

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
SEPTEMBER 21, 2009**

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

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Dennis Murphy, Growth Management Director
Rick Keeney, Public Works Director
Dave Drury, Finance Director
Councilmember Don McCormick
Steve Fabian, John Dauster, John Peter Chamick

CALL TO ORDER/ANNOUNCEMENTS/PRESENTATION

A. Roll Call

- Mr. Dixon announced Mr. Michael Strunk had resigned from the Committee, adding Mr. Kresge had been appointed to fill that unexpired term. He welcomed Mr. Kresge, noting he had served on this Committee several years earlier.

B. Next Scheduled Meeting - Monday, October 19, 2009 - 1:30 p.m.

APPROVAL OF MINUTES

A. Regular Meeting of August 17, 2009

- Mr. McAlear MOVED, Mr. Hughes SECONDED approval of the August 17, 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 nine permits were issued in August 2009, offering to answer any questions regarding same. He noted details of the permits were outlined in the Committee's agenda material.
- Mr. Dixon mentioned a member had raised the possibility of reformatting this report, stating he understood this was a working document. He clarified the Committee had not requested any clerical effort with regard to the report.
- Mr. Brodersen agreed that was his understanding as well.
- Consensus of the Committee was to continue with the current format.

B. Budget Utilization Report

- Mr. Brodersen displayed an overhead of the Budget Utilization Report, as delineated in the agenda material, offering to address any concerns of the Committee.

- Mr. Gerdel asked if 100% execution of seawall cap and dredging funds would be attained, noting the fiscal year would be ending shortly.
- Mr. Brodersen replied work was proceeding well, stating only approximately 350 feet of seawall remained on the list. He advised full time crews were working on seawall caps.
- Mr. Gerdel commented it seemed a great deal of dredging funds remained unspent.
- Mr. Brodersen agreed, stating those funds most likely would not be fully expended. He announced receipt of the Department of Environmental Protection's (DEP's) dredging permit approval as of the previous week. He explained DEP had required the City to prove its exemption relative to all the inlets; thus, he had been required to supply all information initially submitted to obtain the original permit. He noted he was still awaiting permitting for the Laishley Marina.
- Mr. Dixon asked if dredging was needed at this time.
- Mr. Brodersen replied he had received no reports of shallow water.
- Mr. Dixon confirmed those funds could be utilized on seawalls and, in any event, would not be lost. He then noted a letter of commendation for Canal Maintenance Division staff was provided in the agenda material, commenting favorably on same.

OLD BUSINESS

A. Research/Fact Finding - Committee Update

- Mr. Dixon stated he had not yet gathered information regarding quasi-judicial proceedings as discussed at the Committee's previous meeting, adding he would attempt to have same in hand at the next meeting.
- Mr. Dennis Murphy, Growth Management Director, announced a Sunshine Law video presentation was scheduled for October 5, 2009, at 9:00 a.m., in Council Chambers, urging members to attend. He mentioned City Attorney David Levin would be available for questions after the presentation.
- Mr. Dixon confirmed attendance was not mandatory.
- Mr. Rick Keeney, Public Works Director, mentioned City Attorney Levin was working on a response to Mr. Dixon's request for clarification of quasi-judicial hearings.
- Ms. Dauster commented she was not present at the Committee's last meeting, stating it seemed members' concerns were based on City Council's action on a special permit wherein Councilmembers agreed with staff's recommendation for approval and ignored the Committee's recommendation for denial.
- Mr. Dixon explained the issue was there was nothing within the City Code on quasi-judicial proceedings nor was there anything in State Statutes, adding such proceedings were conducted based on the Attorney General's opinion.

- Ms. Dauster clarified City Council had been provided with an excerpt of this Committee's meeting minutes, adding she understood same did not hold nearly as much weight.
- Mr. Dixon expressed some disagreement, explaining the actual wording of the applicable City ordinance stated City Council would not give weight to the Committee's recommendation if members were not present at the City Council Meeting.
- Mr. McAlear stated he was concerned with situations where staff's recommendation differed from the Committee's. He continued City Council must then conduct their own fact finding, questioning the validity of the Committee's existence. He clarified he was bothered by the fact that the Committee's recommendation had been ignored. He opined when this body's recommendation differed from staff's, the Committee had not provided City Council any help but rather had confused the situation. He pointed out staff would change their recommendation from denial to approval in a special permit situation in which abutting property owners expressed approval of the request; however, neighbors may not be able to attend a public hearing as they may reside out of State during the summer months, for example. He expressed his belief meetings should conclude with an agreement between staff and the Committee which could then be presented to City Council.
- Mr. Dixon then asked Mr. Steve Fabian to update the Committee on his research relative to consideration of a different method of assessment with regard to the annual canal maintenance fee.
- Mr. Fabian submitted into the record a copy of his response to a September 12, 2009, Charlotte Sun Herald editorial, providing a brief review of same.
- Mr. Dixon requested a copy of Mr. Fabian's PowerPoint presentation made at the Committee's previous meeting.
- Mr. Fabian provided same.
- Mr. Dixon asked if Ms. Dauster had spoken with Ms. Claire Phelen with regard to former Councilmember Dave Phelen's research into a linear foot based assessment system.
- Ms. Dauster replied she had not.
- Mr. Dixon stated he understood Mr. Phelen had unearthed numerous problems associated with that method.
- Mr. Fabian agreed, adding Mr. Phelen had concluded a linear foot assessment method was simply too complex.
- Mr. Dixon reiterated his request for Ms. Dauster to speak with Ms. Phelen and obtain more details.

- Mr. Murphy commented conversion to such an assessment method would entail an extremely large amount of work, providing a general outline of same.
- Mr. Gerdel commented on Mr. Fabian's above mentioned, written response, specifically the first area of inequity, "single family homes built on multi-family zoned lots being treated as condominiums," asking if same referred to two adjacent residences owned by the same individual.
- Mr. Fabian replied it did not. He displayed an aerial view of a number of single family homes in PGI, pointing out the following discrepancies in the amount of each property owner's annual assessment fee: (1) \$800 for a single family home located on 2 lots; (2) \$419.32 for a single family home assessed as a condominium; (3) \$569.32 for a single family home assessed as a condominium; (4) \$400 for a single family home; (5) \$400 for a single family home. He noted these five homes were located adjacent to one another.
- Mr. Dixon stated he understood such property owners controlled how their lot was zoned.
- Mr. Fabian responded that was incorrect. He clarified a single family home built on a multi-family zoned lot was assessed as a condominium. He provided another example of a single family home assessed \$400 while the adjacent property, also a single family home but treated as a condominium, was assessed \$144.
- Mr. Dixon expressed hope a Committee member would volunteer to study these types of zoning issues.
- Mr. Gerdel confirmed a variance was not required to construct a single family home on a lot zoned for multi-family use.
- Mr. Folchi opined a lot zoned for multi-family use would be less expensive.
- Mr. Murphy responded that was not the case.
- Mr. Dixon again asked if a member wished to volunteer to research these issues.
- Mr. Dave Drury, Finance Director, interjected Mr. Phelen had coordinated with a number of boating organizations and various other civic groups and conducted a great deal of research. He explained after roughly six months, Mr. Phelen concluded the task was insurmountable, adding he had been unable to find any reason to change the method of assessment.
- Mr. Dixon commented less than 5% of PGI homeowners owned small lots; however, the condominium/multi-family matter was a separate issue entirely. He stated the last time a linear foot assessment method was considered, it was determined only a few lot owners would benefit.

- Mr. Drury added there had been talk of possibly needing to resurvey the entire PGI Canal Maintenance Assessment District (CMAD). He noted some felt dual billing would be necessary, one for linear footage of seawall and the other to determine everyone's share of dredging costs. He concluded staff had been instructed by the City Manager to assist the Committee however possible.
- Mr. McAlear questioned whether the Committee had the ability to research this issue, stating outside assistance may prove necessary.
- Mr. Dixon countered he felt it was too early to abandon efforts.
- Mr. Hughes suggested a simple proposal of charging per "0 to 50 feet," "51 to 100 feet," etc.
- Mr. Dixon responded the Committee could certainly make that recommendation.
- Mr. Gerdel commented on the 52 single family homes being assessed at the multi-family rate, asking how same could be reclassified as single family homes at \$400 per lot.
- Mr. Fabian replied City ordinance prohibited same; however, perhaps a new ordinance could be adopted reversing that prohibition.
- Mr. Dixon then recalled the Committee had learned of a discrepancy in the total number of PGI property owners, requesting clarification of same.
- Mr. Drury explained the City billed by Equivalent Residential Units (ERUs), estimating same at approximately 5,300.
- Mr. Dixon mentioned past discussion of securing \$100 million in bonds to repair or replace all seawalls in PGI requiring same, adding he and Mr. Drury had agreed the CMAD did not have the financial "muscle" to acquire \$100 million. He concluded the bond issue was simply not feasible.
- Mr. Gerdel stated he had been asked to address statistical analysis, adding the Committee's goal must be clearly delineated. He opined all single family home/lot owners should pay the single family lot fee. He commented on the assessment formula for multi-family properties, suggesting some type of equivalent boat unit be devised and their fee be based on same.
- Mr. Dixon clarified there were roughly 75 miles of old seawall at this time, stating he had hoped Mr. Gerdel could arrive at a forecast, perhaps in the form of a bell curve, as to when same would fail.
- Mr. John Dauster commented on the multi-family assessment method as defined by City Code, asking the Committee to consider the total linear footage abutting the canal for a condominium complex which did not have any finger docks and where boats could only be berthed "side to." He continued condominiums with finger docks

allowed more boats to be docked; thus, perhaps the linear footage could be calculated to include the docks themselves.

- Mr. Gerdel concluded he would continue his research based on discussions this date.

CURRENT BUSINESS

A. Seawall & Seawall Cap Engineering Study - Update

- Mr. Keeney announced the City's engineering library was being reviewed, stating a consultant should be identified by the end of the current week.
- Mr. Folchi noted he felt it would be valuable for a Committee member to be part of the selection process.
- Mr. Dixon countered he felt same was far beyond the Committee's charter outlined in Chapter 6 of the City Code.
- Mr. Hughes opined a member's relevant experience, knowledge and interest should be utilized.
- Mr. Drury mentioned he had been a member of several such selection committees, stating they had always been comprised of staff only; however, he acknowledged he was unsure of the reason for same.
- Mr. Keeney asked Mr. Gerdel if he would like an opportunity to review the scope of services when available, noting staff would welcome his input.
- Mr. Gerdel agreed.
- Mr. Dixon requested all members be provided with a copy of the scope of services as well.

NEW BUSINESS

A. Consideration of Canal Post Lighting

- Mr. Dixon drew members' attention to correspondence from Mr. Bill Cromer, as delineated in the agenda material, in which Mr. Cromer suggested installation and overnight operation of the smallest, new style, energy efficient bulbs in each canal-side post light.
- Mr. Keeney confirmed Mr. Cromer was not in attendance, adding Mr. Cromer indicated this lighting would provide additional security, would change the "evening presence" of the canals and eliminate black holes. He explained the suggestion was actually sent to Mayor Larry Friedman who passed the idea on to City Manager Howard Kunik who in turn requested the idea be reviewed by the Committee.
- Mr. McAlear commented favorably on the idea itself; however, there were a number of vacant lots and out-of-State homeowners. He clarified he felt this should be voluntary as opposed to mandated.

- Mr. Kresge opined the idea would result in “light pollution.” He commented on the “disappearance of night,” as had been described in an issue of National Geographic, stating there was such a significant amount of ambient light, it was difficult to simply see the stars at times. He concluded he did not feel the idea should be considered.
- Mr. Dixon noted he had attempted to have an American flag in his yard, adding same must be either taken down each evening or be properly lit. He stated he had been unable to devise a set-up which did not meet strong opposition from his neighbors, adding he had eventually been forced to abandon the idea.
- Mr. Gerdel MOVED, Mr. McAlear SECONDED to advise Mayor Friedman the proposal was not appropriate. MOTION CARRIED UNANIMOUSLY.

MEMBER COMMENTS

- Ms. Dauster welcomed Mr. Kresge to the Committee. She also thanked Mr. Gerdel for his participation relative to the engineering study discussed earlier.
- Mr. Dixon stated Ms. Nancy Prafke approached him regarding more training for advisory board/committee members, commenting favorably on same. He then reported Marine Patrol logged 164 hours and issued 3 citations and 20 warnings.

CITIZEN COMMENTS

- Councilmember Don McCormick thanked the Committee for their hard work, stating the \$100 increase in the annual assessment fee was approved relatively smoothly as a result of same.
- Mr. John Peter Chamick acknowledged the need for increased seawall maintenance; however, he felt funds being expended in other areas of the City, such as on sidewalks and palm trees, for example, could be reallocated to the CMAD. He asserted government funding could be applied for in order to keep property owners from funding everything during a depressed economy. He then stated non-residents utilized the City’s boat ramps and waterways for free, while property owners were required to pay for same.
- Mr. Fabian mentioned clean-out of canals after Hurricane Charley in August 2004 was paid through grant funds as opposed to CMAD funds.
- Mr. Brodersen recalled a Committee member had recently indicated the need for public education, announcing staff would be making presentations on October 15, 2009, to the Boaters Alliance, on October 26, 2009, to the PGI Mariner’s Club, and on January 26, 2010, to the PGI Seafarer’s Club.

ADJOURNMENT

- Meeting Adjourned: 2:58 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary