

**PUNTA GORDA ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
AUGUST 17, 2009**

**MEMBERS PRESENT:** Bill Dixon, Chairman  
Bill Folchi, David Gerdel,  
Spencer Hughes, Thomas McAlear

**MEMBERS ABSENT:** Nancy Dauster, Michael Strunk

**OTHERS PRESENT:** Randy Brodersen, Canal Maintenance Supervisor  
Rick Keeney, Public Works Director  
Councilmember Bill Albers  
Dennis Murphy, Growth Management Director  
Steve Fabian, Tom Carroll, Mary Fleenor

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - Monday, September 14, 2009 - 1:30 p.m.

**APPROVAL OF MINUTES**

- A. Regular Meeting - June 20, 2009
  - Mr. McAlear MOVED, Mr. Hughes SECONDED approval of the June 20, 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 nine permits were issued in July 2009.
- B. Budget Utilization Report
  - Mr. Brodersen displayed an overhead of the Budget Utilization Report, as delineated in the agenda material, confirming there were no questions regarding same.
  - Mr. Dixon noted the agenda packet contained several letters of commendation regarding Canal Maintenance Division staff.
- C. Discuss Seawall Replacement Schedule for 2010 - Mr. Dixon
  - Mr. Dixon stated he had originally understood seawall replacement would be expedited in 2010 with all funds expended during the first half of the year.
  - Mr. Rick Keeney, Public Works Director, explained if the recommendation for a \$100 increase to the canal maintenance assessment fee was adopted, staff's intent was to make an effort to replace seawall caps, seawalls and any other necessary repairs as soon as possible utilizing the revenues realized through that increase.

- Mr. Dixon countered he believed funds should be expended over the full year, explaining this would leave funds available at the end of the year during the rainy season.
- Mr. McAlear asked if any consideration had been given to performing the majority of work while many residents were away for the summer.
- Mr. Keeney replied it was helpful to have residents in their homes; however, staff would notify them as efficiently as possible. He mentioned the City had made the public aware of the significant amount of seawalls and seawall caps which must be replaced or repaired. In response to Mr. McAlear's question, he explained many residents preferred to be in the area while work was being performed on their property.
- Mr. Broderson pointed out the logistics of contacting out-of-State property owners was problematic, citing an example of a property owner's boat being left on a lift.
- Mr. McAlear clarified staff felt the majority of work should be conducted in the winter months.
- Mr. Gerdel interjected the Committee's job was to secure the additional \$100 while Mr. Keeney's job was to manage the program.

#### **OLD BUSINESS**

- Mr. Gerdel recalled a recent request for a special permit for which the Committee recommended approval but City Council denied. He expressed concern the City Council would act in a like manner relative to the two applications presented to the Committee the previous month on which they recommended approval. He asserted Council should be made aware of not only staff's recommendation but the Committee's as well.
- Mr. McAlear agreed, stating he had also been troubled by Council's decision. He opined staff recommended denial as the proposal violated City Code.
- Mr. Keeney explained special permit applications were heard in a quasi-judicial hearing, stating testimony could not be taken from a contractor nor could consideration be given to a written letter, per the City Attorney. He clarified staff would not recommend approval for a proposal to exceed the 45 degree area, for example; however, staff may amend their recommendation after hearing from adjacent property owners.
- Mr. Dixon pointed out City Council received copies of the Committee's minutes, which reflected their discussions and recommendations.
- Mr. Keeney added the cover sheet for each City Council agenda item also provided the Committee's recommendation.

- Mr. McAlear noted adjacent property owners sometimes simply did not attend such hearings due to a lack of interest. He reiterated his concern with regard to conflicting recommendations of staff and the Committee.
- Mr. Dixon reminded members this Committee was strictly advisory.
- Councilmember Bill Albers confirmed City Council was provided with a full package of back-up information, clearly indicating the Committee's discussion and recommendation.
- Mr. McAlear stated he felt the Committee was not doing its job when their recommendation differed from staff's.
- Mr. Keeney noted he must express his beliefs, especially while under oath during a quasi-judicial proceeding.
- Mr. Dixon requested members be provided with information relative to quasi-judicial hearing procedures.

### CURRENT BUSINESS

- A. Geographic Information System (GIS) Update - Dennis Murphy
  - Mr. Dennis Murphy, Growth Management Director, announced Charlotte County's GIS Division had completed development of the program, stating Mr. Broderson, Mr. Mitchell Austin, Urban Design Planner, and Mr. Gary Disher met with County staff. He explained a server was being built to house the application to allow for remote access by the City. He opined the system should be operating by the time of the Committee's next meeting.
- B. Committee Update on Research/Fact Finding
  - Mr. Dixon displayed a brief history of PGI canal maintenance, as delineated in the agenda material, noting the Committee had been tasked by Mayor Larry Friedman to consider same. He advised the first seawalls were constructed in 1959, adding 1985 saw the first record of canal maintenance assessment fees in the amount of \$40 to \$50. He stated assessments varied between \$150 and \$250 from 1989 to 2001, adding approximately \$4 million was received from the Federal Emergency Management Agency (FEMA) following storm events. He estimated 34,000 feet of seawall was replaced prior to 1999, with 57,234 feet replaced from 1999 to September 30, 2008. He pointed out a major event took place in 2002 when 28,415 feet of seawall was replaced, adding the City received \$4.8 million from FEMA. He mentioned the assessment rose to \$460 in 2005 and was then reduced to \$400 in 2006. He concluded 388,000 feet of seawall remained which had not been replaced, over 5,000 feet of bad seawall had been visually identified, and the Committee had recommended a \$500 annual fee in 2010.

- Mr. Steve Fabian then displayed a PowerPoint presentation, stating he had been asked approximately two years earlier to review the method of assessments in PGI. He explained the Charlotte County Tax Collector looked at PGI as two Municipal Service Benefit Units (MSBUs), PGC Lot I and PGC SFLT I, the latter being all non-single family structures. He expressed concern with regard to single family residences which were treated as condominiums when constructed on land zoned multi-family. He asserted 52 single family homes were assessed a minimum of \$144, an average of \$383.63 and a maximum of \$768. He displayed an aerial photographs depicting two single family homes adjacent to each other, one paying \$400 and the other \$384. He described a multi-family lot with the capability for 38 boat slips, each being assessed \$46.88 per slip. He advised assessments of condominiums ranged from \$20 to \$384 annually. He reported he had also studied land values, adding tip/key lots were valued at \$228,364, lots with 80 to 90 feet of seawall were valued at \$187,794 and lots with 35 to 45 feet of seawall were valued at \$131,316. He clarified a homeowner with 35 to 45 feet of seawall was paying much lower taxes, adding he believed same should be entered into the equation.
- Mr. Folchi asked if the above stated land values were current.
- Mr. Fabian replied affirmatively.
- Mr. Dixon thanked Mr. Fabian for his presentation, stating it had clarified a great deal. He then noted Mr. Folchi had sent the other Committee members an electronic mail message, advising him to send future messages to the City Clerk who would then forward same to the Committee to ensure compliance with the Sunshine and Public Records laws.
- Mr. Folchi displayed a copy of his message, as delineated in the agenda material, stating he had been asked to follow up on non-destructive testing methods. He reported the following techniques were identified: infrared photography; ground penetrating radar; X-ray; ultrasonic. He explained he hoped to explore each method to determine whether same had been used to examine seawalls. He then mentioned he had joined staff on their visit with Charlotte County GIS personnel, stating the demonstration was impressive.
- Mr. Dixon clarified Mr. Folchi had volunteered his services to pursue non-destructive testing. He then questioned Mr. Hughes on his progress relative to pursuing financing for an immediate remedy to all of PGI's seawalls.
- Mr. Hughes replied he had contacted several acquaintances in the banking industry and was awaiting return calls.

- Mr. Dixon questioned Mr. McAlear's progress on securing the financial help of non-PGI residents.
- Mr. McAlear replied he spoke at length with Vice Mayor Harvey Goldberg who indicated those who chose to purchase property in PGI "bought in" to the area; thus, they were responsible for same; however, he pointed out he did not "buy in" to brick streets downtown, a three story parking garage or tree planting along U.S. 41. He pointed out all of those activities, including the canal system, raised the value of everyone's property values. He acknowledged it would be very difficult if not impossible to "sell" that theory to non-PGI residents.
- Mr. Dixon then asked Mr. Gerdel if he would be willing to address statistical analysis and/or forecasting.
- Mr. Gerdel replied affirmatively. He noted the Committee had been tasked with a number of issues, adding the common denominator was the seawall and seawall cap. He stated whether or not one drainage system was better than another or which concrete strengths were better, he was not able to find evidence the City ever sought the assistance of an outside expert on waterfront design.
- Mr. Gerdel MOVED, Mr. Folchi SECONDED to recommend City Council utilize funds in the 2010 capital program created by the collection of seawall frontage assessments for an engineering study, using a recognized waterfront experienced civil/structural firm, to review the current fabrication and construction methods for the seawall cap and seawall construction, including all aspects of drainage, and make appropriate recommendations to the City regarding the adequacy of the current methods, the cost of such study not to exceed \$25,000.
- Mr. Dixon stated he was troubled by specifying the 2010 capital program as the Committee had advised Council the additional revenues derived from the \$100 increase would be used solely on seawalls and seawall caps.
- Mr. McAlear concurred.
- Mr. McAlear MOVED to AMEND the motion to remove "utilize funds in the 2010 capital program created by the collection of seawall frontage assessments for."
- Mr. Folchi SECONDED.
- Mr. Dixon clarified the amended motion stated the Committee recommended City Council fund an engineering study, using a recognized, waterfront experienced civil/structural firm, to review the current fabrication and construction methods for the seawall cap and seawall construction, including all aspects of drainage, and make appropriate recommendations to the City regarding the adequacy of the current

methods, the cost of such study not to exceed \$25,000. He then called for a vote on amending the original motion.

- MOTION CARRIED UNANIMOUSLY.
- Mr. Dixon then called for a vote on the amended motion.
- MOTION CARRIED UNANIMOUSLY.
- Mr. McAlear then recalled a question arose as to whether all PGI property owners were aware of the situation relative to their canals and how they could all be contacted. He noted Mr. Folchi had provided him with a list of 5,300 people; however, a simple mailing at \$.44 per letter amounted to at least \$2,500. He asked if there were any other means of reaching the community, noting many people owned a lot in PGI but resided elsewhere.
- Mr. Dixon added many people resided locally but were unaware of the existence of the Canal Maintenance Assessment District (CMAD) or of this Committee.
- Mr. Fabian questioned the source of the above mentioned 5,300 property owners.
- Mr. Folchi replied he obtained same through the Charlotte County Property Appraiser's Office.
- Mr. Fabian responded his records indicated 6,743 PGI property owners who were receiving a tax bill.
- Mr. Keeney mentioned he and Mr. Brodersen attended a recent PGI Fishing Club meeting at which there had been a favorable turnout, stating many questions were raised and answered. He noted two more meetings were tentatively set, adding staff would continue to reach out to various civic organizations. He opined a one on one setting was more beneficial than flyers.

#### NEW BUSINESS

- A. Transportation Investment Generating Economic Recovery (TIGER) Grant
  - Mr. Murphy explained the City was applying for funding through this stimulus package for four projects, stating additional points were given for originality and willingness to leverage existing funds. He noted Mr. Keeney was willing to utilize his resurfacing budget in the amount of roughly \$600,000, asking if the CMAD would pledge their maintenance funds as a leverage against any qualified funding through the TIGER grant. He clarified the City planned to apply for \$60-70 million to replace all aged seawalls in PGI.
  - Mr. Dixon commented this seemed like a "win-win" situation.
  - Mr. Murphy agreed, acknowledging the Federal government had set aside \$1.8 billion dollars to be spread equally across all 50 States; thus, approximately \$300 million would be available to Florida, adding Punta Gorda was seeking the majority of same.

- Mr. Dixon urged staff to proceed with this initiative.
- Mr. Murphy asked Mr. Dixon to sign a letter of support as Committee Chairman.
- Mr. Gerdel MOVED, Mr. Folchi SECONDED approval. MOTION CARRIED UNANIMOUSLY.

#### **MEMBER COMMENTS**

- Mr. Dixon announced a new Florida law would be enacted relative to anchoring, adding Boat U.S. issued an excellent analysis of same. He explained this law allowed for boating restricted areas, including but not limited to vessel speed, vessel traffic, etc., on State waters for any purpose necessary to protect the safety of the public if such restrictions were based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion or other navigation hazards. He opined this law would allow the City to prohibit anchoring in Ponce de Leon Inlet.
- Mr. McAlear opined anchoring could not be prohibited as long as vessels could navigate through an area.
- Mr. Tom Carroll suggested the Committee request an opinion from the City Attorney, specifically whether this new law changed the rules and, if so, to request City Council adopt an ordinance to prohibit anchoring in Ponce de Leon Inlet.
- Mr. Dixon concluded he would raise this issue again at the Committee's next meeting. He then reported 154 hours of police presence on PGI's waters in July 2009.
- Mr. McAlear added that did not include the time of volunteers such as Neighborhood Watch or Volunteers in Policing (VIP).
- Mr. Dixon mentioned the actual number of citations was down but warnings and incident reports were up. He then commented on Cape Coral canals, which did not have seawalls, stating one property owner had so much erosion, he was unable to canoe in the canal behind his home.

#### **CITIZEN COMMENTS**

- Mr. Fabian mentioned all trees planted along U.S. 41 were financed through an enhancement grant from the Florida Department of Transportation (FDOT). He noted the parking garage was constructed with Tax Increment Funding (TIF) monies.
- Ms. Mary Fleenor commented on the earlier discussion on special permits and how they related to the 45 degree rule, stating she believed City Council should be advised this rule became immaterial for the dock discussed at the Committee's previous meeting because a perpendicular dock existed in the middle of that 45 degree angle. She then informed staff the PGI Civic Association had mailing addresses for all households in PGI. She suggested public awareness could be increased through press releases in the local newspaper.
- Mr. Dixon responded he would pursue same in September 2009.

**ADJOURNMENT**

- Meeting Adjourned: 3:05 p.m.

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Bill Dixon, Chairman

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Mary Kelly, Recording Secretary