

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
JULY 9, 2019**

**MEMBERS PRESENT:** Sean Harrigan, Chairman  
Norman Ashworth, Bill Hughes,  
Mike McIntosh

**MEMBERS ABSENT:** John Forr

**OTHERS PRESENT:** Macalle Finkle, Paralegal  
Rick Keeney, Public Works Director  
Cathy Miller, Canal Maintenance Supervisor  
Gary Disher, Mapping, Permitting and Compliance Manager  
Bob Nikula, Project Manager  
Bob Fritz, Kenneth Wagner, Mary Jane Wagner,  
Mike Parr, Pamela Bevak, Richard Bevak

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. September 10, 2019

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- Mr. Bob Fritz expressed appreciation to Mr. Harrigan and Mr. Hughes for their comments made to City Council regarding the Burnt Store Isles (BSI) Canal Maintenance Assessment District's budget. He spoke against foregoing the upcoming mangrove trimming, requesting mangroves near Mayor's Cut be addressed.

**APPROVAL OF MINUTES**

- A. June 11, 2019
- Mr. Hughes MOVED, Mr. McIntosh SECONDED approval of the June 11, 2019 minutes. MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Finance Reports - June 2019
- Ms. Cathy Miller, Canal Maintenance Supervisor, confirmed there were no questions regarding the June 2019 report denoted in the agenda material.
- B. Budget Utilization Report - June 2019
- Ms. Miller drew members' attention to the June 2019 report, confirming there were no questions.

- C. Seawall Replacement Status Report - June 2019
  - Ms. Miller noted work had commenced on the project at St. Giron.
- D. Permits Authorized by City Staff - June 2019
  - Ms. Miller confirmed there were no questions regarding the June 2019 reports.
- E. BSI Capital Improvement Status Update - June 2019
  - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, reported he led the Seawall Alternative Materials Project consultant on a tour of the canal system to educate them on the current seawall maintenance methodology and assessment process. He noted City Council would consider approval of the BSI Inlet Widening project at the July 10, 2019 meeting.
  - Discussion ensued with members confirming the Seawall Alternative Materials Project consultants would study failure mechanisms and their mitigation and would speak with local contractors to learn more about area conditions.
- F. IRMA 17 - Production Levels 2019
  - Mr. Disher announced only one Hurricane Irma-related seawall repair project remained.

**PUBLIC HEARINGS**

- Recording Secretary Pues swore in all participants.
- A. CCSP-06-19 - Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code to install a boat lift with three (3) boat lift pilings and a portion of a two (2) foot wide aluminum walkway outside the 45 degree angle, which is prohibited by Section 6-6(c)4 Punta Gorda Code, at Lot 100, Block 273, Section 15, aka 670 Macedonia Drive, Punta Gorda, Florida 33950. Owner/Petitioner: Jeffrey A. Finkelstein  
Charlotte County Parcel ID: 412330203001 1:43:02 PM
  - Mr. Bob Nikula, Project Manager, displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He presented the staff report, clarifying the subject property had 44 feet and 10 inches of seawall rather than 30 feet as denoted in the report. He then stated an adjacent property owner had recently installed a boat lift which was not depicted in the photographs. He concluded safe navigation of the waterway would not be impeded, and staff recommended approval of this request.
  - Mr. Kenneth Wagner voiced concern regarding the proposed construction's proximity to his property.
  - Ms. Mary Jane Wagner questioned the need for a special exception.
  - Mr. Nikula summarized the circumstances which required a Canal Construction Special Permit (CCSP), pointing out each CCSP was considered on its own merit.

- Mr. Mike Parr, applicant's agent, stated the proposed configuration allowed for retention of the existing dock and limited competition for space with adjacent properties. He noted the walkway would provide access to the stern and side of the vessel.
- Mr. McIntosh questioned if the lift could be positioned further to the right.
- Mr. Parr replied in the affirmative, explaining doing so could impede safe navigation as a lift had been installed at the adjacent property to the right.
- Mr. Hughes questioned how the adjacent dock and lift would be impacted.
- Mr. Nikula stated enough room would remain to allow for installation of a walkboard or to tie a jet-ski to a piling.
- Ms. Pamela Bevak spoke against granting a CCSP, opining same was unfair to those who built docks and lifts within the standard provisions of Punta Gorda Code.
- Mr. Richard Bevak questioned if the applicant's dock could be reconfigured to fit within the 45-degree angle and allow additional room for a larger vessel.
- Mr. Parr replied he believed Mr. Bevak was confusing restrictions related to the perimeter canal with those related to the 45 degree rule.
- Mr. Harrigan called three times for public comment.
- Mr. Hughes MOVED, Mr. McIntosh SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. McIntosh expressed opposition to approving the request, noting the purpose of the 45 degree rule was to protect neighbors.
- Mr. Hughes concurred, opining the end of the canal was too congested.
- Mr. McIntosh MOVED, Mr. Hughes SECONDED to deny CCSP-06-19 as it was not in harmony with the general intent and purpose of Subsection 6-6(c).
- VOTING AYE: McIntosh, Hughes, Harrigan
- VOTING NAY: Ashworth
- MOTION CARRIED.

#### **UNFINISHED BUSINESS**

- A. Rewrite of Chapter 6 "Boats, Docks and Waterways", Article II "Construction in Waterways"
  - Ms. Macalle Finkle, Paralegal, briefly reviewed Article II, Section 6-15(c), Punta Gorda Code, confirming members had no comments or concerns regarding the proposed regulations for waterways outside the Canal Maintenance Assessment Districts.
  - Mr. Hughes questioned if an alternative definition for "navigable waterways" had been drafted.
  - Ms. Finkle replied in the negative. She then drew members' attention to proposed regulations for floating lifts in Section 6-15(b)(10). She explained staff was attempting to differentiate floating lifts from floating docks, noting floating docks were prohibited.

- Discussion ensued regarding the difference between a floating lift and a floating dock.
- Mr. Rick Keeney, Public Works Director, provided a brief history of the regulations concerning floating lifts and floating docks.
- Ms. Finkle concluded Article III, "Seawalls & Canal Maintenance", would be discussed at the September 10, 2019 meeting.

#### **COMMITTEE/BOARD COMMENTS**

- Mr. Hughes announced Mr. Bevak and Ms. Bevak had provided members a document with recommendations which addressed anchoring in the perimeter canal. He suggested the document be referred to the Legal Department for review.
- Ms. Miller stated an item concerning anchoring in the rim canal would be scheduled for the September 10, 2019 meeting.

#### **CITIZENS' COMMENTS**

- Mr. Fritz spoke in favor of a limitation on the number of floating lifts at a property.
- Mr. Bevak thanked members for taking their proposal into consideration.

#### **ADJOURNMENT**

- Meeting Adjourned: 2:36 p.m.

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Sean Harrigan, Chairman

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Leah Pues, Recording Secretary