

**BURNT STORE ISLES
CANAL ADVISORY COMMITTEE
MEETING
AUGUST 11, 2009**

- MEMBERS PRESENT:** Gary Brewster, Chairman
Joseph Gil, Frank Wiechec,
- MEMBERS ABSENT** Charles Zajicek, Leslie Totten
- OTHERS PRESENT:** Randy Brodersen, Canal Maintenance Supervisor
Dennis Murphy, Growth Manager Director
Rick Keeney, Public Works Director

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting – Tuesday, September 8, 2009 - 1:30 p.m.

APPROVAL OF MINUTES

- A. Regular Meeting – June 9, 2009
- Mr. Gil MOVED, Mr. Wiechec SECONDED approval of the June 9, 2009 minutes.
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, reported three permits had been issued in June 2009 and one in July 2009.
- B. Budget Utilization Report
- Mr. Brodersen referred to the Budget Utilization Report, as denoted within the agenda material, stating the new format reflected numbers from the Finance Department as of the first of the month. He then offered to answer questions regarding same.
- Mr. Brewster questioned if encumbered balances were actual amounts which had been committed.
- Mr. Brodersen replied affirmatively, stating balances were funds yet to be spent. He noted \$65,000 was committed out of \$137,000.

NEW BUSINESS

- A TIGER Grant - Dennis Murphy
- Mr. Dennis Murphy, Growth Management Director, explained staff was applying for \$96 million in Transportation Investment Generating Economic Recovery (TIGER) funds, noting \$1.5 billion was available nationwide. He stated projects included in the application were roadwork, transportation routes and portions of the canal system.

- Mr. Brewster confirmed it was not necessary to designate the location of the seawalls, adding he hoped the canals in Burnt Store Isles (BSI) would be included.
- Mr. Murphy stated security for the Herald Court Centre would also be included in the application, advising it would be necessary to hire contractors to help administer the funding. He stated the application should demonstrate an ability to manage and complete projects, adding staff's involvement with Florida Department of Transportation (FDOT) Local Area Project (LAP) funding was a good example.
- Mr. Gil questioned why the City was applying for one third of the entire allocation for Florida.
- Mr. Murphy responded it might be optimistic; however, nothing would be received if no application was submitted.
- Mr. Brewster inquired as to the process for awarding funds.
- Mr. Murphy replied they would likely prioritize projects and then allocate funding, noting FDOT LAP project funding was awarded through prioritization. He stated three City projects were high priorities for LAP funding, including the multi-use recreational trail on the east side of U.S. 41.
- Mr. Gil inquired if those were stimulus funds.
- Mr. Murphy replied in the negative, explaining it was Transportation Infrastructure Project (TIP) funding for LAPs. He reported it had been necessary to install an additional cross-walk on U.S. 41 at Monaco Drive.
- Mr. Gil inquired if signals would be installed.
- Mr. Murphy responded a signal already existed, noting some additional striping and a flashing light would be installed.
- Mr. Gil asserted residents wanted the sidewalk extended to Airport Road so they could walk to Publix and Walgreens.
- Mr. Murphy stated that was a future project.
- Mr. Wiechec opined it was necessary to install a crosswalk at Jones Loop Road and U.S. 41.
- Mr. Murphy pointed out that was a County road, explaining Charlotte County had completed plans for addressing Jones Loop Road which included that intersection.
- Mr. Brewster inquired if the projects mentioned for the TIGER application were considered one project or multiple projects.
- Mr. Murphy responded the minimum project cost allowed was \$20 million, noting the City's application would allow projects to be ranked individually and as a bundle to meet that criteria. He explained the City would also be applying for unexpended

stimulus funds, adding staff would be making a presentation to City Council at their next meeting regarding transportation routes for the City.

- Mr. Wiechec inquired as to the amount requested for seawalls.
- Mr. Murphy replied with uncertainty, opining it was a substantial figure.
- Mr. Gil inquired if the projects had a timeframe for completion.
- Mr. Murphy replied they must be completed within two years of approval.
- Mr. Brewster reiterated he was hopeful BSI would be considered for some of the TIGER funding.

B. Fishing Distance from the Boat Lock - Mr. Gil

- Mr. Gil recalled members had questioned how the distance from the boat lock was determined and whether it was adequate for safety, voicing his concern relative to safety with more large boats coming into the community.
- Mr. Rick Keeney, Public Works Director, explained staff had researched the issue and found there was no ordinance related to a 100 foot distance even though a sign had been erected, advising those types of signs could no longer be installed without an ordinance being passed. He stated a similar situation with anchored fishing boats had occurred in the "S" curve of Ponce de Leon Inlet; however, before issuing a ticket for impeding traffic, it was necessary for a police officer to witness the infraction, advising the canals were State waters; thus, signage must be approved by the Florida Fish and Wildlife Commission. He pointed out the City owned the lot on Candia Court where an ordinance permitted No Fishing signs, adding the Committee could direct staff to move forward.
- Mr. Gil asked which agencies were responsible for safety on the water.
- Mr. Keeney replied the Police Department, Florida Fish & Wildlife Commission, Charlotte County Sheriffs Office and the Coast Guard.
- Mr. Gil clarified the City had no authority to enforce the sign at the boat lock.
- Mr. Brewster pointed out State Statute overrode any local ordinance in State waters.
- Mr. Gil questioned why the City Attorney had not directed staff to remove the sign.
- Mr. Keeney responded Staff had not consulted the City Attorney as of this date.
- Mr. Brewster reiterated a boat anchored in the channel was not in violation unless it impeded navigation; however, if a boat was anchored, they were impeding his navigation.
- Mr. Keeney pointed out if the boater pulled up anchor and moved, they were not impeding navigation, adding reporting violations to the Police Department would be helpful backup for any future petitions.

- Mr. Gil asked what liability the City had for not having addressed an issue that was a dangerous situation.
- Mr. Keeney again offered to present the issue to the City Attorney, asking what distance limits the Board was requesting.
- Mr. Gil again questioned what liability existed for the City, asking whether informing the State of a safety issue was enough action.
- Mr. Keeney reiterated it was important for citizens to report complaints to the Police Department for documentation.
- Mr. Wiechec opined there were so few occurrences of safety issues, it would be a waste of money to pursue the matter at this time.
- Mr. Keeney offered to talk to the City Attorney to confirm the direction being taken was correct.
- Mr. Brewster commented a discussion with the City Attorney regarding safety issues being reported to the State would be appropriate.
- Mr. Keeney agreed.

MEMBER COMMENTS

- Mr. Gil confirmed members had not received Mr. Anderson's letter objecting to the fees.
- Mr. Brewster recalled Councilmember Albers had implied the Committee would be asked to research calculation of seawall assessments by linear feet.
- Mr. Keeney agreed in the near future the Finance Department would be addressing different boards regarding same.
- Mr. Gil recalled he had reported to Mr. Brodersen boats had been using an unauthorized cut through the mangroves, noting Mr. Brodersen had contacted the Department of Environmental Protection (DEP) regarding same. He stated a DEP representative was out at the location and was referring the issue to Charlotte County.
- Mr. Brewster requested an update regarding the Geographic Information System (GIS).
- Mr. Murphy reported Charlotte County continued to make progress.
- Mr. Brodersen provided an update on mangrove trimming, noting ETI, the contractor for the project, would begin trimming the perimeter canals this month.
- Mr. Gil asked if inlet dredging was still anticipated for December 2009 near Macedonia Drive.
- Mr. Brodersen replied affirmatively.
- Mr. Wiechec inquired as to Alligator Creek and the "S" curve.
- Mr. Brodersen replied he heard Charlotte County had approval to dredge, offering to follow up and report back to the Committee next month.

- Mr. Brewster requested the status on a resident's inquiry regarding a seawall cap which had been replaced twice in recent years on Maltese Court.
- Mr. Brodersen agreed to research same and report back to the Committee.

ADJOURNMENT

- Meeting Adjourned: 2:20 pm

Gary Brewster, Chairman

Perri Turner, Recording Secretary