

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
JULY 18, 2011**

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

MEMBERS ABSENT: Charles Thomas

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Rick Keeney, Public Works Director
John Dauster, David Jones

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. August 15, 2011

APPROVAL OF MINUTES

- A. Meeting of June 20, 2011
 - Mr. Thompson MOVED, Mr. McBride SECONDED approval of the June 20, 2011 minutes.
MOTION CARRIED UNANIMOUSLY.

Note: Reports and New Business were heard following Unfinished Business.

REPORTS

- A. Permits Authorized by City Staff – June 2011
 - Mr. Randy Brodersen, Canal Maintenance Supervisor, announced 17 permits were issued in June 2011, noting the particulars of same were delineated in the agenda material.
 - Ms. Dauster commented on Permit #118761, “Install 756 square foot observation docks in fresh water lake on Bal Harbor Boulevard,” requesting clarification of that location.
 - Mr. Hoffman responded there was a large lake behind a shopping center in that area.
 - Mr. Brodersen agreed that was most likely the location referred to by Ms. Dauster.
 - Mr. Hoffman then questioned the locations of two fresh water springs in the canal system.
 - Mr. Brodersen expressed uncertainty regarding same.
- B. Budget Utilization Report – June 2011
- C. Seawall and Seawall Cap Replacement Status Report – June 2011

- Mr. Brodersen drew members' attention to the subject reports, as delineated in the agenda material, confirming there were no questions regarding same.
- D. Patrol Update – Bill Dixon
- Mr. Dixon stated he would provide the patrol update to the City Clerk's Office for dissemination to members.

NEW BUSINESS

- A. Strategic Plan Review & Comment – Rick Keeney
- Mr. Rick Keeney, Public Works Director, drew members' attention to the Fiscal Year (FY) 2011 Strategic Plan Progress Report, as delineated in the agenda material, stating City Council was seeking input from the public relative to development of a potential list of strategic objectives for FY 2012. He noted City Council wished to have all input by August 31, 2011, adding same could be submitted by individuals or by the Committee as a whole.
 - Mr. Dixon confirmed this item would be on the Committee's next agenda, asking members to be prepared for a more in depth discussion.
 - Mr. Hoffman commented on the Bass Inlet Bridge, suggesting same be raised to the same height as Peeples Bridge.
 - Mr. McAlear asserted one of the most significant draws to Punta Gorda was the canal system and waterfront; however, maintenance of the whole canal system was paid for entirely by Punta Gorda Isles (PGI) property owners. He clarified no other tax funds supported the canal system but its existence benefitted the entire City.
 - Mr. John Dauster asked the Committee to consider the possibility of extending the channel out of Ponce de Leon Inlet, suggesting some type of breakwater along the north side of the channel as it exited the Inlet.
 - Mr. Dixon commented the same problem existed in the PGI Yacht Club channel.
 - Mr. McAlear suggested consideration be given to extending both channels by an additional 100 yards.
 - Mr. Dixon recalled a traffic study of those areas was conducted in the past, the goal of which was to ease the ability to obtain dredging permits.
 - Mr. McBride commented the University of Florida Sea Grant organization conducted an inventory of boats in the canals, expressing uncertainty with regard to the outcome of that study.
 - Mr. Dixon stated Ms. Betty Staugler was Sea Grant's regional contact person.
 - Mr. McBride suggested approaching the issue from an overall accessibility and safety aspect point of view.

- Mr. Dixon questioned the number of dwelling units served by Ponce de Leon Inlet, noting 6,300 dwelling units existed in PGI.
- Mr. Keeney replied he would research same with Mr. Gary Disher, Geographic Information System (GIS), Project Manager.
- Ms. Dauster then commented on a recent attempted burglary at a home on the corner of Cressent Drive and Marion Avenue, stating the individual advised the homeowner he would be working on the seawall the following day. She explained the person asked the homeowners to walk to the seawall in the rear of the property, thus allowing the other “workers” access through the front of the home. She concluded the property owner had been highly suspicious and asked the person to leave, adding they immediately contacted the Police Department.
- Mr. Brodersen responded he had spoken with the homeowners following the incident.
- Ms. Dauster then stated an ordinance amending Chapter 6 of the City Code was being proposed by the City Attorney, asking Mr. Dauster to comment on same.
- Mr. Dauster advised he was a member of the City’s Waterfront Development Advisory Committee (WDAC), stating the ordinance had been presented at WDAC’s July 14, 2011 Meeting. He explained the ordinance addressed anchorages outside of the new mooring fields; however, he expressed great concern over language which was being proposed for removal, specifically “Anchoring, mooring, or rafting up a vessel to environmentally protected and/or sensitive vegetation s prohibited. Anchoring under or mooring to bridges or in or adjacent to heavily traveled channels shall constitute interference.” He announced he had written to the City Manager, City Council and Mr. Brodersen, pointing out all the effort put forth by this Committee to eliminate the interference at the corner in Ponce de Leon Inlet could possibly be for naught. He continued the response to his letter, issued by Ms. Macalle Finkle, City Paralegal, indicated the pertinent State Statute still remained in effect. He questioned the reason behind removal of language which was not germane to anchoring in heavily travelled canals.
- Mr. McAlear noted removal of that language would eliminate the ability of any Volunteers in Policing (VIPs) to conduct any enforcement action as VIPs had no authority to enforce State Statutes. He explained infractions related to vessel registration or speeding, for example, were governed by State law.
- Mr. Dauster displayed Ms. Finkel’s response, as delineated in the agenda material, noting the public hearings were scheduled for August 22, 2011, and September 7, 2011, before the Planning Commission and City Council, respectively; however, there was no mention of the ordinance being presented to this Committee.

- Mr. Dixon asked what had prompted the ordinance.
- Mr. Dauster replied the City had adopted an ordinance which required boaters to move or leave an anchorage area after a specific period of time. He mentioned an incident in Marco Island, Florida, where a boater had failed to leave the area where he had been anchored longer than the allowed time and was subsequently arrested. He continued the Courts had decided the boater could anchor wherever he desired. He explained Punta Gorda's current ordinance provided for very specific time restrictions, adding same was in direct conflict with State law. He summarized the unintended consequences were elimination of the prohibition of anchoring in heavily traveled canals as well as impact to the VIPs' enforcement capabilities.
- Mr. Dixon requested copies of all of the above mentioned documents be provided to members. He also requested review of the ordinance be placed on the Committee's next agenda.
- Recording Secretary Kelly confirmed the Committee's next meeting would be held prior to the August 22, 2011 Planning Commission meeting.
- Consensus of the Committee was to request the opportunity to further review the ordinance prior to presentation to City Council.
- Mr. Keeney confirmed he would advise the City Manager's Office of same.

Note: Unfinished Business was heard following Approval of Minutes.

UNFINISHED BUSINESS

- A. Mangrove Trimming – David Jones, Ecosystem Technologies, Inc. (ETI)
- Mr. Brodersen introduced Mr. David Jones, ETI President, stating he had been invited to address various concerns raised by members at previous meetings.
 - Mr. Hoffman questioned Mr. Jones on State laws regarding mangrove trimming.
 - Mr. Jones stated the Florida Tree & Preservation Act essentially claimed jurisdiction over all mangroves regardless of their location; however, municipalities were permitted to assume responsibility of the law, adding Sanibel had done so.
 - Mr. Dixon confirmed Punta Gorda had not.
 - Mr. Jones agreed, noting he would not recommend same. He cited certain guidelines such as maintenance of mangroves at a six foot elevation and no lower, acknowledging the debate between professional tree people and staff as to the literal meaning behind same. He opined proper tree care required cuts where appropriate while maintaining the bush at six feet. He explained ETI currently held a navigational permit covering Punta Gorda's canals, which allowed maintenance to prevent mangroves from impeding the navigational channel. He mentioned three existing species which were classified as mangroves but were unrelated, the red walking mangrove, the lime green

mangrove and the black mangrove of which there were very few after Hurricane Charley in August 2004. He explained pruning techniques were unique to each species. He then commented on “windowing,” where certain, lower branches were removed which created additional visibility. He noted windowing provided for habitat creation as birds enjoyed the resulting open area. He then addressed the area of Ponce de Leon Inlet, stating he could not cut the tops of all those trees because of their size. He pointed out State Statute allowed the canopy of mangroves which were over 16 feet tall to be reduced by 25% each year. He acknowledged reducing the height of a tree to a point where one could see over the top of same constituted a “losing battle”; however, it was more cost effective to trim the mangroves so as to allow boaters to see and be seen through the vegetation, adding considerably more sightline could be realized by windowing than by topping. He confirmed the Committee’s recommendation was based on their desire to increase boater safety. He then stated the vast majority of vegetation in the Ponce de Leon Inlet were exotics such as Brazilian Pepper, which could be removed at will as there were no restrictions regarding same. He explained the exotics were treated with herbicide, i.e., the stumps were treated to prevent re-growth. He opined the Committee’s recommendation to trim 200 feet back would be more than adequate.

- Mr. Hoffman commented there were many mangroves growing on a vacant lot on Almar Drive, asking if same could be trimmed to the height of the seawall.
- Mr. Jones replied the City’s permit and State law allowed them to be reduced to six feet above the point where the plant was growing, adding a conservative trim was roughly two feet above the seawall. He continued the permit also authorized the removal of 15 mangroves annually. He stated he believed many of the small red mangroves, in particular those which appeared along seawalls, could be plucked to prevent formation of a colony.
- Mr. Dixon asked if 15 mangroves were being removed each year.
- Mr. Brodersen replied same had not been necessary as trimming had been sufficient.
- Mr. Dixon clarified some mangroves could be removed in the Ponce de Leon Inlet area.
- Mr. Jones agreed, stating pruning objectives could sometimes not be met. He explained State Statute utilized the term “alter,” citing as an example if he cut a red mangrove severely and its health declined, it may eventually need to be removed. He acknowledged he would be uncomfortable removing mangroves simply because it was allowed. He expressed his belief the intent of the permit was to ensure safe navigation.

- Mr. McBride commented favorably on ETI's philosophy, especially with regard to removal of exotics and windowing of mangroves.
- Mr. Hoffman expressed concern with regard to the potential for exotic seeds to be spread when vegetation was fed through the chipper.
- Mr. Jones replied there was very little germination. He then stated the City's permit was navigational, which did not even allow topping or crown reduction unless directly related to navigation. He noted the law allowed riparian property owners to trim the State's mangroves beyond their property line, i.e., mean high water.
- Mr. McAlear interjected there was some argument PGI property owners were not riparian property owners as the canals were man made.
- Mr. Jones countered waterfront property owners were allowed to construct docks, thus exercising their riparian rights.
- Mr. Dixon confirmed there were no other questions, thanking Mr. Jones for his time.
- Mr. Brodersen mentioned the area where the Committee had recommended trimming was partially owned by the State and PGI Inc., adding he was attempting to gain approval from the latter. He clarified that approval must be in place before any work was done.
- Ms. Dauster questioned the cost of this trimming and if funds were available in the budget.
- Mr. Brodersen replied cost was estimated at \$7,000, which exceeded the existing mangrove trimming budget; thus, he would need to do a budget transfer.
- Mr. Thompson expressed surprise PGI Inc. was still active in ownership of property in PGI.
- Mr. Keeney agreed, stating he was confident staff would be able to make contact.

Note: Committee/Board Comments were heard following New Business.

COMMITTEE/BOARD COMMENTS

- Mr. McAlear commented the Strategic Plan listed reassessment of the methodology of computing canal maintenance fees for condominiums as a project. He noted a recent newspaper article from the City Manager mentioned an impact fee presentation, stating the City was researching ways to make same more equitable.
- Mr. Dixon interjected the City was looking to have more people billed.
- Mr. McAlear stated one option was to consider fees by single unit size, thereby eliminating inequities of smaller units subsidizing larger housing. He opined the City was attempting to avoid smaller units subsidizing larger units, questioning whether the same thought process could be applied to the "key lot versus tip lot" issue in PGI.

- Mr. Dixon countered the issue in the Canal Maintenance Assessment District (CMAD) was single family versus multi family. He pointed out City Council could opt to charge individual condominium owners the same annual rate of \$500.
- Mr. McAlear reiterated his question was whether or not the City's goal was to preclude smaller units from subsidizing larger units.
- Ms. Dauster pointed out larger units paid much more in ad valorem taxes.
- Mr. Dixon noted residential areas required more services such as police, fire, roads, schools, etc, than did commercial properties.
- Mr. McAlear disagreed, stating commercial properties had much more of an impact. He reminded members the Committee had not discussed the issue of "condominium assessment methodology" recently, questioning whether the matter was concluded.
- Mr. Dixon responded the Committee had decided to eliminate same as a recurring agenda item.
- Mr. McAlear clarified that decision was made as the Committee had been unable to devise an equitable methodology.
- Mr. Dixon asked if members wished to have the issue reinstated on the agenda.
- Mr. McAlear replied affirmatively.
- Mr. McBride stated he personally did not see a relationship between the abovementioned article and the issue of condominium assessment methodology, adding he was not in favor of reinstating the latter as an agenda item.
- Messrs. Hoffman, Thompson and Dixon and Ms. Dauster expressed agreement with Mr. McBride.
- Mr. Hoffman then commented on the City's plans for purchase of a pump-out boat, stating he was unsure if he would support such an expenditure of funds before the mooring field was full. He further questioned the need for a pump-out boat at all as boats were equipped with holding tanks, adding boaters were certainly capable of availing themselves of a marina's pump-out station. He estimated the cost of a pump-out boat at approximately \$300,000.
- Mr. Dauster explained the mooring field permit required the City to have a pump-out boat in place within two years of its establishment. He continued the East Mooring Field (EMF) was in place, adding the City was in the process of applying for grant funds for the West Mooring Field (WMF). He mentioned a suggestion to station the pump-out boat at Marker 1 on Sunday afternoons to provide boaters the opportunity to empty their holding tanks before entering the canal system. He concluded the pump-boat and its operation would be financed primarily through grant funding.

- Mr. Hoffman asked if the City would restrict anchoring outside of both the EMF and WMF upon their establishment.
- Mr. Dauster replied in the negative, stating the State prohibited same.
- Mr. Hoffman then announced he would not be in attendance at the Committee's August 2011 meeting. He commented on possible recommendations relative to the Strategic Plan, reiterating navigation in the area of Bass Inlet Bridge was unsafe.
- Mr. McBride commented many pump-out boats were operated by private enterprise, thus not impacting municipalities in any way from a cost perspective.

ADJOURNMENT

- Meeting Adjourned: 2:46 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary