

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MAY 19, 2008 MINUTES**

- MEMBERS PRESENT:** Nancy Dauster, Chairman
David Gerdel, Spencer Hughes,
Thomas McAlear, Michael Strunk
- MEMBERS EXCUSED:** Gary Gunsher
- MEMBERS ABSENT:** Bill Dixon
- OTHERS PRESENT:** Richard Benson, Canal Maintenance Supervisor
Steve Padgett, Senior Project Manger
Mark Gering, City Engineer
Perri Turner, Engineering Technician
Dennis Murphy, Growth Management Director
Dave Drury, Finance Director
Zach Extejt, James Bottorf, John Dauster

CALL TO ORDER/ANNOUNCEMENTS/PRESENTATION

- A. Roll Call
- B. Next Scheduled Meeting – Monday, June 16, 2008 - 1:30 p.m.

APPROVAL OF MINUTES

- A. Regular Meeting – April 21, 2008
 - Mr. McAlear MOVED, Mr. Strunk SECONDED approval of the April 21, 2008 minutes.
- MOTION CARRIED UNANIMOUSLY.

CANAL MAINTENANCE MONTHLY REPORTS

- A. Permits Authorized by City Staff for Installation of Docks, Lifts, Outpilings, etc.
 - Mr. Richard Benson, Canal Maintenance Supervisor, reported 17 permits were issued in April 2008.
- B. Sinkhole Repairs, Seawall Patching, Seawall Cap Repairs, Dock Dredging
 - Mr. Benson advised sinkhole repairs were ongoing, seawall caps were being replaced on Los Alamos Drive, Pamela Drive and Bal Harbor Boulevard, and seawalls were being replaced on Matares Drive. He informed members maintenance dredging would commence within the canal system, noting the canals between the Isles Yacht Club and Colony Point Drive would be completed in the coming week.
 - Ms. Dauster asked how long it had been since the canal system was dredged.
 - Mr. Benson replied to his knowledge this would be the first time, advising in the past, resources were used entirely for inlet dredging.

C. Budget Utilization Report

- Mr. Benson read the April 2008 Budget Utilization Report, as delineated within the packet, into the record.
- Mr. McAlear inquired if canal maintenance dredging expense would be paid out of the inlet-dredging budget.
- Mr. Benson responded affirmatively.
- Ms. Dauster noted the seawall stabilization work completed was less than the expense, opining same was unusual.
- Mr. Benson speculated not all of the billings had been received.

PETITIONS FOR SPECIAL PERMITS

- Recording Secretary Finkle swore in all participants.
- A. CCSP-04-07: Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) 3' x 30' angled concrete finger dock and five (5) dolphin piles at Lot 8, Block 1, Section 1, a/k/a 160 Donna Court, and Lot 7, Block 1, Section 1, a/k/a 870 West Marion Avenue, Punta Gorda, Florida.
Owner/Petitioner: James Bottorf
- Mr. Steve Padgett, Senior Project Manager, stated the applicant was seeking approval to install a 3' x 30' angled, concrete finger dock and 5 dolphin piles to be shared with the adjacent property owner, adding the subject properties combined had 95 feet of seawall. He explained the existing dock was positioned across Lots 7 and 8, extending 15 feet waterward from where the lots intersected. He stated three of the proposed pilings were outside of the 45-degree angle, and the dock would protrude more than 10 feet waterward, advising staff did not recommend favorable consideration.
- Mr. Strunk inquired as to why staff did not recommend approval.
- Mr. Padgett replied freestanding concrete docks could not extend more than ten feet waterward on single-family residential lots, pilings were required to be within the 45-degree angle, and shared dockage was prohibited.
- Mr. Strunk asked if staff had received any comments from neighboring property owners.
- Mr. Padgett responded they had not, advising the public hearing had been properly advertised.
- Ms. Dauster pointed out the property owner of Lot 6 had also applied for a special permit which was scheduled next on the agenda; however, same had been withdrawn.
- Mr. Zach Extejt, Charlotte County Seawalls, stated the developer of Lot 6 had been working with the applicant regarding dockage; however, the developer was not ready to move forward with their project. He explained a dock permit could not be obtained

before a building permit on multi-family residential property. He stated the developer did not oppose the dock proposal; however, the proposed piling in front of Lot 6 would interfere with the developer's property development rights.

- Discussion ensued as to the property lines between Lots 5 and 6 as well as the Isles Yacht Club's easement on Lot 5.
- Mr. Gerdel questioned why the existing dock and pilings could not be repaired.
- Mr. James Bottorf, applicant, responded after the dock had been destroyed during Hurricane Charley, he had applied for a permit to replace same. He stated the request was approved by the Florida Department of Environmental Protection (FDEP); however, the City denied same as it was not in conformance with City Code. He asserted there was no configuration under the current Code allowing two boats to be docked in the tight corner. He contended the boat on the east side was very close to the seawall, adding same bottomed out at low tide as well as breached the 45-degree angle. He stated the proposed dock extended 30 feet waterward which allowed boats to be docked on both sides, adding the keels and motors would remain in floatable water at during low tide.
- Mr. McAlear inquired if the property owner of Lot 9 supported the request.
- Mr. Bottorf responded affirmatively.
- Mr. Gerdel restated his question as to whether the existing dock could be repaired.
- Mr. Bottorf replied he would prefer same; however, he asserted the boat on the east would still encroach the 45-degree angle. He stated the residences located upon Lots 7 and 8 were the first two model homes built in Punta Gorda Isles (PGI), alleging there were no property lines or codes when same were built in 1959.
- Mr. McAlear opined this was the most congested corner he had ever seen in the canal system.
- Mr. Hughes wondered why the applicant had not thought about these issues before purchasing the property.
- Mr. Bottorf clarified he had moored a boat at the existing dock for the past 30 years, noting Lot 6 was previously owned by the PGI Civic Association who was not concerned whether the boat breached the 45-degree angle as they did not utilize the waterfront for boating purposes. He opined it would be ironic for the first two model homes in PGI to be denied access to the water.
- Mr. McAlear stated he believed the Committee should not set a precedent for 30-foot docks; however, the special permit review process was created to address exceptions. He disclosed he had visited the subject location, opining there was no other way to

dock two boats in this area. He expressed concern that the piling to the west would interfere with Lot 9.

- Ms. Dauster stated she felt the same concern for the east piling in front of Lot 6, pointing out the developer could install finger piers under a regular permit as it was zoned multi-family.
- Mr. Extejt reiterated the developer opposed the piling located outside the 45-degree angle rather than the dock, noting he could provide same in writing.
- Mr. Gerdel questioned where the developer's proposed "T" dock would be located, voicing concern as to ingress.
- Mr. Extejt replied the location had not been determined, asserting same would be a modified design due to the angle of the canal.
- Mr. McAlear suggested removing the outer pilings from the proposal.
- Mr. Bottorf countered same was needed to secure the stern of the boat.
- Discussion ensued as to the developer's former dock proposal.
- Mr. McAlear contended same could not be considered as the developer had not committed to a design.
- Mr. Strunk opined the Committee should do everything possible to assist the property owners in gaining access to the water.
- Ms. Dauster maintained no permanent structure should be located outside of a 45-degree angle.
- Mr. McAlear recommended removing both of the outer pilings, asserting same were non-essential.
- Mr. Bottorf stated it was a possibility, noting previously the sterns were tied off behind the seawall.
- Mr. Dauster contended the center piling located straight out from the dock would also interfere with the ingress and egress of Lot 6, further advising the Committee had denied numerous requests when same interfered with neighboring properties.
- Mr. Gerdel opined future ownership was a valid consideration, stating the owner of Lot 9 would lose a great amount of expansion potential.
- Ms. Dauster stated if a vessel crossed over a property line, same would be a Code violation.
- Mr. Extejt informed members the owner of Lot 6 had contracted with Charlotte County Seawalls for the expansion of his dock, noting same would not require a special permit.
- Mr. Bottorf agreed to remove the two outer pilings.
- Ms. Dauster called three times for public comment.

- Mr. McAlear MOVED, Mr. Strunk SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. McAlear MOVED, Mr. Gerdel SECONDED to recommend approval of CCSP-04-07 as amended - one 3' x 30' angled concrete finger dock and 3 dolphin pilings, excluding the two outer pilings in front of Lots 6 and 9.
VOTING AYE: Gerdel, Hughes, McAlear, Strunk.
VOTING NAY: Dauster.
MOTION CARRIED.
- B. CCSP-02-08: Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to construct two (2) additional 4' X 25' concrete finger docks. One of the docks would extend twenty-five (25) feet from the existing 7' marginal dock, the other twenty-five (25) feet waterward from the seawall at Lots 2-6, Section 1, a/k/a 1800 West Marion Avenue, Punta Gorda.
Owner/Petitioner: Lely Development Corporation
- Mr. Padgett announced CCSP-02-08 had been withdrawn by the applicant.

CURRENT BUSINESS

- A. Budget Review – Fiscal Year 2008/2009
 - Mr. Dave Drury, Finance Director, drew member's attention to the Proforma Schedules of Revenues and Expenditures, as delineated within the agenda material, explaining there were three assumptions provided; (1) maintain \$400 assessment, maintain current level of operations, negative fund balance in 2011 of -\$368,561; (2) maintain \$400 assessment, maintain current level of operations, add \$50,000 inlet dredging project, negative fund balance in 2011 of -\$418,561; (3) maintain current level of operations, add \$50,000 inlet dredging project, avoid a negative fund balance by increasing the assessment to \$460 beginning in 2010.
 - Mr. McAlear inquired if the budget reflected increasing fuel prices.
 - Mr. Drury responded the canal maintenance contractor's fuel costs were negotiated as a part of the contract, advising same were set at a "not to exceed" amount.
 - Ms. Dauster stated in the prior year, the Committee had recommended a higher assessment; however, City Council denied same as the perceived objective was to increase the fund balance rather than improve seawall maintenance.
 - Mr. Drury opined City Council had been reluctant to maintain a fund balance, noting two years prior the assessment had been reduced.
- Note: New Business, Item A, was discussed as a part of the budget review.**
- Mr. Benson advised the Public Works Director met with FDEP regarding dredge permits for both Ponce de Leon and Pompano Inlets, adding staff was preparing the permit

packages for same. He asserted the permit for Pompano Inlet would be easily acquired as there had been a permit issued in the past; however, the permit for the Ponce de Leon Inlet would be more complex.

- Mr. McAlear asked if same would allow for dredging past the current markers.
- Mr. Benson replied affirmatively. He explained dredging currently stopped at the end of the canal between Markers 1 and 2, adding the markers would be moved after the additional dredging was complete.
- Mr. Gerdel inquired as to the total amount of seawall within the PGI Canal Maintenance Assessment District.
- Mr. Benson responded there were 100 linear miles.
- Mr. Gerdel asserted based on the current level of maintenance, seawalls had an unrealistic life expectancy of 160 years.
- Mr. Benson stated the seawalls were over 40 years old, noting brackish water was more corrosive than salt water.
- Mr. Hughes interjected a portion of the seawalls had already been replaced.
- Mr. Benson clarified less than 20% of seawalls had been replaced.
- Ms. Dauster requested the Geographical Information System (GIS) Seawall Survey be provided for the benefit of newly appointed members.
- Mr. Benson then reviewed the line items for FY 2008/2009 Budget, as delineated within the agenda material.
- Mr. Gerdel requested clarification of administrative charges.
- Mr. Drury responded same were interdepartmental fees.
- Mr. Gerdel stated seawall panels were manufactured in-house while some of the other work was performed by the contractor, questioning it if would be less costly to contract out seawall manufacturing as well.
- Mr. Benson replied the City saved \$32 a foot by pouring the seawall panels in-house.
- Mr. John Dauster inquired as to the options available if the fund balance was depleted and the area suffered a catastrophic loss in seawalls.
- Mr. Drury replied suggestions were that the funds could be borrowed; however, he opined same was not prudent and a fund balance should be maintained. He assured members if the funds were not utilized for the dredging project, they could be transferred to other areas or be deposited back into the fund balance. He requested recommendations as to the budget as a whole, the addition of the \$50,000 dredging project and the assessment fee.

- Mr. Strunk MOVED, Mr. McAlear SECONDED to recommend inclusion of \$50,000 for the Ponce de Leon Inlet and Pompano Inlet dredging project in the FY 2008/2009 Budget. MOTION CARRIED UNANIMOUSLY.
- Mr. Gerdel questioned the impact of not pursuing the dredging project, advising his boat drew five feet and had never run aground.
- Mr. McAlear responded Marine Patrol received numerous complaints of vessels running aground in the Ponce de Leon Inlet.
- Mr. Gerdel asserted any impacts needed to be communicated to City Council.
- Mr. McAlear expressed frustration with City Council's past decisions to maintain or lower the assessment.
- Mr. Drury stated City Council had the duty of the looking at the whole tax structure, including ad valorem taxes.
- Ms. Dauster recommended Committee members attend the City Council budget workshops and hearings.
- Mr. Drury advised the next budget meeting was scheduled for June 19, 2008.
- VOTING AYE: Hughes, McAlear, Strunk, Dauster.
- VOTING NAY: Gerdel.
- MOTION CARRIED.
- Mr. Gerdel expressed concern with requesting an additional scope of work without knowing the actual impacts, adding the dredging would be continuous effort rather than a one-time project. He opined the additional \$50,000 should be added to seawall repair until the dredging permits were approved.
- Mr. Strunk confirmed any change in the assessment would take place in 2009.
- Ms. Dauster reiterated the fund balance would be depleted in 2010 if the current \$400 assessment was maintained, adding the assessment would then have to be increased to \$460 for operations to remain status quo.
- Mr. Hughes recalled there had been a higher assessment in the past.
- Mr. Drury confirmed the assessment was \$450 three years earlier.
- Ms. Dauster opined there should be a partial increase in order to avoid a \$60 increase the following year.
- Mr. McAlear agreed \$60 was a large jump, opining operating at a deficit was not prudent. He reiterated the increased funds would have to be designated for seawall maintenance rather than to build the fund balance.
- Mr. Gerdel asserted the District would not be able to maintain the current level of seawall replacement should any problems arise as the proposed budget had already been significantly reduced.

- Mr. Drury opined if the Committee recommended the additional revenue be applied to the fund balance in order to reduce the necessary increase for the coming year, it would risk rejection by City Council; however, if the Committee recommended revenue be allocated for seawall replacement, a shortfall would continue to exist in 2010.
- Ms. Dauster asserted the additional revenue would be available should an emergency arise.
- Mr. McAlear MOVED, Mr. Gerdel SECONDED to recommend restoring the canal maintenance assessment fee to \$440 with the additional revenue to be allocated for increased seawall replacement due to the aging seawalls. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Shoaling at Ponce de Leon Inlet & Pompano Inlet
 - Discussed above.

MEMBER COMMENTS

- Mr. McAlear recommended the utilization of volunteers within the Canal Maintenance Division.

ADJOURNMENT

- Meeting Adjourned at 3: 28 p.m.

Nancy Dauster, Chairman

Macalle Finkle, Recording Secretary