

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
JANUARY 21, 2010**

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

MEMBERS ABSENT: Spencer Hughes

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Rick Keeney, Public Works Director
Vice Mayor Bill Albers
Mayor Harvey Goldberg
John Dauster, Don Nolan, Jerry Jensen, Tom Weeks, Dick Sposi,
Robin Clifford, Mike Fauci, William Cronin, Jack Stanley,
Don Erhardt, Bob Marcus, Peter Chamick, Jim Lahey,
Tony Richards, Dave Atkinson, Paul Kline, Walter Jackamick,
Walt Petersen, Frank Wiechec, Mike Alderson, Steve Hood,
Tom Cavanaugh, Pete Glanton

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Thursday, February 18, 2010 - 1:30 p.m.
- Mr. Dixon reminded members their next meeting had been rescheduled to the third Thursday of the month due to a conflict with a holiday observed by the City.

Note: Current Business was heard prior to Approval of Minutes.

- Mr. Dixon announced Mr. Gerdel had resigned from the Committee.

APPROVAL OF MINUTES

- A. Regular Meeting of December 21, 2009
- Ms. Dauster noted a correction to page 2.
- Ms. Dauster MOVED, Mr. McAlear SECONDED approval of the December 21, 2009 minutes as amended. 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 December 2009. He announced 547 feet of seawall cap had been replaced in the past 2 weeks, and Pompano, Snook and Ponce de Leon Inlets had been dredged.
- B. Budget Utilization Report
- Mr. Brodersen displayed an overhead of the December 31, 2009 Budget Utilization Report, as delineated in the agenda material, providing a brief review of same.

C. Seawall & Seawall Cap Replacement Status Report

- Mr. Brodersen drew members' attention to the January 4, 2010, Seawall Statements of Work (SOWs), and the Seawall Cap Replacement report of January 11, 2010, providing an update on the December 5-6, 2009, seawall failure locations. He concluded work was proceeding efficiently.
- Mr. Kresge commented it appeared 30% of the seawall replacement budget had been expended.
- Mr. Brodersen responded approximately 18% cost-wise had been expended or roughly 28% of lineal footage had been replaced. He then advised a meeting with the consultant on the seawall design study was scheduled for the following week, expressing hope the report would be available by the time of the Committee's next meeting. He mentioned staff hoped to meet with Charlotte County on the Geographic Information System (GIS) in the near future.

NEW BUSINESS

A. Seawall Painting Project - Hold Harmless Agreement

- Mr. Rick Keeney, Public Works Director, reminded members of their discussion of repainting "No Wake" and "Idle Speed" on the community's seawalls, adding there had been some concern relative to liability if painting was done by volunteers. He displayed a "Volunteer Release and Hold Harmless Agreement" form, as delineated in the agenda material, stating he had verified same would address that concern.
- Mr. McAlear countered the signage should read "Slow Speed/Minimum Wake." He clarified the only no wake zone in Punta Gorda Isles (PGI) was from the rim canal and out Ponce de Leon Inlet to Marker #8.
- Mr. John Dauster recalled the City's Manatee Protection Plan delineated same, adding other entrances should be designated "Slow Speed/Minimum Wake" as well. He stated he understood speeds within the canal system itself were set by City Council, suggesting the Committee investigate the possibility of recommending "No Wake" zones within same.
- Mr. Dixon asked Mr. McAlear to confirm City Council's authority, stating he wished to investigate this issue further upon conclusion of discussion of the assessment methodology issue.

OLD BUSINESS

A. Research/Fact Finding - Committee Update

- Mr. Dixon announced he had received new rainfall data, opining same may be useful in determining the effect on seawall failures. He noted Mr. Folchi had updated the Committee on the GIS issue under Current Business.

Note: Current Business was heard prior to Approval of Minutes.

CURRENT BUSINESS

- A. Continued Discussion of Canal Maintenance Fee Methodology
- Mr. Dixon commented on the large number of attendees, asking everyone to keep their comments to three minutes to allow all the opportunity to speak.
 - Mr. Don Nolan stated the current, per-lot assessment methodology had been in place when current residents moved to PGI and had worked very well; however, a group existed which felt this was unfair. He described two options, asserting these were unfair as well. He suggested the Canal Maintenance Assessment District (CMAD) continue to operate on a per lot basis.
 - Mr. Jerry Jensen, 33 Tropicana Drive, opined the current methodology was fair, reminding everyone of the \$45,000 actual cost for replacement of one seawall. He advised curved lots were charged much less in the past, suggesting property owners of same could perhaps pay an additional amount as they enjoyed a more favorable view and more access to water. He recalled immediately deciding to retire to Punta Gorda upon his first visit in 1984. He commended the Committee on their hard work and a job well done.
 - Mr. Dixon clarified he believed all single family zoned lots had always paid the same rate.
 - Mr. Tom Weeks opined the existing methodology was equitable, acknowledging owners of tip or key lots most likely purchased their property at a higher cost.
 - Mr. Dixon countered the goal was not to increase revenue but rather to realize the same revenue, albeit perhaps using a different method.
 - Mr. Richard Wolf requested clarification of the Committee's discussion of this subject to date.
 - Mr. Dixon explained the Committee had committed itself at City Council's request to study the methodology and determine if a change was desirable or possible. He listed a number of possible methods of assessments, as discussed at previous Committee meetings over the past several months. He pointed out all of the Committee's meetings were advertised and open to the public; however, there was typically very few attendees.
 - Ms. Dauster added the Committee had been discussing three different categories as well: single family homes; single family homes on multi-family zoned property; condominiums. She explained the differences in assessment amounts was sometimes significant.

- Mr. Dick Sposi stated he understood condominiums were assessed differently than single family homes, requesting clarification of same.
- Mr. Keeney explained assessment of properties other than single family was based on square feet, specifically the length of the seawall by a depth of 120 feet and \$.05 per square foot.
- Ms. Robin Clifford questioned how this topic arose.
- Mr. Dixon replied the issue was raised routinely every few years, adding the assessment had been a fixed amount since 1979.
- Ms. Clifford asked if the recent increase was to provide a pool of money for a future resource.
- Mr. Dixon explained the CMAD was behind in seawall maintenance.
- Ms. Clifford thanked the Committee, stating her family had recently relocated to PGI primarily due to its practice of seawall maintenance.
- Mr. Mike Fauci recalled a statement made at the June 15, 2009, meeting indicating only 5% of PGI residents would be affected either positively or negatively by changing to a linear foot methodology. He commented the per lot methodology may have served PGI well years earlier; however, it may no longer be reasonable, acknowledging making such a change entailed a great deal of work and information gathering. He then pointed out the City collected the assessment fee annually, asking where those funds were held.
- Vice Mayor Bill Albers clarified CMAD funds were used solely within the CMAD. He further explained ad valorem taxes were not used for seawall maintenance.
- Ms. Dauster confirmed the annual canal maintenance assessment fee was not a tax.
- Vice Mayor Albers then stated he wished to submit a few questions to the Committee for the benefit of all in attendance: (1) Could the Committee implement any change to a by the foot charge; (2) were the exact lengths of all PGI properties known; (2) what was the cost to implement a per foot methodology.
- Mr. Dixon explained this Committee was strictly advisory and thus could not implement any of the above. He advised tax records did not contain seawall footages. He acknowledged the cost to implement a per foot methodology was unknown; however, it would be many thousands of dollars to simply change the Property Appraiser's program.
- Mr. William Cronin explained his home was built on two lots with 50 feet of seawall each, adding he paid the \$500 assessment for each of those lots.
- Mr. Jack Stanley, Kittiwake Drive, mentioned his seawall was replaced approximately five years prior to his purchase of same. He asserted he received virtually nothing in

return for payment of the annual fee over the past several years. He opined Ponce de Leon Inlet had remained in need of dredging for three years, recommending some of the assessments funds be utilized for same. He further suggested establishment of a southern access point into PGI, adding the canals should be dredged as well.

- Mr. Dixon stated he was unaware of any outstanding complaints regarding Ponce de Leon Inlet, adding the City was limited by the Army Corps of Engineers to dredging same to six feet. He advised Mr. Stanley to contact the Canal Maintenance Division when he encountered shallow spots.
- Mr. Don Erhardt announced he owned several lots in PGI and was assessed \$500 for each, adding he did not feel same was equitable as two lots on Ryan Boulevard entailed just over 70 feet. He commented on Charlotte County's GIS program, stating someone had identified the cost to learn the seawall lengths of all properties. He asserted the Committee must take action to learn that information.
- Mr. Dixon asked Mr. Folchi to comment on the GIS issue.
- Mr. Folchi replied a canal phasing system was being incorporated into the County's program which could accept and track work orders; however, there was no seawall information in the GIS program at this time, acknowledging same was expected to become operational shortly. He clarified at that point it would be only a work order system with no historical information. He concluded any real information would not be stored in the GIS program for at least a year.
- Mr. Dixon interjected two years earlier, Canal Maintenance Division staff had walked the entire length of PGI's seawalls and prioritized seawall conditions; however, that information remained static, thus the City's desire to utilize the County's GIS program as a tool.
- Mr. Bob Marcus, 845 Pamela Drive, stated his seawall failed a few years earlier, adding he could not express the amount of out-of-pocket expenses the City saved him. He commended the crews who had performed the seawall replacement. He pointed out all current property owners were aware of the annual fee when their homes were purchased.
- Mr. Peter Chamick provided a brief history of development of the CMAD, submitting copies of a City ordinance and resolution attesting to same. He commented on the difference between a "fee" and a "tax," stating the City referred to the charge as a fee; however, the documents he provided referred to a tax, which he believed was correct, explaining properties could thus be assessed based on their value.
- Mr. Jim Lahey stated one of the main selling points of his PGI home was the fact that his seawall was "insured." He commended Canal Maintenance Division staff on their

performance when his own seawall had failed. He concluded fairness was in the eye of the beholder, adding the current system had been working for a few decades.

- Mr. Tony Richards confirmed dredging was funded through the annual fee. He suggested consideration of a type of 20 year surcharge which could be allocated by lot length to accrue a fund balance over a period of time for future use.
- Mr. Dixon displayed an overhead of a pie chart, as delineated in the agenda material, of the 2009/2010 PGI CMAD budget based on \$2,512,225, detailing how funds were applied by percentages.
- Mr. Dave Atkinson expressed strong agreement with the commendations of the Canal Maintenance Division. He pointed out he used more of the canal system than that portion directly behind his home.
- Mr. Paul Kline questioned the reason for seawall failures.
- Mr. Dixon replied there were numerous reasons, stating many seawalls were 50 to 60 years old and had been exposed to the elements. He confirmed the City used higher quality materials and construction methods currently than many years earlier.
- Mr. Kresge added no seawalls which had been replaced had experienced failures.
- Mr. Walter Jackamick stated he understood this meeting was scheduled to determine residents' feelings on assessment methodologies; however, it seemed some felt no change should be instituted simply because it had always been this way. He pointed out taxes were assessed based upon property values, adding he felt the annual assessment should be based on lineal feet.
- Mr. Walt Petersen stated he had been advised by a friend to choose PGI as his retirement location because of their comprehensive seawall maintenance program. He spoke in favor of maintaining the current per lot methodology.
- Mr. Frank Wiechec, Burnt Store Isles (BSI), reported the BSI CAC had voted in favor of maintaining the status quo. He thanked the Committee for the help provided to the BSI CAC.
- Mr. Nolan spoke in favor of the existing methodology, noting approximately 5% of PGI residents had less than 80 feet of seawall. He suggested one option where residents with perhaps 70 feet of seawall or less paid half of the annual fee and everyone else pay \$25 more per year.
- Mr. Mike Alderson suggested assessments be based on property values.
- Mr. Steve Hood stated he was not unhappy with the current method of assessment; however, he would not be opposed to a more equitable methodology.
- Mr. Tom Cavanaugh pointed out replacing 80 feet of seawall at a property with a \$1 million home cost the same as one with a home valued at \$200,000. He also noted

many variables impacted the cost of seawall replacement, i.e., vacant or occupied lots, types of docks, etc. He spoke in opposition to a change to a linear foot methodology due to the significant costs associated with same.

- Mr. Pete Glanton, Ryan Boulevard, stated he was in favor of the status quo.
- Mayor Harvey Goldberg complimented and thanked the Committee for holding this meeting as well as all those in attendance for taking the time to provide input. He advised this Committee had been tasked with this matter, noting City Council would ultimately make the final decision.

Note: Mr. Dixon called for a 10 minute recess.

Note: Mr. Folchi left the meeting at 3:27 p.m.

Note: The following was heard after Old Business.

- Mr. Keeney drew members' attention to the BSI CAC's letter of recommendation, as delineated in the agenda material, with regard to this issue.
- Mr. Dixon stated he wished to discuss the following at the Committee's next meeting: single family homes on single family zoned property; single family homes on multi-family zoned property; multi-family properties.
- Mr. Keeney then confirmed members had received a copy of correspondence, as delineated in the agenda material, from Ms. Carol Babyak, BSI resident.

MEMBER COMMENTS

- Ms. Dauster commented favorably on how smoothly this meeting ran.
- Mr. Dixon reported no boating citations were issued in December 2009, 142 hours on the water, 6 marine warnings, 15 inspections and many directed patrols.
- Mr. McAlear explained the cold weather had kept many boaters in.

CITIZEN COMMENTS

- Mr. Bill Schindler advised the Committee to obtain a legal opinion on the legality of what the Committee was attempting to do with regard to the assessment methodology.
- Mr. Keeney responded the City Attorney was prepared to research same once the Committee made their recommendation.
- Mr. Dixon pointed out he had asked for guidance from the City Attorney on quasi-judicial proceedings eight months earlier.
- Mr. Dauster commented on the earlier methodology discussion, stating the Committee should also determine whether a referendum would be required if a change was recommended.

ADJOURNMENT

- Meeting Adjourned: 3:55 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary