

**PUNTA GORDA ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
AUGUST 15, 2011**

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

**MEMBERS ABSENT:** James Hoffman

**OTHERS PRESENT:** Rick Keeney, Public Works Director  
Mark Gering, City Engineer  
Ron Parr, Douglas Knipe, Steve Kline, John Dauster

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. September 19, 2011

**APPROVAL OF MINUTES**

- A. Meeting of July 18, 2011
  - Ms. Dauster noted a correction to a street name on page 3.
  - Ms. Dauster MOVED, Mr. McBride SECONDED approval of the July 18, 2011 minutes as amended. MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Permits Authorized by City Staff – July 2011
- B. Budget Utilization Report – July 2011
- C. Seawall and Seawall Cap Replacement Status Report – July 2011
  - Mr. Rick Keeney, Public Works Director, reported ten permits were issued during the month of July 2011. He noted members had received the subject reports in their agenda packets, confirming there were no questions regarding same.
- D. Mangrove Trimming
  - Mr. Keeney announced Mr. Randy Brodersen, Canal Maintenance Supervisor, had been successful in contacting and securing approval from the owner of a portion of land near Ponce de Leon Inlet, as had been discussed at length during previous meetings. He advised the mangrove trimming contractor would begin work in that area in the near future, adding Mr. Brodersen would soon be able to provide a firm date.
- E. Patrol Update – Bill Dixon
  - Mr. Dixon commented Marine Patrol Officer John Kennedy had reported the number of citations being issued had fallen, stating same was a result of the public being better

educated on boating rules and regulations. He noted the number of complaints had fallen significantly as well.

- Ms. Dauster announced the Punta Gorda Isles Civic Association (PGICA) President was aware of the tendency for boaters to enter the PGI canal system on plane in an effort to stay ahead of severe weather, adding she intended to communicate that information to members as well.
- Mr. Dixon then reported the following data for July 2011: Police Department – 182 hours on the water; 27 warnings issued; 40 marine inspections performed; Volunteers in Policing (VIPs) – 104 hours on the water; 256 miles covered.

#### **PUBLIC HEARINGS**

- Mr. Dixon reviewed quasi-judicial hearing procedures and the criteria detailed in Chapter 6 of the City Code, explaining all criteria must be met before approval was granted.
- Recording Secretary Kelly swore in all participants.
- A. CCSP-01-11: Petition for special permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) four post boat lift with two (2) pilings outside the 45 degree rule per Section 6-6(c)4 at Lot 11, Block 7, Section 4, a/k/a 180 Tropicana Drive, Punta Gorda, FL 33950.  
Owner/Petitioner: Charles Thomas.
- Mr. Thomas disclosed he was the applicant under CCSP-01-11 (see Voting Conflict Form attached).
- Mr. Mark Gering, City Engineer, displayed an overhead of an engineered drawing, as delineated in the agenda material, depicting the requested four post boat lift with two pilings outside the forty-five degree rule. He announced the applicant was seeking approval to install a 22"x10' platform, a 4 post boat lift with 2 of the pilings and a portion of the boat lift outside the 45 degree area outlined in Section 6-6(c)4 of the City Code. He pointed out the subject property had an existing 7'x15' concrete dock, approximately 30' of seawall (per plat) and a canal width of approximately 100'. He concluded staff recommended denial of CCSP-01-11, offering to answer any questions. He mentioned a few pieces of correspondence had been received after the agenda packets were issued.
- Mr. Dixon confirmed no adjacent property owners were present.
- Mr. McBride questioned the basis for staff's recommendation for denial.

- In response, Mr. Gering drew members' attention to an outline of criteria (a) through (f) which must be met in order to allow the granting of a special permit application, stating criteria (a) and (d) had not been met. He clarified the proposed set-up would not be in harmony with the general intent and purpose of Section 6-6(c) nor would it be aesthetically or functionally compatible with existing structures or uses on surrounding lands.
  - Mr. Ron Parr, applicant's marine contractor, asserted the proposed configuration had been repeated numerous times in the past.
  - Mr. Thompson clarified a precedent had already been set.
  - Mr. Parr agreed, citing 15 to 20 examples of same.
  - Mr. Dixon called three times for anyone to speak on CCSP-01-11.
  - Mr. Thompson MOVED, Ms. Dauster SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Ms. Dauster commented the Committee had routinely recommended denial of other, similar requests due to such configurations being outside the 45 degree area; however, she pointed out a boat lift was existing on the adjacent property.
  - Mr. McAlear spoke in favor of encouraging use of the waterfront, stating he believed the proposed configuration was the only possible set-up for the subject property.
  - Mr. Thompson disclosed he had visited the property and spoken with the applicant, maintaining he saw no problem with access, egress or ingress.
  - Mr. McBride disclosed he also visited the property, stating the site was quite restricted with regard to possible options.
  - Mr. Dixon stated he was somewhat troubled by this request as he felt same precluded the ability of the adjacent property owner to construct another dock.
  - Mr. McBride MOVED, Mr. McAlear SECONDED to recommend approval of CCSP-01-11.
  - VOTING AYE: Dauster, McAlear, McBride, Thompson.
  - VOTING NAY: Dixon.
  - MOTION CARRIED.
- B. CCSP-02-11: Petition for special permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) 4'x27' angled concrete finger dock and one (1) four post boat lift at Lot 15, Block 148, Section 12, a/k/a 5000 Useppa Court, Punta Gorda, FL 33950.
- Owner/Petitioner: Douglas Knipe.

- Mr. Gering displayed an overhead of an engineered drawing, as delineated in the agenda material, depicting the requested 4'x27' angled concrete finger dock and 4 post boat lift. He pointed out the subject property had an existing 5'x28' concrete dock, approximately 35' of seawall and a canal width of approximately 100'. He noted three of the pilings, a portion of the lift and the dock were proposed to be outside of the forty-five degree area outlined in the City Code. He concluded staff did not recommend favorable consideration of the application as the criteria required under (a) and (d) had not been met.
- Mr. Thompson noted the applicant actually had an additional 19 feet of seawall over and above the stated 35 feet, albeit not in a straight line.
- Mr. Parr commented the lack of continuous seawall, one being 35 feet and the other being 19, resulted in the problem with the 45 degree area. He stated the prime objective of CCSP-02-11 was to allow the owner to dock a 34 foot boat on the property, adding the boat lift was secondary. He acknowledged finger docks were not often seen at single family zoned property; however, he confirmed such docks were not prohibited.
- Mr. Douglas Knipe, applicant, stated he believed the proposal outlined by Mr. Parr represented the safest berthing set-up possible.
- Mr. McBride opined the angle of the finger dock could be changed so as to minimize its outward exposure while still accommodating a 34 foot boat, acknowledging same would eliminate the possibility of a boat lift.
- Ms. Dauster requested clarification with regard to the length the finger dock was proposed.
- Mr. Parr replied the finger dock was proposed to be 27 feet in length and to protrude 25 feet waterward, explaining same was on an angle.
- Mr. Dixon expressed concern with regard to the berthing rights of Lot 14.
- Mr. Parr responded those rights would not be negatively impacted, providing a detailed explanation of same.
- Mr. Thomas commented on certain letters of objection, as delineated in the agenda material, confirming they were submitted by adjacent property owners.
- Mr. Dixon noted members could read the letters but could not base their decision solely on same in that those property owners were not present.

- Mr. Steve Kline announced he was a nearby property owner, stating he had no objection to the request.
- Mr. Dixon then called three times for anyone to speak on CCSP-02-11.
- Ms. Dauster MOVED, Mr. Thomas SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. McBride disclosed he had visited the site, stating he believed options were available which would have less of an impact; however, he acknowledged those options would involve removing part or all of the existing dock.
- Mr. McAlear commented the subject area was difficult from a navigational standpoint; however, he stated he did not believe the configuration presented above represented the most optimal set-up.
- Ms. Dauster expressed concern in that the entire boat lift was proposed to be outside the 45 degree area.
- Mr. McAlear MOVED, Mr. McBride SECONDED to recommend denial of CCSP-02-11.
- VOTING AYE: Dauster, McAlear, McBride, Thompson, Dixon.
- VOTING NAY: Thomas.
- MOTION CARRIED.
- Ms. Dauster announced she had based her vote on failure to meet criteria (d).
- Mr. McAlear stated he based his decision on failure to meet criteria (d) and (e).
- Mr. Thompson stated he did not feel the proposal met the criteria of (a), (d) and (e).
- Mr. Dixon advised his vote was based on failure to meet criteria (e).
- Mr. McBride concluded he did not feel the application met the criteria of (a).
- Mr. Parr then questioned the Committee's feelings toward re-submitting an application for a different configuration.
- Mr. Dixon suggested Mr. Parr meet with Mr. Keeney regarding same.
- Mr. Parr requested the Committee reconsider their decision and allow the applicant to present an alternate configuration based on discussions this date prior to moving forward to City Council.
- Ms. Dauster MOVED, Mr. McAlear SECONDED to reconsider CCSP-02-11. MOTION CARRIED UNANIMOUSLY.
- Mr. McAlear MOVED, Ms. Dauster SECONDED to withdraw the motion for denial of CCSP-02-11. MOTION CARRIED UNANIMOUSLY.

- Mr. McBride MOVED, Mr. McAlear SECONDED to continue CCSP-01-11 to September 19, 2011. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

A. Bass Inlet Bridge Navigation

- Mr. Dixon stated at the Committee's previous meeting, Mr. Hoffman indicated it was difficult to navigate under Bass Inlet Bridge; however, he did not personally feel the Committee should approach City Council with a proposal to demolish and/or raise the bridge.
- Consensus of the Committee was to take no action.

**UNFINISHED BUSINESS**

A. Florida Sea Grant Traffic Study

- Mr. Dixon reported the traffic study remained unfinished; however, he opined the study would prove to be useful in the event the City decided to pursue lengthening Ponce de Leon Inlet or other channels. He confirmed he would continue to follow up with Ms. Betty Staugler, Florida Sea Grant.

B. Proposed Anchorage Area Ordinance

- Mr. Dixon expressed great concern with regard to the ordinance being proposed, asking if other members were also disturbed by City Attorney David Levin's memo, as delineated in the agenda material.
- Mr. McBride stated City Attorney Levin's analysis was most likely correct in a rigorous, legal manner; however, he had been unable to determine whether or not the ordinance must be passed immediately or if the City and State could devise acceptable language for areas such as Ponce de Leon Inlet, for example, for eventual adoption into another proposed ordinance.
- Mr. McAlear opined the ordinance addressed the wrong problem. He explained the Committee's concern was focused on "interference with navigation" while the proposed ordinance was more focused on "live-aboards."
- Mr. McBride interjected Florida Statute (FS) 327.46 in its entirety covered much more than live-aboards.

Mr. John Dauster commented he felt the Committee should consider two issues, the first being anchoring outside of the mooring area while the other was more of a safety issue, i.e., anchoring in or adjacent to a heavily traveled channel. He stated his

understanding was the local ordinance would be repealed, while the State Statute would be enforced only by sworn officers, thus negatively impacting the VIPs.

- Mr. Dixon read a portion of FS 327.44 into the record, noting same addressed what exactly constituted interference with navigation. He stated he felt anchoring restrictions should be specified. He further expressed his belief the Committee should inform City Council of their opposition to the City Attorney's proposal.
  - Consensus of the Committee was agreement with same.
  - Mr. McAlear MOVED, Mr. McBride SECONDED to recommend City Council incorporate State Statute 327.44, Interference with Navigation, completely within the ordinance; if prevailing circumstances need definition, the Committee would work to define the circumstances for those areas where interference within navigation was a potential safety issue; to include the State's definition of live-aboards in the City's ordinance; to provide enough authority for enforcement of no anchoring safety zones before the existing ordinance was terminated or to change the current City ordinance as currently written. MOTION CARRIED UNANIMOUSLY.
- C. Strategic Plan Review & Comments
- Mr. McBride commented he felt the most pertinent section of the Strategic Plan was on page 8, Waterfront/Canal System, stating he believed it was important to have a strategy with respect to the canal system.
  - Mr. McBride MOVED, Ms. Dauster SECONDED to provide a safe, well maintained and accessible canal system for residents, to retain an additional, sworn, marine police officer, to retain a marine code compliance officer and to install safety ladders at each of the City's bridges. MOTION CARRIED UNANIMOUSLY.

#### STAFF COMMENTS

- A. Ponce de Leon Inlet Parcels – Informational Purposes Only
- Mr. Keeney announced 2,764 parcels had direct access to Ponce de Leon Inlet, drawing members' attention to a depiction of same, as delineated in their agenda material.

#### COMMITTEE/BOARD COMMENTS

- Ms. Dauster announced the Southwest Florida Water Management District (SWFWMD) would no longer fund the Charlotte Harbor Environmental Center (CHEC), specifically the water testing program. She stated the PGICA was asked to fund the program at a cost of \$3,500; however, another suggestion was made for volunteers to submit their samples directly to the lab. She explained she subsequently learned CHEC had not

been following through by submitting samples for testing, questioning the entity to which CHEC reported.

- Mr. Keeney replied the Department of Environmental Protection (DEP).
- Mr. Dixon suggested CHEC may wish to tie in their program with the National Estuary Program (NEP).

#### **CITIZENS COMMENTS**

- Mr. Dauster confirmed the mangrove trimming contractor had been asked to clear back to 200 feet.

#### **ADJOURNMENT**

- Meeting Adjourned: 3:35 p.m.

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Bill Dixon, Chairman

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Mary Kelly, Recording Secretary