

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
DECEMBER 21, 2009**

MEMBERS PRESENT: Bill Dixon, Chairman
Nancy Dauster, Spencer Hughes,
Richard Kresge, Thomas McAlear

MEMBERS ABSENT: Bill Folchi, David Gerdel

OTHERS PRESENT: Randy Brodersen, Canal Maintenance Supervisor
Rick Keeney, Public Works Director
Dennis Murphy, Growth Management Director
Councilmember Larry Friedman
Noel Hyde, Steve Fabian, Tom Carroll, John Dauster,
Bill Schindler

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Thursday, January 21, 2010, 1:30 p.m.
- C. 2010 Meeting Dates
 - Mr. Dixon drew members' attention to the list of 2010 meeting dates, as delineated in the agenda material, noting the first 2 meetings of the year would be held on the 3rd Thursday due to a conflict with holidays observed by the City.

APPROVAL OF MINUTES

- A. Regular Meeting - November 16, 2009
 - Ms. Dauster MOVED, Mr. McAlear SECONDED approval of the November 16, 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 ten permits had been issued in November 2009 and were described in the Committee's agenda packets. He then commented on the numerous seawall failures which occurred over the weekend of December 5-6, 2009, displaying a list of several locations totaling 804 feet which required replacement.
 - Ms. Dauster requested clarification of "wall set" as denoted on the overhead.
 - Mr. Brodersen explained "wall set" represented a location where work had already commenced, specifically the seawall was already in place.

B. Budget Utilization Report

- Mr. Brodersen displayed Budget Utilization Reports (BURs) for the November 30, 2009, and September 30, 2009, reporting periods, as denoted within the agenda material, noting the latter report depicted end of fiscal year figures.
- Mr. McAlear asked if any of the failed seawalls had been previously designated as high priority for replacement.
- Mr. Brodersen replied in the negative; however, one location had been designated for seawall cap replacement. He mentioned certain weak points in a seawall were not visible such as a crack in the oyster line.
- Mr. Kresge requested asked if the “percent complete” figures of 20% and 13%, as depicted for seawall replacement, represented efficiencies or if bills had not yet been submitted.
- Mr. Brodersen replied the latter.

C. Seawall & Seawall Cap Replacement Status Report

- Ms. Dauster requested clarification of Statement of Work (SOW) #09-42, 237 Freeport, stating the figures did not seem to make sense. She observed there had been an estimate of 144 feet while the actual figure was 132 feet; however, seawall cap was estimated at 165 feet, and the actual figure came in at 76 feet.
- Mr. Brodersen explained the figures represented how the work was billed and what had actually been accomplished as of the date the report was generated. He noted seawall cap footage would always be larger than that for seawalls.
- Ms. Dauster clarified the numbers would be much closer if the job had been completed. She then noted estimated material costs of \$45 as compared to \$30 at all other locations.
- Mr. Brodersen replied costs were dependent upon the site’s size.
- Ms. Dauster asked if vacant lots must be re-sodded as was the case on developed lots.
- Mr. Brodersen replied Bahia was used on vacant lots as opposed to Floratam due to its lower cost, adding strip sodding was done in order to keep erosion at a minimum.
- Mr. Rick Keeney, Public Works Director, mentioned this report had been requested by Mr. Gerdel, pointing out the information contained therein was provided by Marine Contracting Group (MCG). He asked if members wished to continue to receive this report in their agenda packets.
- Ms. Dauster commented favorably on the report.
- Mr. McAlear clarified “W” and “L” referred to waterside and landside, respectively. He then observed 1442 Surfbird Court was listed twice, once as vacant (landside) and the other as house (waterside), requesting clarification of same.

- Mr. Brodersen explained the seawall at the occupied lot of 1442 Surfbird Court extended past a vacant lot, adding the latter cost was less than an occupied lot; thus, he issued 2 separate SOWs.

PETITIONS FOR SPECIAL PERMITS

- Mr. Dixon confirmed there were no petitions to be heard this date. He noted he had not yet received a response from the City Attorney regarding his September 2009 request for clarification of quasi-judicial proceedings.

OLD BUSINESS

- Mr. Dixon requested an update on the Geographic Information System (GIS) project.
- Mr. Dennis Murphy, Growth Management Director, reported successful testing on the mock set-up. He advised installation of the new server would start the following week, stating he would ask Mr. Folchi to be present for instruction along with Mr. Brodersen.

A. Research/Fact Finding - Committee Update

- Mr. Dixon stated 500,000 feet of seawall could be broken down into 50,000 individual 10 foot panels. He then displayed an overhead, as delineated in the agenda material, of a bell curve representing a type of description of how those seawalls would fail. He explained out of 50,000 panels, a few failed early on due to poor manufacturing or unfortunate circumstances, adding more failed as time went on until the point was reached where half of all panels had failed. He continued the actual rate of failure decreased slightly as there were less panels existing. He announced seawalls were at approximately 18% of total failure. He commented it was difficult to believe, after 50 years, PGI was less than halfway to needing total replacement. He pointed out the displayed graph indicated a few seawalls would be left in 100 years while a substantial number would remain in 80 years. He clarified he was less concerned with the possibility of a disastrous loss of seawalls than he had originally thought, notwithstanding a catastrophic weather event or other disaster. He acknowledged the City had been fortunate in the past to receive aid through the Federal Emergency Management Agency (FEMA) after widespread weather related disasters.
- Mr. McAlear questioned the accuracy of the statistical model reviewed by Mr. Dixon in that differences in construction were not considered, citing as an example seawall caps in the Bird Section of PGI which were not constructed to as high a standard as in other areas. He pointed out those seawalls caps were failing much sooner and more dramatically than seawall caps in the remainder of PGI. He acknowledged Mr. Dixon's comment with regard to being less concerned than in the past; however, he believed some immediate action should be taken such as concentrating more on seawalls caps.

He explained a seawall cap in good condition increased the life of a seawall, asking if work should be skewed more toward seawall cap replacement.

- Mr. Dixon commented the rip rap program had proven successful at delaying seawall failures. He noted Mr. Folchi continued to study non-destructive testing methods to more quickly locate seawalls in danger of failure.
- Mr. Kresge asked if seawall cap replacement benefited the seawall.
- Mr. Keeney replied affirmatively, explaining some seawalls failed due to improper seawall cap installation. He stated staff felt a good balance of funds had been found, acknowledging not all failures could be predicted.
- Mr. McAlear suggested perhaps more emphasis as well as funds should be placed on seawall caps than had been done in the past.
- Mr. Dixon expressed concern with regard to expending funds early in the fiscal year in that the area could be hit with a catastrophic weather event.
- Mr. Keeney reiterated staff had placed more focus on seawall caps after the \$100 increase in the annual canal maintenance assessment fee was approved. He reminded members Mr. Brodersen was very familiar with the canal system and the areas of concern within same.
- Mr. Noel Hyde asked if any of the 804 feet of seawall lost had been recently replaced.
- Mr. Brodersen replied they had not but rather all locations were quite old.
- Mr. Hyde then noted vacant lots tended to incur seawall failures more often than occupied lots due to lack of fill and the resultant run-off, asking if a correlation had been observed.
- Mr. Brodersen replied he did not have a percentage on hand but could research same.
- Mr. Hyde acknowledged the City may not be able to address the vacant lot issue because of ownership issues.
- Mr. Dixon pointed out sinkholes were usually reported on occupied lots.
- Mr. Hyde then commented on the potential effectiveness of weep holes in releasing pressure behind seawalls, asking if a maintenance program existed to prevent weep holes from becoming plugged.
- Mr. Brodersen replied there was not other than they were opened when same were observed. He pointed out a comprehensive maintenance program would be cost prohibitive.
- Mr. Hyde asked if plugged weep holes could be opened from the water side.
- Mr. Brodersen replied not without compromising the screen.
- Mr. McAlear commented on the enhancement to available funds due to the increase in the annual assessment fee, asking if all payers would be assessed an additional \$100.

- Mr. Steve Fabian replied they would not, stating the formula used for multi-family properties would be increased from \$.04 to \$.05 per square foot.
- Mr. Tom Carroll commented on the practice of waiting for seawalls to fail before replacement, stating it seemed homeowners would be at much greater risk due to the ensuing damage to their docks.
- Mr. John Dauster asked if a correlation existed between problems visible in both seawalls and seawall caps.
- Mr. Brodersen replied affirmatively, stating minor stress cracks in a seawall cap did not necessarily mean the seawall would fail nor would a crack in the seawall necessarily be reflected in the seawall cap.
- Ms. Dauster mentioned the seawalls which failed recently were scattered throughout PGI as opposed to being concentrated in one particular area.
- Mr. Dixon mentioned Burnt Store Isles (BSI) also experienced recent seawall failures.
- Mr. Keeney agreed, stating same was atypical for BSI.
- Mr. Kresge confirmed all of the BSI locations which experienced seawall failures were on developed lots.
- Ms. Dauster commented the largest assessment for a condominium was \$384 and the least was \$20, comparing same against the previous year's assessment of \$400 on single family properties. She reported the average condominium owner paid \$109.20 prior to the recent increase.
- Mr. Dixon responded he would not be inclined to deal with PGI's 90 condominium association charters.
- Ms. Dauster agreed; however, she reiterated her comments above on the significant discrepancy in the dollar amount of assessments.
- Mr. Dauster questioned the equitability or legality to have an assessment against condominium owners different than that levied on single family home owners.
- Mr. Dixon replied the City had been doing so for many years.
- Mr. Dauster suggested a method could be formulated based on total linear footage of waterfront as opposed to linear footage only, excluding finger docks. He explained perhaps a methodology could be based upon the number of boats in the canals.
- Mr. Fabian confirmed the difference in assessment methodology was legal per City resolution. He then commented he had done a sampling of 12 condominium complexes, stating Tarpon Cove had 328 feet of canal frontage and was paying \$6,172. He explained if a linear foot methodology was implemented at \$488 per foot, the total amount paid fell to \$1,600, cautioning members keep this in mind during their deliberations.

- Councilmember Larry Friedman commented on statistical analyses and the various available options, stating he agreed certain sections of PGI were not designed as properly with regard to seawall caps, anchors, etc., as others. He opined this could be considered favorably as it somewhat skewed the curve in that there was a higher probability for those which had already fallen. He explained better engineered seawall cap anchoring would skew the curve on the downside, adding if same was viewed as a function of age, it probably portended better in terms of what to expect in the future. He then commented on seawall caps versus seawalls and the annual increase of \$100, recalling the additional dollars would be concentrated on seawall caps; however, it would be ridiculous to install a new seawall cap on a seawall which was ready to fail. He opined staff should temper their judgment to maximize that which could be accomplished with regard to seawall caps with available funding. He cautioned members against obsessing on the issue of condominium assessments, acknowledging the methodology for same was problematic and always had been; however, he did not believe same was critical. He stated he foresaw aggregate canal funds being directed toward either seawall related matters, i.e., riprap, seawalls, seawall caps, or non-seawall related projects, i.e., mangrove trimming, dredging, administrative costs, etc. He opined the latter was sort of a common charge associated with living in PGI, related to aesthetics and property values, while the former was tantamount to insurance purchased for an automobile. He described an algebraic formula in which the fee could equal “a” plus “b”x”. He explained “a” would equal a factor in which every family unit was taken, including condominiums, along with non-seawall related items, and divided by the total number of family or property units. He continued all dollars associated in the budget and all seawall footage would then be divided by aggregate costs, resulting in the “b” factor, adding single family owners would be charged a certain, constant fee plus the factor times the number of feet of their seawall. He noted condominium units would pay “a” plus a modified “b” factor times the length of seawall. He concluded a change in methodology did not need to be as complicated as had been suggested.

CURRENT BUSINESS

- A. Burnt Store Isles Canal Advisory Committee (BSI CAC) Meeting Recap
 - Mr. Dixon reported the BSI CAC had voted to recommend no change in their annual canal maintenance assessment methodology; however, BSI CAC members were more than willing to reconsider their position in the future. He mentioned the BSI CAC also discussed painting “No Wake” and “Idle Speed” signs on their seawalls, adding same existed in PGI but needed repainting.

- Mr. Keeney stated the existing signage had been painted by volunteer boating groups, with materials provided by the Canal Maintenance Assessment District (CMAD) He noted seawall panels were sometimes constructed with wording imprinted in same.
- Mr. McAlear opined the latter represented a more favorable approach.
- Mr. Dauster recalled a discussion relative to a liability issue associated with volunteers.
- Ms. Dauster responded that discussion was relative to painting street names as opposed to “No Wake” or “Idle Speed” signage.
- In response to Mr. Dauster’s comment regarding liability, Mr. Keeney stated he would research the issue with the City’s Risk Manager, adding perhaps volunteers would simply be asked to sign a waiver or release form.
- Mr. Dixon asked Mr. Keeney to report back to the Committee at their next meeting.

B. Discussion of Canal Maintenance Fee Methodology

- Mr. Dixon asked if members wished to continue to pursue the issue of single family homes on multi-family zoned lots, the owners of which were paying both more and less than other single family home owners.
- Mr. McAlear replied affirmatively, stating assessments should be fair; however, he was unsure of a method which would achieve same.
- Mr. Kresge pointed out the number of such lots was not significant.
- Mr. Fabian estimated approximately 52 such properties. He then questioned the status of the engineering study discussed at recent Committee meetings.
- Mr. Brodersen replied results were expected in January 2010.
- Mr. Kresge commented it was difficult to make a recommendation without the above mentioned GIS data, asking when same could be expected.
- Mr. Keeney replied he hoped Charlotte County would have a completed test run by January 2010; however, the project would not be completed at that time.
- Mr. Dixon explained volunteers, including from this Committee, would be needed to input the already available information.
- Ms. Dauster commented on the formula proposed by Councilmember Friedman, questioning the amount of work necessary to make a change in methodology.
- Mr. Dixon replied there were varying opinions regarding same.
- Mr. Murphy announced a surveyor would not be required but rather information would be pulled from plat information and incorporated into a spread sheet. He mentioned if a homeowner maintained they had 80 feet of seawall frontage as opposed to 82 feet, for example, the City would not arbitrate same but rather would simply require a survey.

- Mr. Dixon interjected City Council had tasked the Committee to make recommendations in three, distinct areas as follows: assessment based on linear footage versus per lot; condominium assessments; single family homes on multi-family zoned properties.
- Councilmember Friedman opined the latter should be considered the same as single family homes. He stated irrespective of the recommendations from the BSI CAC and from this Committee, he did not envision there being two different methodologies.
- Mr. Hughes opined real estate should be assessed based on its use.
- Councilmember Friedman countered taxes were not the same as assessments, the latter being similar to insurance.
- Mr. Fabian agreed a linear foot methodology could be implemented; however, he did not believe it would be as easy as stated earlier by Mr. Murphy. He displayed a legal description utilized by the Charlotte County Tax Collector, explaining same were not uniform for every lot; thus, the data would need to be manipulated.
- Mr. Dixon agreed, stating the Board was not in a position to make a recommendation to City Council and may not be before the end of the current fiscal year.
- Mr. Murphy commented the Tax Collector would need to have the necessary information within four months in order to implement a change in 2010.
- Mr. Dixon questioned how the Committee wished to proceed.
- Ms. Dauster opined it was more fair to assess based on a formula, acknowledging the complexity of same; however, the difficulty may only occur initially.
- Mr. Dixon asked if time should be spent developing better estimates or a more detailed proposal.
- Mr. McAlear replied he did not believe same was the Committee's job.
- Mr. Dixon asked if members wished to leave the assessment methodology as is, specifically for condominiums, single family homes on multi-family zoned lots and/or single family homes on single family zoned lots.
- Mr. Hughes replied extensive discussion should be had regarding same.
- Mr. Dixon countered the Committee had been doing so for several months.
- Mr. Kresge agreed a formula method was preferable.
- Mr. Dauster suggested taking a few representative streets to determine how much time was involved in determining linear footage. He pointed out the time factor was unknown at this point.
- Mr. McAlear reiterated he was unsure whether this was something members needed to discuss but rather the Committee should determine the most equitable methodology and allow the City to determine how same would be implemented.

- Ms. Dauster interjected unless that methodology was cost prohibitive.
- Mr. McAlear MOVED to recommend changing the annual canal maintenance assessment methodology for PGI to be more equitable.
- Councilmember Friedman commented this issue had been discussed many times in the past, suggesting the issue be re-publicized and a hearing scheduled on whether or not to change the methodology in the three categories outlined above. He stated if Council accepted the resulting recommendation, they could then ask staff for input about how to accomplish same. He continued the recommendation would then be brought back to members for input, opining the Committee was not yet in a position to make a recommendation.
- Mr. Hughes SECONDED.
- Ms. Dauster opined the motion was premature and did not move the issue forward; however, she commented favorably on the idea of a public meeting to obtain citizen input on the three subject areas.
- VOTING AYE: Hughes, Kresge, McAlear.
- VOTING NAY: Dauster, Dixon.
- MOTION CARRIED.
- Mr. McAlear suggested using all means available to publicize the meeting at which this issue would be discussed, stating he would contact the PGI Civic Association.
- Mr. Bill Schindler stated many PGI Civic Association (PGICA) Board members were out of town for the holidays; therefore, additional time may be required. He opined the Committee was making this harder than necessary, adding most lots were 80 feet. He suggested a different methodology only for lots smaller than 75 feet or greater than 85 feet, which would make assessments more manageable.
- Discussion ensued with regard to advertising the meeting.
- Mr. Noel Hyde voiced concern regarding the definition of "equitable," adding same should not be based solely on linear footage of seawall.
- Councilmember Friedman stated the Committee had to make the difficult decision of whether to change the existing system in a way yet to be determined, reiterating this was a fee rather than a tax. He stated regardless of how the owner used the property, the methodology should be based on footage, along with other factors. He opined this would be a contentious issue; however, after public input, the Committee needed to make a decision.
- Mr. Fabian recommended the Committee also seek the advice of the City Attorney with regard to the legality of amending the methodology, explaining the District was established via action by the State Legislature.

- Mr. Dixon concluded he would contact the City Clerk's Office to determine the best advertisement method.

MEMBER COMMENTS

- Ms. Dauster commented she had observed more mullet fishermen than ever in the canals at all times of the day.
- Mr. Dixon announced the Marine Patrol reported 115 hours on the water the previous month, had issued 11 warnings and performed 5 inspections. He mentioned Mr. Keeney's presentation was available on the City's website; however, he preferred presentations made in person to the various civic organizations.
- Mr. Keeney clarified staff had not discontinued making presentations and had attempted to make the website presentation easy to understand. He announced another presentation was scheduled for January 2010.

CITIZEN COMMENTS

- Mr. Schindler commented on the possibility of holding the public meeting discussed earlier at the PGI CA, stating capacity was limited by fire safety standards.
- Mr. Dixon responded he believed Council Chambers was the best location.

ADJOURNMENT

- Meeting Adjourned: 3:55 p.m.

Bill Dixon, Chairman

Mary Kelly, Recording Secretary