

**PUNTA GORDA ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
July 20, 2009**

**MEMBERS PRESENT:** Bill Dixon, Chairman  
Nancy Dauster, Bill Folci, Spencer Hughes,  
Thomas McAlear, Michael Strunk

**MEMBERS ABSENT:** Dave Gerdel

**OTHERS PRESENT:** Randy Brodersen, Canal Maintenance Supervisor  
Rick Keeney, Public Works Director  
Dennis Murphy, Growth Management Director  
Steve Padgett, Senior Project Manager  
Vice Mayor Harvey Goldberg  
Ron Parr, Mary Fleenor, John Dauster, Tom Carroll

**CALL TO ORDER/ANNOUNCEMENTS/PRESENTATION**

- A. Roll Call
- B. Next Scheduled Meeting – Monday, August 17, 2009 - 1:30 p.m.
- Mr. Dixon welcomed Mr. Bill Folci as a new member to the Committee.

**APPROVAL OF MINUTES**

- A. Regular Meeting – June 15, 2009
- Mr Hughes MOVED, Mr. Strunk SECONDED approval of the June 15, 2009 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, reported 13 permits had been issued in June 2009, noting same were detailed in the Committee’s agenda material.
- B. Budget Utilization Report
- Mr. Brodersen displayed the Budget Utilization Report for the period beginning July 1, 2009, as delineated in the agenda packet, offering to answer any questions regarding same. He noted a new method of reporting was being used to simplify the process by compiling the data at the end of each month.
- Mr. Dixon clarified the report reflected only bills that had been paid as opposed to work that had been performed.
- Ms. Dauster questioned if some of the paid work had yet to be performed.
- Mr. Brodersen replied affirmatively.

- Mr. Hughes mentioned the report reflected a balance of approximately \$352,000 in seawall replacements with a remaining quantity of 323 feet, questioning if those figures were correct.
- Mr. Brodersen responded at \$300 per linear foot, \$1,058,161 would replace 3,527 feet of seawall; however, prices had been negotiated at a lesser rate which increased the amount of repairs per dollar. He added fund balances had increased due to several budget transfers and next month's report would reflect a zero balance.
- Mr. Dixon questioned if the \$351,711 could be spent on seawall and cap replacements by October 2009 in order to reduce reserves to 5 percent.
- Mr. Brodersen responded affirmatively.
- Mr. Rick Keeney, Public Works Director, advised Marine Contracting Group was moving an additional barge into Punta Gorda Isles (PGI) and increased their crews from two to four in their commitment to accomplishing the work by October 1.
- Mr. Dixon opined an additional \$500,000 would be available the following year, advising those funds must be spent within the year to finish with only five percent.
- Mr. Keeney declared work would be accomplished as quickly as possible.
- Mr. Dixon expressed concern for completing all work early in the year without funds for later repairs.
- Ms. Dauster contended proactive maintenance may circumvent emergency repairs later in the year.
- Mr. Dixon suggested spending funds by the end of September after the start of rainy season as opposed to earlier in the year.
- Mr. Strunk opined the work should be accomplished as quickly as possible.

**PETITIONS FOR SPECIAL PERMITS**

- A. CCSP 02-09: Petition for special permit under the provisions of Section 6-6 (j) of the Punta Gorda Code of Ordinances to install four post boat lift with two (2) pilings outside the 45 degree rule per Subsection 6-6 (c) at Lot 2, Block 83, Section 7, AKA 901 Francesca Ct., Punta Gorda, FL 33950  
Owner/Petitioner: John & Marlene Vandehi
- Deputy City Clerk Stewart swore in all participants.
- Mr. Steve Padgett, Senior Project Manager, stated the petitioner was seeking approval to reinstall a boat lift partially outside the 45 degree rule, adding the seawall was 32.26 feet in length and the canal was 100 feet wide.
- Mr. Ron Parr, Parr Marine Construction, stated the existing lift was very close to the seawall, adding an adjoining property owner's boat was very close to the applicant's

vessel. He opined the proposed installation was the best solution for the applicant and neighbors' vessels due to the tight configuration of the corner lot.

- Mr. Spencer questioned if written permission had been obtained from adjoining property owners.
- Mr. Parr attested to both adjoining property owners providing input on the proposed configuration.
- Mr. Dixon interjected written testimony was inadmissible in quasi-judicial proceedings.
- Ms. Dauster disclosed she had visited the site and inquired if a small finger dock could be installed.
- Mr. Parr replied affirmatively, announcing a four foot finger dock would be considered after a decision was made on this request.
- Ms. Dauster questioned if staff had any objections to the request other than being outside the 45 degree angle.
- Mr. Keeney reported staff did not have the ability to consider neighbor's input outside the quasi-judicial process and suggested a possible continuation to hear testimony at a later date.
- Mr. Parr stated he was unable to coordinate the neighbors' schedules, questioning why a sworn affidavit was insufficient. He reiterated he was unaware of any opposition to the request.
- Mr. Dixon questioned the significance of the distance of 30 feet off the seawall.
- Mr. Padgett confirmed it was the distance a boat could be berthed into the waterway.
- Ms. Dauster MOVED, Mr. McAlear SECONDED to close the public hearing.
- MOTION CARRIED UNANIMOUSLY.
- Ms. Dauster MOVED, Mr. Strunk SECONDED to recommend approval of CCSP-02-09.
- VOTING AYE: Dauster, Dixon, Folci, McAlear, Strunk
- VOTING NAY: Hughes
- MOTION CARRIED
- Mr. Keeney requested the reason for approval be stated by the Committee.
- Ms. Dauster opined the lift configuration was the best solution for safe navigation.
- Mr. McAlear maintained no Code was violated by the installation.
- Mr. Strunk contended it provided the safest access to the water for the applicant and neighbors' vessels.
- Mr. Folchi opined it was the best solution to a difficult situation.
- Mr. Hughes stated as the lone dissenting vote, he would have preferred to hear testimony from adjoining property owners.

- Vice Mayor Harvey Goldberg interjected in future cases, criteria for approval or denial should be discussed prior to a vote.
- B. CCSP 03-09: Petition for special permit under the provisions of Section 6-6 (j) of the Punta Gorda Code of Ordinances to install four post boat lift with two (2) pilings outside the 45 degree rule per Subsection 6-6 (c) 4 at Lot 3, Block 180, Section 14, AKA 3221 White Ibis Ct., Punta Gorda, FL 33950  
Owner/Petitioner: Donald Smith
- Mr. Padgett noted the subject property had a seawall length of 282 feet and canal width of between 210 and 223 feet. He added he was not aware of any communication received either for or against the request.
- Mr. Parr displayed a drawing of the proposed lift, as delineated within the agenda material, stating he understood previous Code required a special permit for any finger dock installed within the canal system. He speculated the subject property, built in 1985, received approval for previous pilings and a dock; however, documentation of same was unavailable.
- Ms. Dauster clarified the owner was deeded this particular slip by the condominium association.
- Mr. Folchi questioned staff's concern with respect to the request.
- Mr. Keeney reiterated without testimony from any concerned parties under the quasi-judicial process, he was hesitant to endorse the request as being outside the 45 degree angle and in violation of the intent of subsection (a), pointing out it was his responsibility to protect neighbors' rights.
- Mr. McAlear affirmed adjoining property owners elected not to appear albeit notified of the public hearing.
- Note: Mr. Strunk left the meeting at 2:26 p.m.
- Mr. Parr alluded to the applicant's payment of the special permit fees to include formal notification of all adjoining property owners, opining letters would have been documented had there been any opposition to the request.
- Note: Mr. Strunk returned to the meeting at 2:29 p.m.
- Ms. Dauster stated she generally erred on the side of caution in consideration of neighbor's rights; however, she opined this request would not interfere in any way.
- Ms. Mary Fleenor spoke favorably toward the request.
- Ms. Dauster MOVED, Mr. McAlear SECONDED to close the public hearing.
- Ms. Dauster MOVED, Mr. Folchi SECONDED to recommend approval of CCSP-03-09 as it did not meet criteria for rejection of same.
- MOTION CARRIED UNANIMOUSLY.

### **OLD BUSINESS**

- Mr. Dixon requested staff provide a report at the August meeting on the status of the updates to the Geographical Information System (GIS).
- Mr. Keeney responded he would provide same.
- Mr. Dixon inquired what information had been obtained on the use of French drains.
- Mr. Keeney reported French drains were not recommended as seepage would create undue hydrostatic pressure against the seawalls.
- Mr. Dixon questioned if staff had conducted research regarding taxation of single family homes constructed on multi-family lots as requested by Mayor Friedman at the June 2009 meeting.
- Mr. Keeney reported he had spoken with the resident and provided information related to the request; however, the resident had not responded to date.
- Mr. Dixon inquired where the authority originated in determining tax rates according to zoning classifications, recalling the Mayor had opined a single family home in multi-family zoning should be charged the single family rate.
- Mr. Keeney maintained it was specified within City Code.

### **CURRENT BUSINESS**

- A. FY 2009/10 Budget
  - Vice Mayor Goldberg reported City Council approved a tentative increase of \$100 to PGI canal maintenance assessments, adding the vast majority of residents supported same. He announced the final budget would be approved in September, 2009.
  - Mr. Dixon commended Mr. Folchi for the work he accomplished in informing PGI Civic Association members of the increase.

### **NEW BUSINESS**

- A. Long Term Solutions
  - 1. Bonding
    - Mr. Dixon stated replacing the remaining 90 miles of PGI seawalls would require group financing or bonding of over one hundred million dollars. He requested members discuss the feasibility of a bond, requesting Mr. Hughes research same.
  - 2. Project Failure Rate
    - Mr. Dixon announced there were statistical methods of forecasting failure rates, predicting major failures within the next 10 to 20 years. He stated he would be requesting assistance from the Finance Department to look into those methods.

### 3. Non-Destructive Test

- Mr. Dixon commented the City had been making repairs on an as needed basis, without a method of predicting future failures. He requested Mr. Folchi research non-destructive testing methods to report his findings to the Committee at a later date.
- Mr. McAlear contended the waterfront area was the most significant item in drawing people to reside in Punta Gorda. He stressed the importance of preserving property values, pointing out that burden was on residents of PGI alone. He questioned what the City was doing to assist in maintaining the area's largest attraction.
- Mr. Dixon requested Mr. McAlear investigate what the City could do to assist the PGI Canal District.
- Mr. John Dauster questioned what criteria would be used in determining which seawalls were considered old or new, contending walls that were replaced 15 or 20 years ago would need eventual replacement as well.

### B. Linear Feet

- Mr. Dixon announced the Mayor had requested revisiting the method of establishing assessments by linear foot. He stated Messrs. Eugene Pintiuck and David Phelen had both conducted research in this area, requesting Ms. Dauster speak to Mr. Murphy and Ms. Phelen for background on same.

### C. Condominium Charges

- Ms. Dauster mentioned Mr. Phelen may have provided some relevant information in his study of canal assessments on multi-family dwellings.
- Mr. Dixon noted the methodology used in assessing multi-family buildings was to take the single family rate per foot for a 10,000 square foot lot, multiplying that amount per linear foot on any building within 120 feet of a seawall in order to determine the rate for multi-family dwellings. He contended a large waterfront complex with some units outside the 120 feet may not be paying enough in assessments while a smaller building may be paying too much. He stated a proposal had been made to charge per linear foot regardless of the type of structure, suggesting the Committee be prepared to discuss same.

### D. Outreach to the Community

#### 1. Brochure

- Mr. Dixon commented the community was generally unaware of services available in the Canal Maintenance District, opining more should be done to educate the community.
- Mr. Keeney announced the City's brochure had been revised with new ideas incorporated into the next version for Committee review.

2. Article by Tom McAlear
  - Mr. Dixon thanked Mr. McAlear for his input in his monthly articles, opining they were a great asset.
3. Speech by Rick Keeney
  - Mr. Dixon announced Mr. Keeney had a slide presentation on the canal system that was available to any organization interested in same.
  - Mr. Keeney stated he had been invited to speak at the PGI Fishing Club the following month.
  - Mr. McAlear inquired if Mr. Keeney had solicited organizations by offering the presentation, suggesting a more aggressive approach.
  - Mr. Keeney responded in the negative, stating he believed the Committee was to target the organizations.
  - Ms. Dauster announced a meeting would be held of all local club presidents on August 4, 2009 at 4:00 p.m. at the PGI Civic Association, offering to advise the Civic Association president of Mr. Keeney's presentation.
  - Mr. McAlear spoke of PGI residents that were not members of the Civic Association, suggesting direct mail as method of contacting those residents to inform them of issues associated with the seawalls.
  - Mr. Folchi announced the Civic Association had a mailing list of all property owners in PGI.
  - Mr. Tom Carroll contended he was an advocate for informing residents about seawall problems; however, he questioned what information was necessary with respect to what the Committee was accomplishing. He suggested soliciting volunteers to compute tax assessments and a charrette for ideas in taxing multi-family dwellings.

#### **MEMBER COMMENTS**

- Mr. McAlear announced he had observed seawalls along the Intercoastal Waterway (ICW) on a recent boat trip, reporting most were privately maintained. He spoke of the condition of those seawalls being far inferior to seawalls in Punta Gorda, speaking highly of the maintenance performed on same by the City.
- Ms. Dauster welcomed Mr. Folchi as a new member to the Committee. She noted infractions she noticed during the Fourth of July Freedom Swim were considered violations by the Police Department, reminding members to report any unfavorable incidents they see within the canal system.
- Mr. Folchi questioned how he could get a demonstration of the GIS project.
- Mr. Keeney replied Mr. Dennis Murphy would provide same upon its completion.

**CITIZEN COMMENTS**

- Ms. Mary Fleenor announced she had taken the Committee's advice by calling the Police Department to provide them with photos of an individual impeding navigation while fishing from his boat.
- Vice Mayor Goldberg reported he was informed of some residents tying their vessels in the midst of a canal while away on vacation, suggesting a procedure to advise residents of the criteria for hurricane preparation and the timeframe for securing vessels within the canal.

**ADJOURNMENT**

- Meeting Adjourned: 3:17 p.m.

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Bill Dixon, Chairman

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Sheri Stewart, Deputy City Clerk