

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
OCTOBER 19, 2009**

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

MEMBERS ABSENT: Spencer Hughes

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Dennis Murphy, Growth Management Director
Gary Brewster, Steve Fabian, Mary Fleenor, Pete Chamick,
John Dauster, Noel Hyde

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Monday, November 16, 2009 - 1:30 p.m.

APPROVAL OF MINUTES

- A. Regular Meeting - September 21, 2009
 - Ms. Dauster MOVED, Mr. Gerdel SECONDED approval of the September 21, 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 11 permits were issued in September 2009.
- B. Budget Utilization Report
 - Mr. Brodersen displayed an overhead of the Budget Utilization Report, as delineated in the agenda material, noting the represented numbers were not truly complete because of the end-of-year close-out. He explained invoices would continue to be submitted and processed until the end of the month.
 - Mr. Dixon clarified same was detailed at the bottom of the report.

OLD BUSINESS

- A. Research/Fact Finding - Committee Update
 - Ms. Dauster reported she spoke with Ms. Claire Phelen with regard to former Councilmember Dave Phelen's investigation into canal maintenance assessment methods. She advised Ms. Phelen still had Mr. Phelen's computer and would research his files regarding this subject.

- Mr. Dixon commented members of the Burnt Store Isles Canal Advisory Committee (BSI CAC) recalled Mr. Phelen's concerns were focused primarily on multi-family properties.
- Ms. Dauster agreed that was her recollection as well.
- Mr. Gerdel then announced he had not made significant progress on failure rates, as discussed at previous Committee meetings.
- Mr. Dixon noted the PGI Canal Maintenance Assessment District (CMAD) was facing 75 miles of 50 year old seawalls, adding he had promised City Council some type of recommendation relative to same. He stated he hoped Mr. Gerdel could provide some type of "bell curve," adding this issue was actually separate from the discussion of assessment based on lineal feet. He mentioned Mr. Gary Brewster, BSI CAC Chairman, had suggested their members begin thinking of a draft recommendation for eventual presentation to City Council.
- Mr. Kresge asked if this Committee should join forces with BSI CAC.
- Mr. Dixon replied he would rather this Committee came to their own conclusion, pointing out the BSI CMAD had much newer seawalls than PGI. He recalled the two Committees met at a joint meeting fairly recently, which led to this issue; thus communication was open between both bodies.
- Mr. Brewster agreed it was not necessary to meet jointly and arrive at a common solution. He opined the linear foot methodology boiled down to some pros and cons. He noted seawall failures, until recently, were the result of natural disasters such as heavy rains, unattended sinkholes, storm events, etc.; however, that was now changing, particularly for the older PGI seawalls, acknowledging BSI would begin to experience this in the future. He stated the BSI CAC agreed it was more equitable to assess by linear foot in that those properties with larger seawalls resulted in higher expenses; however, properties such as tip lots had a relatively small amount of street frontage but were not assessed less for road maintenance. He clarified both the roads and waterways were available for everyone's use. He concluded the BSI CAC did not wish to change the current methodology at this time. He then displayed an overhead of facts and figures specific to BSI, as delineated in the agenda material, providing a detailed review of same.
- Mr. Dixon questioned the number of large and small lots in BSI.
- Mr. Brewster replied the average lot was 89 feet, adding there were more large than small lots. He explained same was due to the relative shortness of BSI's streets.
- Mr. McAlear commented on the cost breakdown depicted on the overhead, asking if "Other" included the infrastructure necessary for the Canal Maintenance Division, i.e., salaries, fuel, etc.

- Mr. Brewster replied affirmatively.
- Mr. Gerdel confirmed dredging expenses were included as well.
- Mr. Brewster agreed, stating same cost approximately \$50,000 annually. He then continued his review, reminding members of the intangible benefits of living on beautiful waterways. He noted a formula could be developed only if a value to the general benefit portion could be assigned, citing an example of \$200 per lot plus \$2.25 per foot. He concluded the BSI CAC felt changing the methodology would be too expensive, complex and could never be 100% correct.
- Mr. Gerdel asked if BSI had multi-family zoned properties on which single family homes were built and assessed much less because of same.
- Mr. Brewster replied not that he was aware.
- Mr. Steve Fabian interjected BSI had only one condominium complex, confirming there were no single family homes on multi-family zoned land. He asked if the BSI CAC had considered how they planned to determine the lengths of the seawalls.
- Mr. Brewster replied they had not, thus the basis for their feeling the methodology should not necessarily be changed.
- Ms. Dauster asked if BSI had any finger piers.
- Mr. Brewster replied affirmatively at the one condominium complex in BSI.
- Mr. Kresge asked if the formula described by Mr. Brewster resulted in the same amount of total assessments of \$413,000.
- Mr. Brewster replied affirmatively, reiterating that formula was put forth simply as an example.
- Ms. Mary Fleenor commented on Mr. Brewster's statement regarding the benefit to the entire community, asking if the stated \$120 per lot would be assessed to properties not located on the waterway.
- Mr. Brewster replied it would not.
- Ms. Fleenor opined properties located in a waterfront community, even without direct access to the water, experienced higher values.
- Mr. Brewster stated he personally agreed; however, he felt that was an issue which could be extremely problematic.
- Mr. McAlear commented he felt the Committee should prioritize its approach to this complex issue, concentrating first on the inequity related to multi-family and/or condominium lots. He asserted a big draw to Punta Gorda was its waterways, which he believed benefitted the entire City.
- Mr. Dennis Murphy, Growth Management Director, interjected both CMADs were set up as Municipal Service Benefit Units (MSBUs), the first requirement being a direct benefit

to those paying into same. He continued the Courts had consistently ruled properties not receiving a direct benefit could not be assessed.

- Mr. McAlear clarified he simply wished the assessment to be equitable among those who were being charged.
- Mr. Dixon requested a copy of the document which established the CMAD.
- Mr. Fabian displayed a copy of same, stating the PGI CMAD was established by ordinance in 1979.
- Mr. Pete Chamick read a portion of the ordinance into the record, emphasizing the section regarding “a fixed levy,” opining the latter referred to a per lot charge.
- Mr. Gerdel questioned Mr. Chamick’s interpretation of “fixed levy.”
- Mr. Chamick replied he believed the levy should be fixed for all lots as opposed to varying amounts, acknowledging condominiums would be assessed differently. He questioned whether the annual charge was a tax, a fee or an assessment. He opined a tax should be levied on property values; however, the current method of assessment was charged as a fee.
- Mr. Dixon then asked if the Committee wished to prioritize their approach as suggested by Mr. McAlear, the first priority being multi-family and condominiums.
- Consensus of the Committee was approval of same.
- Mr. Dixon questioned the number of condominium complexes in PGI.
- Mr. Fabian replied 90.
- Mr. Dixon pointed out the difficulty in tackling 90 different associations, covenants, etc.
- Mr. Gerdel countered assessment could be done on an equivalent boat unit as had been discussed the previous month.
- Mr. Fabian commented he had spent a significant amount of time on the linear feet issue over the past week, calculating 600 to 700 man hours would be required to determine the linear footage of every lot. He noted the source of all this information included a disclaimer that the information should not be considered a legal document.
- Mr. Dixon recalled this had been discussed in detail in the past, and it had been determined there simply was no perfect data available.
- Mr. John Dauster commented there seemed to be a larger discrepancy between condominiums and multi-family dwellings than with single family homes. He suggested the Committee concentrate only on multi-family properties initially, adding it may be possible to do a linear footage evaluation on multi-family units only.
- Mr. McAlear commented condominium properties did not seem as dependent upon linear footage but rather could be geared to waterfront access.

- Mr. Gerdel noted assessment per square footage was developed many years earlier. He pointed out developers had figured out how to get more and more boats in condominiums based on their desire to sell such properties. He opined the Committee should consider trying to replace square footage with boat equivalency units.
 - Mr. Dixon asked Mr. Gerdel to be prepared to discuss same in detail at the Committee's next meeting.
 - Mr. Folchi agreed with first focusing on the most prevalent problem; however, he believed an inventoried compendium of all problems would assist in prioritizing same.
 - Mr. Dixon responded he believed Mr. Fabian had already gathered that information and presented same to the Committee at a previous meeting.
 - Mr. Kresge stated it seemed an assessment based on linear footage would be incredibly time consuming, asking if fees could be based on ranges.
 - Mr. Dixon replied affirmatively; however, the amount of man hours would not be reduced as over 5,000 lots would need to be reviewed.
 - Mr. Fabian then gave a brief review of his presentation, submitting copies of same into the record. He pointed out the disclaimer shown on the County's Geographic Information System (GIS), specifically "the user of these applications should not rely on the data provided herein for any reason." He opined surveys would be the best source of linear footage by far.
 - Mr. Dixon concluded there was no method of assessment which would satisfy each and every property owner, adding he did not wish to recommend a methodology which was ridiculously cumbersome.
- B. Seawall & Seawall Cap Engineering Study Update
- Mr. Brodersen reported staff provided Mr. Gerdel with the scope of services for the subject study, adding the scope and a requisition had been forwarded to the Procurement Division for a purchase order to be generated. He announced HDR, a Sarasota firm, was chosen from the City's engineering library as they were best suited for marine construction.
 - Mr. Dixon questioned the estimated time frame.
 - Mr. Brodersen replied 60 days from the time HDR received the purchase order. He mentioned the study would also consider the effect davit bases may have on seawalls, particularly whether there was undue stress being placed on seawalls and seawall caps.
 - Mr. Dixon clarified it appeared the study would be complete before 2010.

CURRENT BUSINESS

- Mr. Gerdel questioned the status of the dredging permit.

- Mr. Brodersen replied everything had been cleared, adding all exemptions were in place.

NEW BUSINESS

- Mr. Dixon announced Blind Pass, the sandbar between Sanibel and Captiva, was dredged as evidenced by water flowing through same, expressing uncertainty as to how this was permitted. He advised a question arose as to the possible dredging of the barge canal.
- Mr. Dauster reported a petition was submitted to the Department of Environmental Protection (DEP) in 2007 to open Blind Pass, adding he had been advised by a boater in the Captiva area this was indeed the case. He continued this individual suggested this Committee investigate the possibility of opening up the barge canal, which was bermed to keep traffic out. He mentioned he understood the City held title to the barge canal but had turned that title over to the State; however, he had not confirmed same. He noted there had been some discussion of restricting utilization of the barge canal to non-motorized vessels in an attempt to make its opening more palatable to DEP.
- Mr. Kresge commented this was a long shot, stating it had been discussed several years earlier.
- Mr. McAlear questioned the need to open it up, particularly if same was open only to canoes and kayaks. He further questioned the benefit to the PGI CMAD.
- Mr. Dauster clarified the question was simply whether or not the berm could be removed as opposed to whether it could be dredged.
- Mr. Gerdel agreed with Mr. McAlear in that there was no benefit to PGI.
- Consensus of the Committee was not to become involved in this issue.
- Mr. Brodersen then announced City data was now available on Charlotte County's GIS server, anticipating staff would be able to access same in the very near future. He then mentioned he and Mr. Rick Keeney, Public Works Director, had given a presentation to the Boaters Alliance and were scheduled to do so again for the Mariner's Boat Club.

MEMBER COMMENTS

- Mr. Kresge requested a copy of the information available on Blind Pass as discussed earlier.
- Mr. Dixon reported 139 police hours on the water, 1 citation, 18 warnings and 21 inspections.

CITIZEN COMMENTS

- Ms. Fleenor advised there had been one occurrence in the canal near her home, which she had reported to the Police Department.

- Mr. Noel Hyde commented favorably on the recent mangrove trimming at the end of Surfbird Court when leaving Sunset Lake and turning in to the Bird section of PGI. He then noted he had observed unlit boats traveling through the canals.
- Mr. McAlear urged residents to contact the Police Department whenever such incidents were observed.

ADJOURNMENT

- Meeting Adjourned: 2:56 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary