

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
SEPTEMBER 10, 2019**

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

**OTHERS PRESENT:** Cathy Miller, Canal Maintenance Supervisor  
Gary Disher, Mapping, Permitting and Compliance Manager  
Macalle Finkle, Paralegal  
Mayor Nancy Prafke  
Rich Bevak

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
  - 1. October 8, 2019
  - Mr. Harrigan announced Mr. Forr's resignation.

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- There were none.

**APPROVAL OF MINUTES**

- A. July 9, 2019
  - Mr. Ashworth MOVED, Mr. McIntosh SECONDED approval of the July 9, 2019, minutes.  
MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Finance Reports - July and August 2019
  - Ms. Cathy Miller, Canal Maintenance Supervisor, offered to answer questions regarding the July 2019 and August 2019 reports, as delineated in the agenda material.
  - Mr. Harrigan inquired whether seawalls at properties denoted in the Seawall Replacement Work Program were included in the Maintenance Expenditure reports.
  - Ms. Miller replied those properties would be reflected in the reports for Fiscal Year 2019/2020, adding the work program was available on the City's website.
- B. Budget Utilization Report - July and August 2019
  - No discussion.
- C. Seawall Replacement Status Reports - August 2019
  - Ms. Miller reported all Hurricane Irma-related seawall repair projects were complete, noting inspections required for their one-year warranty had commenced.
- D. Irma 17 - Production Levels

- No discussion.
- E. Permits Authorized by City Staff - August 2019
  - Ms. Miller confirmed no permits were issued in July 2019 and 8 permits had been issued in August 2019.
- F. BSI Capital Improvement Status 20190903
  - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, reviewed the Capital Improvement Program detailed in the agenda material, noting he would present the information obtained from the surveyors for the Burnt Store Isles Inlet Widening Project at the October 2019 meeting.
  - Mr. Harrigan questioned how information from the Seawall Alternative Material Project consultants would be provided to members.
  - Mr. Disher replied staff would present the consultants' findings to the Committee and City Council, adding the scheduled completion date was set for November 2019.

#### **NEW BUSINESS**

- A. Regulation of anchoring in Burnt Store Isles Rim Canal
  - Ms. Macalle Finkle, Paralegal, drew members' attention to City Attorney David Levin's memorandum, as delineated in the agenda material, which addressed a property owners' request to prohibit anchoring within the Burnt Store Isles Rim Canal. She explained Florida Statutes prevented the City from adopting an ordinance prohibiting boaters from anchoring within the canal system, adding enforcement was only permitted when anchoring presented a hazard to safe navigation.

#### **UNFINISHED BUSINESS**

- A. Buckley's Pass Additional Harbor Access Project Update
  - Mr. Disher announced staff would provide weekly video updates depicting the progress made on the Buckley's Pass Dredging Project. He then displayed aerial footage recorded on August 29, 2019, and September 4, 2019. He concluded the dredging would begin once the alignment was cleared and the seawall panels were set.
  - Discussion ensued regarding photographs of the project being accessible on the City's website along with the process and staging locations utilized for the project.
  - Ms. Finkle reported prepayments for the project had ended as of September 1, 2019, noting over \$1.9 million had been collected to date.
- B. Final Draft of Chapter 6 "Vessels, Docks, and Waterways" Rewrite
  - Ms. Finkle announced the final draft of Chapter 6, Punta Gorda Code, was ready for review, providing a brief overview of revisions made.
  - Mr. Hughes expressed confusion regarding the definition of navigable channel detailed under Article 1, Section 1-1, particularly the meaning of sufficient depth.

- Ms. Finkle replied sufficient depth depended on the dredging permitted for a particular section of the canal, adding specifications could not be added due to changes which might occur on the canal floor.
- Mr. Harrigan drew attention to Section 1-6(e), noting the language seemed to omit the lock from the list of locations where fishing was prohibited.
- Ms. Finkle replied the lock could be included in the list under Section 1-6(e)(6).
- Discussion ensued regarding Article 2, Section 2-1(c)(9), and the requirements for boat lifts and davits in Burnt Store Isles.
- Mr. Harrigan questioned Article 2, Section 2-3, expressing safety concerns regarding submerged and unmarked eleverts within the canals.
- Discussion ensued regarding the addition of language which would prohibit eleverts from remaining submerged and would require eleverts, particularly those in the perimeter canal, to be reflectorized.
- Ms. Finkle stated the Punta Gorda Isles Canal Advisory Committee would review the final draft at their next meeting, concluding staff would then present same to the marine contractors for feedback. She confirmed the edits discussed this date would be made, adding once she obtained input from the contractors, she would request a recommendation from the Committee before presenting the draft to City Council.

#### **CITIZENS' COMMENTS**

- Mr. Rich Bevak requested a copy of City Attorney Levin's memorandum which addressed anchoring within the canals, inquiring as to what constituted a hazard within the canal system.
- Ms. Finkle agreed to provide a copy, explaining the Marine Patrol Officer would determine whether a boater's actions created unsafe conditions.

#### **ADJOURNMENT**

- Meeting Adjourned: 2:03 p.m.

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Sean Harrigan, Chairman

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Leah Pues, Recording Secretary