

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
NOVEMBER 9, 2010**

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

**OTHERS PRESENT:** Randy Brodersen, Canal Maintenance Supervisor  
Rick Keeney, Public Works Director  
Jim Thomson

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- Mr. Brewster welcomed Mr. Mays to the Committee and announced Mr. Totten and Mr. Ashworth were both reappointed to another three year term.
- B. Next Scheduled Meeting – Tuesday, December 14, 2010 – 1:30 p.m.

**APPROVAL OF MINUTES**

- A. Regular Meeting of October 12, 2010
- Mr. Ashworth MOVED, Mr. Wiechec SECONDED approval of the October 12, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

**CANAL MAINTENANCE MONTHLY REPORTS**

- A. Permits Authorized by City Staff for Installation of Docks, Lifts, Outpilings, etc.
- Mr. Brodersen, Canal Maintenance Supervisor, referred to the monthly maintenance reports, as delineated within the agenda material, advising one permit had been issued in October 2010.
- B. Budget Utilization Report – October 2010
- Mr. Brodersen pointed out the Budget Utilization Report, as delineated within the agenda material, confirming there were no questions regarding same.

**NEW BUSINESS**

- A. Water Quality Testing Presentation – Jim Thomson, CHEC
- Mr. Jim Thomson stated the Charlotte Harbor Environmental Center (CHEC) had been recruiting resident volunteers to conduct water quality testing in six locations within the City of Punta Gorda, two of which were in Burnt Store Isles (BSI). He advised there was a shortage of volunteers; thus, CHEC was seeking the Committee's assistance in recruiting additional volunteers.
  - Mr. Brewster requested clarification of the two existing water quality testing locations.
  - Mr. Thomson replied Monaco Drive and Candia Drive.
  - Mr. Brewster clarified one sample per month was taken.

- Mr. Thomson stated they tested for nutrient loads and chlorophyll.
- Mr. Brewster questioned the purpose of monitoring.
- Mr. Thomson responded initially the concept was to determine if the canal system was experiencing nutrient pollution related to run-off and possible fertilizer and pesticide use. He explained the City chose an educational program rather than imposition of restrictions through a fertilizer ordinance, stating monitoring was in place to help citizens make wise decisions in their fertilizer use.  
Mr. Ashworth asked if Alligator Creek was being monitored.
- Mr. Thomson replied it was not.
- Mr. Ashworth commented the water quality of Alligator Creek had been a significant impediment during BSI's efforts to eliminate the boat lock.
- Mr. Thomson offered to check with the Department of Environmental Protection (DEP) and the Southwest Florida Water Management District (SWFWMD) to determine if they had sample locations in Alligator Creek. He mentioned the Charlotte Harbor National Estuary Program (CHNEP) was creating a water atlas, which was a user friendly database for water monitoring results.
- Mr. Wiechec spoke in opposition to testing in the BSI canal system, explaining his concern stemmed from the potential for problems from Alligator Creek.
- Mr. Thomson stated this was a City program, asking for clarification of the program's origin.
- Mr. Keeney replied he believed the State had approached CHEC to do a County-wide monitoring program in certain areas, adding the current testing was a continuation of same. He then advised Charlotte County was monitoring Alligator Creek, offering to confirm same.
- Mr. Totten questioned the results of past testing.
- Mr. Thomson replied he did not have results on hand but would provide them to the Committee.
- Mr. Totten asked if CHEC published the results.
- Mr. Thomson replied affirmatively via their web site.
- Mr. Brodersen commented favorably on CHEC's program which included testing for total maximum daily loads (TMDLs) as same was one of the requirements of the National Pollution Discharge Elimination System (NPDES) permit, explaining TMDLs represented the load of pollutants able to be withstood by the water.
- Mr. Brewster opined testing in Alligator Creek was beneficial to help identify the source of potential problems.

- Mr. Totten suggested publicizing the water quality tests as it would be a positive news story for the area.
  - Mr. Thomson stated having historical data for comparison would also help offset the impact of a negative test.
- Mr. Totten MOVED, Mr. Ashworth SECONDED to support water testing activities and BSI volunteer participation. MOTION CARRIED UNANIMOUSLY.
- Mr. Thomson advised he wished to seek DEP's involvement in the City's water testing process and modify the City's procedures to be more in line with testing being done in Alligator Creek and the Peace River. He added being part of DEP's database would include the City in the NPDES water atlas, better equipping residents with the ability to compare the City's water quality with other areas. He requested the Committee's approval to move forward with same.
  - Consensus of the Committee was to encourage CHEC to seek DEP's involvement.
- B. Methodology for Property Inclusion into Canal Assessment District
- Mr. Keeney announced some properties existed which were not part of the Canal Maintenance Assessment District (CMAD). He explained the owners/residents of such properties sometimes wished to join the CMAD voluntarily; however, there was currently no written procedure to do so. He cited past examples where such properties were required to bring their seawalls up to City standards, up to and including replacement if necessary. He stated he and Mr. Brodersen met with Finance Department staff in an effort to develop a written procedure or policy, concluding the Finance Department, as an alternative, recommended a calculation be done of the amount such a property would have paid in annual assessment fees from the time the CMAD was established. He continued these funds could be used for situations such as seawall cap replacements. He clarified property owners could be required to either pay the difference in cost between the above two options or the greater of same. He explained he was seeking a recommendation from both this Committee as well as the Punta Gorda Isles (PGI) Canal Advisory Committee (CAC). He mentioned a commercial property existed in PGI which was not part of the CMAD.
  - Mr. Wiechec questioned ownership of that property.
  - Mr. Keeney replied he did not have that information in hand.
  - Mr. Totten asked if the City would be able to require repairs to the seawalls on that property if a commercial business was operated on same.
  - Mr. Keeney replied affirmatively through the Code Compliance Division.
  - Mr. Mays asked if the property owner had approached the City with regard to becoming a part of the CMAD.

- Mr. Keeney replied affirmatively.
  - Mr. Brewster commented on a commercial property located at the entrance into BSI which was not part of the CMAD, stating if those seawalls failed, replacement costs would likely exceed retroactive assessments as described above.
  - Mr. Keeney summarized staff was proposing requiring such property owners to either repair/replace their seawalls so as to raise same to the City's standards or to pay the retroactive assessments dating back to establishment of the CMAD, whichever was greater.
  - Consensus was agreement with the methodology proposed by staff.
- C. Review of Public Hearing Process for Variance Requests Affecting Seawall Integrity
- Mr. Keeney announced such variance requests were not common; however, a recent application, V-06-10, was submitted seeking approval for a paver sidewalk abutting the seawall, noting the property was located in PGI. He reminded members of the six foot sod requirement, stating the PGI CAC recommended denial of V-06-10.
  - Mr. Totten recalled in the past, the Committee had discussed properties with coconut palm trees located very close to the seawall, acknowledging some locations were grandfathered. He asked if that type of situation would be part of the subject process.
  - Mr. Keeney expressed uncertainty regarding same; however, he confirmed nothing at all was allowed to be located within six feet of the seawall other than sod. He spoke in favor of the Committee being part of the variance review process.
  - Mr. Brewster agreed.

#### **UNFINISHED BUSINESS**

- A. Seawall Geographic Information System (GIS) Update
- Mr. Brodersen advised there had been no further developments since his report the previous month, reminding members of staff shortages in Charlotte County.
  - Mr. Totten noted he had been absent from the Committee's previous meeting, adding the minutes referenced a GIS map. He asked if the map was color coded as had been presented in the past.
  - Mr. Brodersen replied affirmatively.
  - Mr. Keeney then provided a brief description of the areas which had been inspected.
  - Mr. Wiechec asked if the perimeter canal would be dredged prior to the upcoming holidays.
  - Mr. Keeney replied the dredging request had been submitted.
  - Mr. Totten commented he had observed notations on his and other seawalls, asking if there was communication with the homeowner at the time of inspection when those notations were made.

- Mr. Brodersen replied seawalls and/or seawall caps were marked as inspections took place, stating they were unable to communicate with all homeowners. He noted residents were encouraged to contact the Canal Maintenance Division with any questions or concerns related to the seawalls.
- Mr. Totten then announced Century Link was currently updating their service in the BSI community and had been working in his yard the previous day. He explained workers had dug a trench across the middle of his yard on Toulouse Drive to run conduit approximately three feet deep and were dumping the excavated dirt into the canal.
- Mr. Brodersen requested members contact the Code Compliance Division or himself immediately upon observing such activity as same was prohibited.

**ADJOURNMENT**

- Meeting Adjourned: 2:16 p.m.

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Gary Brewster, Chairman

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Perri Turner, Recording Secretary