

**BURNT STORE ISLES
CANAL ADVISORY COMMITTEE
MEETING
May 10, 2011**

MEMBERS PRESENT: Gary Brewster, Chairman
Norman Ashworth, Thomas Mays,
Leslie Totten, Frank Wiechec

OTHERS PRESENT Rick Keeney, Public Works Director
Randy Brodersen, Canal Maintenance Supervisor

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting – Tuesday, June 14, 2011

APPROVAL OF MINUTES

- A. Regular Meeting – March 08, 2011
 - Mr. Ashworth MOVED, Mr. Wiechec SECONDED approval of the March 08, 2011 Minutes. MOTION CARRIED UNANIMOUSLY.

CANAL MAINTENANCE MONTHLY REPORTS

- A. Permits Authorized by City Staff – Installation of Docks, Lifts, Outpilings, etc.
 - Mr. Randy Brodersen, Canal Maintenance Supervisor, advised two (2) permits had been issued in March 2011 and four (4) in April 2011.
- B. Budget Utilization Reports for March and April 2011
 - Mr. Brodersen offered to answer questions regarding the Budget Utilization Report (BUR) as delineated within the agenda material.
 - Mr. Totten suggested the fiscal period be noted at the top of the BUR.
 - Mr. Brodersen agreed to do same on future BUR reports.
 - Mr. Brewster recognized work on seawall and seawall cap replacement through April was ahead of schedule, currently being at approximately 50% completion for each.
 - Mr. Wiechec commended staff on their ability to accommodate boater traffic while working.

PUBLIC HEARINGS

- A. **GA-10-11** – An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 6, “Boats, Docks and Waterways”, Article 1, Section 6–6(c)(4)(d), Punta Gorda Code, requiring all new boat docks or slips to be used for the berthing of boats on a long–term basis and the conversion of existing docks or slips to be used for the berthing of boats on a long–term basis in the Burnt Store Isles Subdivision (PGI Section 15) to have boat lifts or davits; requiring the recording of a restrictive covenant for the construction of new boat docks or slips which are not to be used for the berthing of

- boats on a long-term basis; adding a grandfather provision for existing boat docks and slips; providing for conflict and severability and providing an effective date
- Mr. Rick Keeney, Public Works Director, explained the proposed ordinance as delineated within the agenda material, was initiated by the Building Department and Code Compliance Division for review and interpretation of the language to better enforce the City's Codes. He explained same was for clarification to better define language including but not limited to items such as boat berths, viewing platforms, and grandfathering, also advising the result of the time frame for allowing boats to be moored for a short time; "30 days in a rolling 12 month period", stemmed from research performed by the City Manager's office.
 - Mr. Wiechec requested clarification of page 17 of 18, item d.4.
 - Mr. Keeney explained an example of his interpretation of a viewing platform would be a dock without a boat being moored or having a boat lift, used perhaps just it to sit in a lawn chair and watch the sunset or go fishing. He added if that person were to bring home a boat to be kept there, the viewing platform would then be considered a traditional dock.
 - Mr. Brewster questioned if reconstructing an existing grandfathered dock would change the existing status to new, or if new applied only to those areas where a previous dock did not exist.
 - Mr. Wiechec added, in respect to a grandfathered boat moored in the water; if a dock extension was added to an existing dock, would it now be considered new, therefore requiring a lift to be installed.
 - Mr. Keeney opined the word "conversion" was added to help clarify those issues, he then offered to take questions back to the City Attorney and staff for clarification.
 - Mr. Brewster questioned if the grandfathered status stayed with the property if the property was sold.
 - Mr. Keeney recalled in the past the status stayed with the property offering to add the question to the list to be taken to staff for clarification.
 - Mr. Totten asked for an explanation of "30 days in a rolling 12 month period".
 - Mr. Keeney explained the 30 days would be cumulative, starting from the first day the boat is moored through the next 12 months.
 - Mr. Mays asked if a change in the size of a boat mattered once the property was grandfathered.
 - Mr. Keeney reiterated, previously the grandfather status applied to the dock not the boat.

- Mr. Ashworth asked if a property with an existing lift was sold to a person with a boat too large for the existing lift, if the lift could be removed and the boat then be moored.
- Mr. Keeney replied negatively, stating a larger lift would need to be installed to accommodate the larger boat.
- Mr. Wiechec questioned if someone could obtain grandfathered status based on a boat they had moored several years in the past, although there was not boat moored presently.
- Mr. Brodersen responded, language in Sec. 6-6.d.5. stated in part (owners of existing docks or slips being used for long-term berthing which are not equipped with a boat lift or similar device as of the effective date of this section may apply to the City for a Certificate of Grandfathered Status).
- Discussion ensued regarding confusion of the language in the ordinance change.
- Mr. Totten MOVED, Mr. Wiechec SECONDED, recommending not putting language in the ordinance that would be more restrictive than the original agreement with the Department of Environmental Protection. MOTION CARRIED UNANIMOUSLY.
- Mr. Keeney suggested requesting an extension of the public hearing to a date certain to allow further review.
- Mr. Totten MOVED, Mr. Ashworth SECONED, AMENDING the MOTION to include postponing the public hearing to the July 12, 2011 Burnt Store Isles Canal Advisory Committee (BSI-CAC) meeting and to recommend City Council postpone the public hearing to follow the July 12, 2011BSI-CAC meeting. MOTION CARRIED UNANIMOUSLY.
- Mr. Keeney reviewed the list of questions to be clarified by staff and the City Attorney.

UNFINISHED BUSINESS

A. Budget Preparation – FY 2011/2012

- Mr. Keeney confirmed same was on agenda for the purpose of any final input from the committee, adding representatives from Finance and Public Works would be at the next meeting to discuss the proposed budget.

COMMITTEE/BOARD COMMENTS

- Mr. Mays passed out copies of questions, as deliniated within the agenda material, to be presented to Canal Maintenance staff, City Council members and the Punta Gorda Isles Canal Advisory Committee, requesting discussion regarding same be placed on the June 14, 2011 agenda.
- Mr. Brewster confirmed same were recommended items for discussion at the next BSI-CAC meeting.

ADJORNMENT

- Meeting Adjourned: 2:14 pm

Gary Brewster, Chairman

Perri Turner, Recording Secretary