

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
JULY 19, 2010**

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

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Rick Keeney, Public Works Director
Steve Padgett, Senior Project Manager
J. Michael Rooney, Jim Bottorf, Henry Eichert, John Dauster

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Monday, August 23, 2010 - 1:30 p.m.

Note: Approval of Minutes and Monthly Reports were heard following CCSP-01-10.

APPROVAL OF MINUTES

- A. Regular Meeting of May 17, 2010
 - Mr. Dixon announced the May 17, 2010 minutes had been approved at the Committee's previous meeting.
- B. Special Meeting of June 30, 2010
 - Ms. Dauster MOVED, Mr. McBride SECONDED approval of the June 30, 2010 minutes.
MOTION CARRIED UNANIMOUSLY.

CANAL MAINTENANCE MONTHLY REPORTS

- A. Permits Authorized by City Staff for Installation of Docks, Lifts, Outpiling, etc.
 - Mr. Randy Brodersen, Canal Maintenance Supervisor, reported ten permits had been issued in June 2010.
- B. Budget Utilization Report
 - Mr. Brodersen displayed an overhead of the Budget Utilization Report (BUR), as delineated in the agenda material.
- C. Seawall & Seawall Cap Replacement Status Reports
 - Mr. Brodersen drew members' attention to the subject reports, as delineated in the agenda material, stating same represented Marine Contracting Group's (MCG's) ongoing work.
 - Mr. Dixon recalled at the previous meeting, Mr. Brodersen stated he intended to seek additional help and/or equipment from MCG, asking if he had done so.

- Mr. Brodersen replied three additional employees had been brought in to work on seawall caps, stating more than four hundred feet of seawall had been completed in Punta Gorda Isles (PGI) thus far in July 2010; thus, figures in the following month's reports would increase dramatically.
- Mr. Dixon confirmed funds were being expended at a faster rate, commenting favorably on same.
- Mr. McBride confirmed the recommended reappropriation of funds had been completed.

Note: CCSP-01-10 was heard following Call to Order/Announcements.

PETITIONS FOR SPECIAL PERMITS

- Recording Secretary Kelly swore in all participants.
 - Mr. Dixon confirmed members had been provided with copies of quasi-judicial procedures and rules regarding ex-parte communications, providing a brief explanation of same.
- A. CCSP-01-10: Petition for special permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) 2'x13' angled concrete finger dock and six (6) 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 1870 West Marion Avenue, Punta Gorda, FL 33950.
Owner/Petitioner: James Bottorf and Henry K. & Helen E. Eichert
- Mr. Steve Padgett, Senior Project Manager, displayed a map of the subject location, as delineated in the agenda material, stating the applicants were seeking approval to install a shared dock. He noted the subject properties had a total of approximately 59 feet of seawall as well as an existing dock which extended approximately 15 feet waterward from the seawall at Lots 7 and 8, adding same would remain in place. He advised five of the six pilings and a portion of the finger dock would be outside the forty-five degree area. He clarified this petition was being presented to the Committee due to the following: (1) dolphin pilings and finger dock outside the 45 degree area; (2) dock protruding more than 10 feet waterward; (3) shared dock; (4) boats extending beyond limitation lines. He displayed an additional overhead, as delineated in the agenda material, depicting the proposed boats, 45 degree area, existing dock, proposed pilings, lot lines, proposed dock and boat limitation lines. He concluded staff did not recommend favorable consideration of the application due to boat limitations and the fact that the dock and pilings would extend beyond the 45 degree area and more than 10 feet waterward, offering to answer any questions.

- Ms. Dauster commented the agenda material indicated the dock was 15 feet from the seawall, asking if that was the furthest distance. She explained docks were typically allowed to extend out only ten feet.
- Mr. Padgett confirmed the existing dock extended out 15 feet.
- Ms. Dauster clarified the finger dock would extend an additional 13 feet beyond same for a total of 28 feet; however, pilings were allowed at a maximum of 25 feet. She questioned the distance the boats would extend out waterward.
- Mr. Padgett replied he did not have that information.
- Mr. Thompson clarified a dock had been destroyed by Hurricane Charley in August 2004, questioning its previous location for reference purposes.
- Mr. Padgett suggested the applicant address same.
- Mr. McBride stated the dock and lift configuration for Lot 9 was depicted as a 7'x30' dock; however, it appeared to be much longer. He questioned whether the agenda material accurately reflected current conditions. He disclosed he had personally viewed the site.
- Ms. Dauster mentioned she had noticed that as well, disclosing she had also driven by the property.
- Mr. Padgett displayed a recent photograph of the property, acknowledging staff had not provided dimensions of the dock in relation to the property line.
- Mr. McBride responded he believed the lift had been at the end of the old dock, adding it seemed new sections of dock had been added on either side of the lift. He clarified the photograph appeared to be accurate per his visual observation of the site. He questioned whether with the additional sections of dock, there would be sufficient fairway between the existing dock and outboard pilings of the lift and the proposed configuration to allow all to fit within the area.
- Mr. Thomas observed the Reciprocal Dock Agreement and Easement, as delineated in the agenda material, referenced "Exhibit A"; however, he confirmed the latter had not been provided.
- Mr. Padgett responded those documents were provided by the applicant's attorney.
- Mr. Thompson confirmed the existing dock was shared and had been in place for many years, asking if such layouts were unique.
- Mr. Padgett replied he was aware of other, similar situations having been approved in the past; however, he was not aware of any recent requests.
- Mr. Dixon asserted such layouts were rare.

- Mr. McAlear noted the pilings depicted in the overhead seemed to infringe on the use of the seawall at the adjacent, former PGI Civic Association (CA) location. He expressed surprise at the lack of agreement from that property owner.
- Ms. Dauster explained the PGI CA previously owned Lots 2 through 6, adding the last 12 inches of Lots 2 through 5 were owned by the Isles Yacht Club; thus, the current owner, Lely Development Corporation (LDC), would have access to the water only from Lot 6 once the property was developed as condominiums.
- Mr. McBride observed LDC was referenced in an obscure manner in the agreement submitted by the applicant.
- Mr. J. Michael Rooney, applicants' attorney, then stated he wished to cross examine Mr. Padgett, asking if the properties owned by the applicants were PGI waterfront lots.
- Mr. Padgett replied affirmatively.
- Mr. Rooney clarified thousands of waterfront lots existed in PGI, asking if all were entitled to a dock.
- Mr. Padgett replied affirmatively.
- Mr. Rooney submitted a Charlotte County Geographic Information System (GIS) map of the subject area into the record, asking Mr. Padgett for his definition of same.
- Mr. Padgett agreed it was a copy of a GIS map of the subject property.
- Mr. Rooney then referred to the six or more finger docks on the GIS map, pointing out the point of intersection if the tips of same were extended southwesterly toward Lots 3 and 9. He asked if the proposed 25 to 27 foot boats would extend past the line demarked by the piers as extended southwest.
- Mr. Padgett replied affirmatively.
- Mr. Rooney commented no one other than visitors would navigate through the subject area. He questioned the ownership of Lots 5 and 4.
- Mr. Padgett expressed uncertainty regarding same.
- Mr. Rooney stated he planned to show LDC was the owner. He pointed out an additional dock, asking if the other finger docks extended 30 feet.
- Ms. Dauster replied they did not.
- Mr. Padgett clarified they varied in length.
- Mr. Dixon requested clarification of Exhibit A as stated in the above mentioned agreement as asked earlier.
- Mr. Rooney referred to a drawing, as delineated in the agenda material, labeled "drawn by MK, July 7, 2010," stating he believed same was intended to be Exhibit A; however, he would have his clients confirm this. He noted the two boats depicted on the drawing were theoretical, offering to reduce them in size if desired. He then stated all

the accoutrements to the existing dock were destroyed by Hurricane Charley, adding a 2'x13' concrete dock was proposed along with dolphin pilings, all of which he believed were within the 45 degree area. He noted the neighbor to one side had agreed to the proposal, adding he did not believe the neighbor on the other side would ever receive the agreement.

- Mr. Dixon requested clarification of what had been destroyed by Hurricane Charley and what remained.
- Mr. Jim Bottorf, applicant, responded since 1980 there had been a similar finger pier; however, it was centered on the dock and extended out 10 feet. He explained it had since been moved further away from the property to the right in order to avoid the boat extending beyond the 45 degree area.
- Mr. McBride clarified the former finger pier was destroyed in Hurricane Charley.
- Mr. Bottorf concurred.
- Mr. Rooney asked if any outside dolphins had existed.
- Mr. Bottorf replied affirmatively, pointing out the locations on the overhead.
- Mr. Rooney confirmed neither Mr. Bottorf nor Mr. Henry Eichert, applicant, currently owned a boat. He then asked if Mr. Bottorf had attempted to obtain approval for a special dock permit in the past.
- Mr. Bottorf replied affirmatively, one year earlier; however, the application had been denied by City Council.
- Mr. McBride asked if the subject application contained any modifications from the original.
- Mr. Bottorf replied affirmatively, stating the original request was to tear out the existing dock and extend the finger pier from the intersection of the seawalls straight out.
- Mr. Thomas asked if an agreement/easement had been in place between the two property owners relative to the old dock.
- Mr. Bottorf replied he was unsure; however, he and Mr. Eichert had used the dock together.
- Mr. Thomas questioned the construction date of the old finger dock.
- Mr. Bottorf replied 1980.
- Mr. Thomas asked if a permit had been issued at that time.
- Mr. Bottorf replied with uncertainty as he did not own the property at that time.
- Mr. Thomas asked if the dock was constructed of wood or concrete.
- Mr. Bottorf replied wood.
- Mr. Thomas surmised the dock may not have been permitted.

- Mr. Rooney responded he believed the dock had been permitted, basing same on the diligence of the City's Code Compliance Division.
- Mr. Thomas countered he did not believe a wood finger dock would ever have been permitted.
- Mr. Rooney then confirmed the applicants' neighbors to the left did not object to this request. He submitted an additional GIS map into the record, noting he had made numerous attempts at gaining LDC's participation in the agreement to no avail.
- Mr. Bottorf agreed, stating there had been no response or acknowledgement of same. He mentioned one of the principals of LDC had passed away, expressing uncertainty with regard to the current existence of LDC.
- Mr. Dixon called three times for anyone to speak on CCSP-01-10.
- Ms. Dauster MOVED, Mr. McAlear SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Dixon disclosed he knew Mr. Eichert personally and had visited the property this date.
- Mr. McAlear disclosed he also knew Mr. Eichert and had viewed the property from the water within the past two weeks.
- Mr. Thomas disclosed he also had viewed the property from the land side.
- Mr. Rooney opined applicable law under the Bert Harris Act indicated the applicants were entitled to a dock as specifically enjoyed by all resident owners in PGI but were being denied such right. He requested the Committee ask staff to demarcate the minimum dock which would be allowable. He opined the proposal would not create any interference based upon the basin's configuration.
- Mr. Thomas again requested clarification of Exhibit A, as referenced in the Reciprocal Dock Agreement and Easement.
- Mr. Dixon responded Mr. Rooney had identified same earlier.
- Mr. McBride countered the agenda material contained three drawings which fit the description as stated by Mr. Rooney, adding all were identified as having been produced by the Public Works Department.
- Mr. Padgett confirmed those three drawings were done in-house by the Engineering Division.
- Mr. Rooney submitted a copy of a drawing into the record, noting same had been initialed by all neighbors who had either waived any objection or were participating in the application.
- Mr. Thomas asked if the drawing was provided by an engineer and if same was to scale.

- Mr. Rooney replied he believed the drawing met the requirements of applicable law, acknowledging the two applicants did not yet own a boat. He clarified the boats depicted on the drawing were theoretical and thus were somewhat irrelevant.
- Mr. Thomas noted paragraph 2 on page 2 of the agreement stated "... being outside of the dock and dockage area reference in Exhibit 'A'.", asking if the drawing just submitted by Mr. Rooney depicted a dock and dockage area.
- Mr. Rooney replied affirmatively, stating he believed same had already been addressed in that this particular dock was at the southwest corner of the basin, which would be used only by the applicants and their visitors. He expressed his belief the City required a 50 foot navigation area in basins and canals; thus, he felt staff would have addressed same. He reiterated the applicants had been denied a dock which had been destroyed in Hurricane Charley and which they wished to replace.
- Ms. Dauster commented Section 6-6(c)(3)(a-c) provided single- and multi-family residential lots with less than 85 feet of seawalls the right to freestanding concrete docks protruding no more than 10 feet waterward, 1 boat lift or up to 3 outpilings. She pointed out the existing dock was more than ten feet waterward.
- Mr. McBride agreed; however, City Code provided for exceptions via the special permit application process.
- Mr. McAlear commented the Committee always attempted to encourage everyone's use of the waterways; however, there were six criteria to which they must adhere when considering a special permit application. He drew members' attention to a list of those criteria, as delineated in the agenda material, stating he felt all criteria had been met with the exception of "e", specifically "would not permit any structure or activity that would interfere with or be detrimental to the quiet and peaceful use and enjoyment of any nearby land." He opined granting this request would interfere with the rights of the owner of Lot 6. He disagreed with Mr. Rooney's request for the Committee to direct staff to devise an allowable configuration as he did not believe same was the City's responsibility.
- Mr. McBride stated the owner of Lot 6 should be allowed the same types of privileges as the applicants. He suggested the strip of land owned by the Isles Yacht Club, as mentioned earlier, should be clearly depicted in all back-up material presented to City Council, including actual linear footage.
- Ms. Dauster read the legal description of same into the record as follows: "PGI Section 1, Block 1, Lots 2, 3, 4, 5, 6, less 1 foot off the rear of Lots 2, 3, 4, 5."
- Mr. McBride clarified water access to Lot 6 would be through the 45 degree area on each side.

- Mr. Folchi noted all construction proposed by the applicants was outside of their 45 degree area, pointing out same on the overhead. He continued the proposed construction would encroach on Lot 6.
- Mr. Folchi MOVED, Ms. Dauster SECONDED to recommend to City Council denial of CCSP-01-10.
- Ms. Dauster MOVED to AMEND the motion to base the recommendation for denial on failure to meet the criteria of “c” and “e”.
- Mr. McAlear SECONDED the AMENDMENT.
- Ms. Dauster opined the proposed configuration would impede safe navigation and would interfere with the use of Lot 6.
- Mr. McBride stated he did not see how navigation would be impeded in that no piling would extend more than 25 feet waterward in the subject basin.
- Ms. Dauster displayed a drawing of the area, pointing out several pilings which she believed interfered with safe navigation.
- Mr. McBride contended the chances of a boater navigating so close to those pilings were small.
- Ms. Dauster countered the canals were heavily traveled by kayakers.
- Mr. McAlear added he believed the Committee should err on the side of safety.
- Mr. Folchi added future dock construction at Lot 6 would only serve to increase congestion.
- Mr. Dixon called for a vote on the amendment.
- VOTING AYE: Dauster, Folchi, McAlear, Thomas, Thompson.
- VOTING NAY: McBride, Dixon.
- MOTION CARRIED.
- Mr. Dixon then called for a vote on the amended motion.
- VOTING AYE: Dauster, Folchi, McAlear, Thomas, Thompson, Dixon.
- VOTING NAY: McBride.
- MOTION CARRIED.
- Mr. Thomas opined the application did not meet the criteria denoted in “c” and “e”.
- Mr. Folchi agreed.
- Mr. Dixon stated he believed only the requirement of “e” had not been met.
- Mr. Thompson and Ms. Dauster expressed agreement with Mr. Thomas.
- Mr. McAlear concurred with Mr. Dixon.
- Mr. Keeney asked Mr. Rooney to confirm exactly what constituted Exhibit A, as referenced in the Reciprocal Dock Agreement and Easement. He explained he wished to ensure accurate information would be presented to City Council.

- Mr. Rooney displayed the drawing which had been submitted into the record earlier, specifically that which had been initialed by all neighbors who had either waived any objection or were participating in the application. He acknowledged the drawing had not been recorded in the Official Records of Charlotte County.

Note: The remainder of the Agenda was heard following the Monthly Reports.

NEW BUSINESS

A. Condominium Assessment Methodology - Mr. McAlear

- Mr. McAlear noted Mr. Thomas was only recently appointed to the Committee; thus, he provided a detailed review of discussions held at the last several meetings, as delineated within the minutes of same, particularly with regard to condominium assessments. He opined those residing in a waterfront community enjoyed the benefits associated with same such as enhanced views and property values, including those residing in condominiums. He asked members to consider how condominium owners could pay more of the cost of canal maintenance.

Note: Mr. Dixon left the meeting at 2:50 p.m.

- Mr. Thomas questioned the condominium assessment methodology at this time.
- Mr. McAlear replied the formula was based primarily on square footage and was outlined in Chapter 6 of City Code.
- Mr. McBride commented it was unclear exactly how individual condominium owners were currently being billed.

Note: Mr. Dixon returned to the meeting at 2:52 p.m.

- Mr. McAlear noted another question was whether the goal was to increase revenues or remain revenue neutral.
- Mr. Dixon interjected he believed additional revenue was desired.
- Ms. Dauster recalled Mr. Drury had indicated the District's funds would be depleted by 2013.
- Mr. Dixon recalled discussions at the Committee's previous meeting indicated the District had not lost a lot of ground, acknowledging not much ground had been gained.
- Mr. Thomas clarified the Committee planned to make a recommendation relative to condominiums.
- Mr. McAlear stated he believed more understanding was needed regarding the billing of condominiums, adding the County's assistance may be required.
- Mr. Dixon pointed out the County's records were open to the public. He stated he would also ask Mr. Steve Fabian to make himself available for questions and to provide previously obtained data.

- Mr. McBride asked if the data was current.
 - Ms. Dauster replied the information was from September 2009. She noted she had some of Mr. Fabian's information, adding she could provide copies of same to the Committee.
 - Mr. McBride cautioned against focusing solely on increased revenues as opposed to improvements to the overall canal system, which in turn would result in increased property values. He asserted more up to date data was necessary.
 - Mr. McAlear countered the Committee would be hard pressed to make a recommendation by January 2011.
 - Discussion ensued with regard to the definition of "equitable."
 - Mr. Dixon noted this issue arose every few years and had always proven unworkable.
 - Mr. Keeney stated he would meet with the Finance Director for advice on how to obtain as much data as possible.
 - Mr. McAlear clarified the Sunshine Law prohibited two or more members from meeting with the Finance Director as a sub-committee.
- B. Bylaws Amendment/Alternate Members - Mr. Folchi
- Mr. Folchi stated he believed there was no need to recommend any changes.
 - Consensus of the Committee was agreement with same.
- C. 2011 Strategic Plan Review & Comment
- Mr. Keeney announced the City had initiated development of its Fiscal Year (FY) 2011 Strategic Plan and was seeking input from community stakeholders on development of a potential list of strategic objectives for the upcoming fiscal year. He noted Strategic Plan objectives must be beyond daily operational objectives and be reflective of longer term goals which contributed to realization of the City's collective vision. He clarified objectives were generally broad in scope. He concluded input was being sought within 30 to 45 days from July 13, 2010, offering to answer any questions of the Committee.
 - Mr. McAlear recommended widening the bottleneck at the entrance into the rim canal at Ponce de Leon Inlet, acknowledging the significant expense associated with same. He displayed a photograph depicting the subject area, stating he believed this was a safety issue, particularly for larger boats. He asserted PGI was the drawing point of the City, stating he believed the City should begin to reciprocate. He then recommended "street" lighting in the canal intersections in the interest of safety, including Ponce de Leon, Bass and Pompano Inlets.
 - Mr. Dixon suggested Mr. McAlear submit his recommendations in writing to the City.
 - Mr. Keeney asked members to be specific in their recommendations, stating Mr. McAlear's idea would be something financed through the General Fund.

- Discussion ensued with regard to the complexities of widening the bottleneck at Ponce de Leon Inlet.
- Mr. Folchi recalled a citizen had suggested lights be placed on every dock.
- Mr. McBride agreed lighting would provide certain navigational enhancements, questioning whether same should be part of the Strategic Plan as it was somewhat specific.
- Mr. Thomas opined placing a light on City owned property at Ponce de Leon Inlet was a very feasible project.
- Mr. John Dauster acknowledged the concern for lighting in the various Inlets; however, he pointed out his home was located adjacent to Ponce de Leon Inlet, expressing concern with lights destroying the peaceful enjoyment of his home. He noted Neighborhood Watch volunteers were instructed to contact the Police Department if illegal or suspicious activity was observed. He suggested either having cameras placed at strategic locations or two beams across each entrance into the canal system which would indicate to the Police Department someone had crossed same.
- Mr. Dixon confirmed Mr. McAlear would submit these recommendations in writing.
- Ms. Dauster then noted several months earlier the Committee had discussed anchoring in Ponce de Leon Inlet and the ensuing interference with navigation, stating she understood the Police Department now felt comfortable with enforcing the applicable ordinance. She mentioned she understood warnings would be issued for first offenses following by citations. She opined signage was needed informing the public of this regulation.
- Mr. McAlear announced the Police Department had made a determination the area was a “no anchoring” zone.
- Mr. Keeney advised the Police Department would most likely need to meet with the City Attorney with regard to the proper language.
- Discussion ensued with regard to what agency was responsible for such signage.
- Mr. Dixon asked Ms. Dauster to draft a recommendation on verbiage to discuss at the Committee’s next meeting.
- Mr. Keeney offered to meet with the Police Chief in the meantime.

OLD BUSINESS

- Mr. Dixon requested an update on the GIS program.
- Mr. Brodersen reported more than 20 miles had been covered in PGI, adding all of BSI had been completed the previous week. He announced some equipment had been ordered. He asked members to advise staff of the availability of dock space to allow

crews to moor their boat at the end of each day, explaining this would prove to be a time saver.

- Mr. Dixon confirmed work in the old sailboat section of PGI was complete.
- Mr. Dauster offered the use of his own dock.
- Mr. McAlear suggested staff contact the PGI Civic Association, adding he would make some calls as well.
- Mr. McBride suggested Mr. Brodersen contact members by electronic mail to indicate what areas crews would be working.
- Mr. Thompson asked if crews still walked the seawalls.
- Mr. Brodersen replied affirmatively; however, much more area was being covered by boat.
- Mr. Thompson pointed out sinkholes may not be spotted, particularly on vacant lots.
- Mr. Dixon asked if Charlotte County's GIS computer was ready to accept data input from the City.
- Mr. Brodersen replied it was very close.

ADJOURNMENT

- Meeting Adjourned: 4:07 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary