restrictions in the canal system itself.
- Mr. Keeney stated on numerous occasions, the Legal Department had advised the markers at the entrance to Ponce de Leon Inlet regulated the canal system.
- Mr. Dauster countered two different speeds were indicated on different markers, asking if navigation through the canal system should be in accordance with the last marker before entering same.
- Mr. Keeney replied that was his understanding.

OLD BUSINESS

A. Research/Fact Finding - Committee Update

- Mr. Dixon displayed a bell curve relative to seawall failure rates, stating both he and Councilmember Larry Friedman had originally thought seawalls would soon begin to fall at a catastrophic rate, acknowledging same was a realistic concern in the event of a serious storm event; however, he pointed out the CMAD had lost approximately 15% to 20% of its seawalls over the past 50 years. He clarified it did not appear the failure rate

would become any steeper. He concluded he did not feel there was a need to continue researching this issue.

- Mr. Dennis Murphy, Growth Management Director, then announced the City's Transportation Investment Generating Economic Recovery (TIGER) grant application had been denied, stating staff had hoped to utilize same for seawall replacement.
- Mr. Dixon requested an update on the Geographic Information System (GIS).
- Mr. Brodersen announced City staff had originally planned on meeting with Charlotte County representatives the following day, February 19, 2010, adding the system link on the system had been provided for testing by the City; however, City staff had not had the opportunity to work with the link; thus, the meeting had been moved to the following week to allow staff's clear understanding of GIS.
- Mr. Dixon requested GIS be included as an agenda item at the Committee's next meeting.

B. Neighborhood Watch Signs - Bill Guenther

- Mr. Dixon drew members' attention to an excerpt from the Committee's November 16, 2009, minutes, as delineated in the agenda material, announcing Mr. Bill Guenther, Neighborhood Marine Watch (NMW), wished to address the Committee.
- Mr. Guenther displayed a photograph of a sign informing the public the canal system was being monitored by the NMW, stating membership had increased from 24 to 52, and vessels on the water had gone from 24 to 36. He reported 50 to 60 man hours per month were provided by volunteers, concluding this program incurred no cost on behalf of the City. He acknowledged signage had not been finalized, stating they would seek guidance from the Coast Guard with regard to markers, seven sites for which had been targeted. He mentioned permission would be sought to place signage on four other locations, specifically on private properties with docks at points entering Pompano Inlet and Tarpon Inlet. He requested watch times not be advertised.
- Mr. Dixon urged Mr. Guenther to recruit people to provide assistance.
- Mr. Kresge clarified the NMW was comprised of four groups.
- Mr. Guenther agreed, specifically Bass, Ponce de Leon and Tarpon to Pompano group Inlets as well as the Alligator Creek "cut" location.
- Mr. Kresge asked if a boat was stationed in each of the four locations.
- Mr. Guenther replied not at the same time. He explained volunteers were instructed to shoot a flare in the event of unusual or suspicious activity and to contact the Police Department. He confirmed volunteers did not become involved in any confrontations but rather deferred all such contact to the Police Department.

- Ms. Dauster expressed the Committee's thanks, adding she believed the entire community was appreciative as well.

CURRENT BUSINESS

A. Continued Discussion of Canal Maintenance Fee Methodology

- Mr. Dixon asked if anyone objected to recommending City Council charge all single family homes at the single family rate, regardless of the zoning classification of their property.
- Consensus of the Committee was approval of same.
- Mr. Dauster recalled a gentlemen spoke at the January 2010 meeting who owned a single family home constructed over two lots, stating he was assessed the annual fee for each lot. He opined this was unfair, adding such property owners should incur only one assessment.
- Mr. Dixon responded the current methodology provided for charging such property owners for each lot. He confirmed members were comfortable with the above stated consensus, asking how the Committee wished to proceed.
- Mr. Kresge suggested focusing on multi-family homes.
- Ms. Dauster recalled Mr. Steve Fabian conducted a fairly extensive study and learned multi-family properties were assessed between as low as \$20 and as much as \$384. She further noted the amount assessed against each condominium owner was essentially controlled by the condominium association.
- Mr. Dixon confirmed members did not wish to become involved in the latter issue of the amount individual condominium owners were charged by their individual associations. He then reviewed the formula by which multi-family properties were assessed, as described in Chapter 6 of the City Code.
- Ms. Dauster noted condominium complexes typically had more linear feet than single family homes due to their ability to have finger docks, which allowed more boats.
- Mr. Dixon noted canal width had an impact on same. He commented on the many variables associated with condominium dock set-ups and the possibility for future changes in the design of same, expressing concern with regard to the financial impact on the CMAD's budget due to administrative impacts.
- Mr. Folchi asked if the difference between a parallel or finger dock had any consequence whatsoever to the Canal Maintenance Division.
- Mr. Dixon replied more boats could be moored within a given seawall length.
- Mr. Folchi clarified the method of construction had no bearing on the maintenance and construction of seawalls; thus, he did not feel same fell within the Committee's purview.

- Mr. McAlear disagreed, stating on a long seawall with one parallel dock, it was much easier to replace the seawall than at a location with several finger docks.
- Mr. Keeney countered the City paid one set price for landward maintenance and another for waterward.
- Mr. McAlear questioned the fairness of condominium residents paying less than single family home owners.
- Mr. Folchi countered both were paying approximately the same.
- Mr. Dauster provided a detailed calculation for a single family lot, resulting in a linear foot charge of \$6.25. He then described a calculation for a condominium complex with similar frontage, resulting in a linear foot charge of \$6. He concluded single family home owners paid more for a standard lot than condominium owners.
- Mr. Dixon recalled when City Council voted to change the annual fee to \$500, the condominium assessment at that time was \$.04 per square foot; however, City Council voted to increase same to \$.05.
- Mr. McAlear opined collecting the additional funds from condominium property owners was not worth the effort.
- Mr. Kresge concurred.
- Mr. McAlear then commented on the unfairness of charging small lot owners the same assessment as large lot owners.
- Mr. Dixon mentioned some property owners felt the assessment should be based on property values.
- Mr. Bill Armitage announced he owned a single family home constructed on two lots, asserting he happily paid the \$500 assessment for each lot every year. He urged the Committee to address multi-family properties as well as single family properties.
- Mr. McAlear reiterated the annual assessment for multi-family lots was raised from \$.04 to \$.05.
- Mr. Dixon stated he believed it was time to make some type of recommendation to City Council.
- Mr. McAlear MOVED to recommend City Council set the multi-family rate at an equitable number to gain the same revenue as single family housing.
- Mr. McAlear explained his goal was to cover the discrepancy discussed earlier.
- Mr. Murphy responded based on the \$500 annual fee for a single family lot, the multiplier for multi-family property should be \$.05208333.
- Mr. McAlear WITHDREW his MOTION.
- Mr. McAlear MOVED, Mr. Hughes SECONDED to recommend City Council adjust the rate for multi-family housing to \$.05208333 per square foot.

- Mr. Kresge suggested a rate of \$.051 or \$.052.
- Mr. Keeney cautioned the Committee to gear their recommendation to methodology as opposed to actual dollar amounts.
- MOTION FAILED UNANIMOUSLY.
- Mr. McAlear MOVED, Ms. Dauster SECONDED to recommend City Council change the methodology for assessment of multi-family property to be comparable with single family residential property using 80' x 120' as a standard lot. MOTION CARRIED UNANIMOUSLY.
- Mr. Dixon stated he would prepare a draft letter for the Committee's review at their next meeting.
- Mr. Folchi MOVED to recommend single family residences built on more than one lot be charged at the single family rate.
- Mr. Dixon asked if the Committee wished to address the issue of single family residences constructed on multi-family zoned land.
- Mr. Folchi WITHDREW his MOTION.
- Mr. Kresge MOVED, Ms. Dauster SECONDED to recommend City Council assess single family homes constructed on multi-family zoned land at the single family rate.
- Mr. Hughes countered he believed the Committee had been tasked with devising a method to result in City income to finance canal maintenance.
- VOTING AYE: Dauster, Folchi, Kresge, McAlear, Dixon.
- VOTING NAY: Hughes.
- MOTION CARRIED.
- Mr. Folchi MOVED, Ms. Dauster SECONDED to recommend City Council continue utilizing the current methodology for computing canal maintenance assessment fees for single family residences.
- VOTING AYE: Dauster, Folchi, McAlear, Dixon.
- VOTING NAY: Hughes, Kresge.
- MOTION CARRIED.
- Mr. McAlear clarified only the issue of single family homes constructed over more than one lot had not been addressed, adding the property owner would be required to pay two assessments unless one of the lots was vacated.

MEMBER COMMENTS

- Mr. Keeney announced budget work had commenced and would be presented to the Committee as usual; however, a schedule had not been provided by the Finance Department as of this date.

- Mr. McAlear commented on the seawall engineering study, asking when results would be available.
- Mr. Brodersen replied the final draft would be reviewed on February 26, 2010, with the engineering firm.
- Mr. Dixon requested same be included on the Committee's March 2010 agenda even if the report was not complete.

ADJOURNMENT

- Meeting Adjourned: 3:23 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary