

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
JUNE 9, 2020**

**MEMBERS PRESENT:** Mike McIntosh, Chairman  
Norman Ashworth, Rick Daugherty,  
Sean Harrigan, Charles Longenbarger

**OTHERS PRESENT:** Cathy Miller, Canal Maintenance Supervisor  
Kristin Simeone, Finance Director  
Gary Disher, Mapping, Permitting and Compliance Manager  
Bob Nikula, Project Manager  
Macalle Finkle, Paralegal  
Mike Parr, Peter Aratari, Bill Drummond,  
Katrina McIntosh

**CALL TO ORDER/ANNOUNCEMENTS**

- Mr. McIntosh called the meeting to order at 1:30 p.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. July 14, 2020

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- None.

**APPROVAL OF MINUTES**

- A. March 10, 2020

**Note: Approval of Minutes heard following the Structural Boat Cover discussion.**

- Mr. Longenbarger MOVED, Mr. Daugherty SECONDED approval of the March 10, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Presentation & Discussion of FY 2021 Operating Budget/CIP FY 2021-2025
- Ms. Kristin Simeone, Finance Director, drew attention to the Burnt Store Isles Canal Maintenance Assessment District's (District) operating budget for Fiscal Year (FY) 2020/2021, as delineated in the agenda material. She explained staff was proposing an assessment rate of \$460 per year and elimination of the Dredging Project Assessment as Federal Emergency Management Agency (FEMA) had increased the percentage of their contribution for Hurricane Irma-related seawall repair costs to 90%; therefore, additional funds were available to the District. She requested a mid-year appropriation to pay off the remaining balance of the dredging interfund loan.

- Mr. Daugherty MOVED, Mr. Harrigan SECONDED to approve appropriation of the additional funds to pay off the remaining dredging interfund loan. MOTION CARRIED UNANIMOUSLY.
  - Ms. Simeone then provided a detailed account of the proposed operating budget. She reviewed the revenue assumptions, noting no rate increases were currently projected through FY 2024/2025 and reimbursement for the Rip-rap Mitigation Project was anticipated for the year following expenditures for the project. She then reviewed expense assumptions, which included personnel and operating expenses, the Rip-rap Mitigation Project, dredging, mangrove trimming, and seawalls. She drew members' attention to the special projects which were not funded at this time and required approval, noting the channel corner widening had additional funds in 2026 of \$300,000 that were not depicted. She next reviewed the BSI Canal Maintenance Fund Proforma for FYs 2019/2020 through FY 2024/2025, noting as approved by the Board, the assessment continued to increase reserves by \$45,000 annually for loss of staging. She requested an additional \$15,000 be allocated toward the permitting process for the Burnt Store Isles' (BSI) Inlet Widening Project for FY 2020/2021, questioning whether members would approve same.
  - Mr. Harrigan recalled Committee discussions favored waiting to move forward with the Project until the Seawall Alternative Materials' Project was completed.
  - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, stated permits had been applied for in December 2019, noting the Army Corp of Engineers had not initiated a consultation with National Marine Fisheries Services but would do so this week. He estimated approval would take more than a month. He noted the Seawall Alternative Materials' Project report would be provided to members this date, with discussion to occur at a future meeting. He explained staff was still uncertain of the requirements the National Marine Fisheries Services might set, concluding the \$15,000 would be reserved for same if needed.
  - Ms. Simeone stated members did not need to approve the proposed cost at this time, noting the final budget would not be adopted until September 2020. She then stated discussions for the BSI Channel Corner Widening project could be postponed to the next meeting.
- B. Finance Report - March, April, May and June 2020
- No discussion.
- Note: The Master Agreement Discussion was heard prior to the Budget Utilization Report.**
- C. Budget Utilization Report - March, April, May and June 2020

- Ms. Miller reported some mangrove trimming had been completed within the District as well as dredging at Terin Court, Mayor's Cut and the area where the "lagoon" discharged into the perimeter canal.
- D. Seawall Replacement Status Report - March, April, May and June 2020
  - Ms. Miller announced all scheduled projects were complete except for one at Segovia Drive and one at San Massimo Drive which awaited installation of sod.
- E. Permits Authorized by City Staff - March, April and May 2020
  - Ms. Miller verified there were no questions regarding permits authorized.
- F. BSI Capital Improvement Status - March, April, May and June 2020
  - Mr. Disher announced the report from the Seawall Alternative Materials Project had been received and would be distributed to members for their review following the meeting. He requested members provide feedback prior to the next meeting with the consultants, noting he would need to verify whether same could be posted on the City's website.

### **PUBLIC HEARINGS**

- Recording Secretary Pues swore in all participants.
- A. Special Permit - CCSP-07-2020 - 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 55, Block 253, Section 15, aka 3841 Paola Drive, Punta Gorda, Florida 33950.  
 Owner/Petitioner: Luis Pena  
 Charlotte County Parcel ID: 412319435007
  - Mr. Bob Nikula, Project Manager, displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He concluded staff recommended approval of same.
  - Mr. Mike Parr, applicant's agent, stated the existing davits would be removed, adding the design was typical for a corner lot.
  - Mr. Nikula pointed out the structure at the neighboring property was a floating dock.
  - Mr. McIntosh called three times for public comment.
  - Mr. Harrigan MOVED, Mr. Daugherty SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Harrigan MOVED, Mr. Ashworth SECONDED to approve CCSP-07-2020. MOTION CARRIED UNANIMOUSLY.
- B. Special Permit - CCSP-08-2020 - 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 25, Block 263, Section 15, aka 3841 St. Girons Drive, Punta Gorda, Florida 33950.

Owner/Petitioner: Kenneth Kysely

Charlotte County Parcel ID: 412320352002

- Mr. Nikula displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He confirmed everything would be within the berthing limitation lines, concluding staff recommended approval of the request.
- Mr. Peter Aratari questioned the proposed angle of the berthing line.
- Mr. Parr, applicant's agent, replied when the seawall was straight, the berthing line goes 90 degrees straight out into the canal; however, this was a corner.
- Mr. McIntosh called three times for public comment.
- Mr. Longenbarger MOVED, Mr. Daugherty SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Harrigan MOVED, Mr. Longenbarger SECONDED to approve CCSP-08-2020. MOTION CARRIED UNANIMOUSLY.
- Mr. McIntosh questioned whether the City was still considering revisions to the Code which would remove the permitting process for corner lots of canals.
- A brief discussion ensued regarding whether construction in the canals at corner lots should require a special permit, with consensus of members to keep the process the same at this time.

C. Special Permit - CCSP-10-2020 - Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code to install a second boat lift as prohibited by Section 6-6(c)3, Punta Gorda Code, at Lot 35, Block 262, Section 15, aka 482 Monaco Drive, Punta Gorda, Florida 33950.

Owner/Petitioner: Ronald Dressler

Charlotte County Parcel ID: 412320307002

- Mr. Nikula displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request and concluding staff recommended approval of the request.
- A brief discussion ensued regarding the location and orientation of the lift for the personal watercraft, with Mr. Aratari, applicant's representative, confirming the boat lift would swivel 180 degrees and would not be an obstruction to the existing vessel.
- Mr. McIntosh called three times for public comment.
- Mr. Daugherty MOVED, Mr. Harrigan SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.

- Mr. Harrigan MOVED, Mr. Longenbarger SECONDED to approve CCSP-08-2020. MOTION CARRIED UNANIMOUSLY.

### **NEW BUSINESS**

- No items.

### **UNFINISHED BUSINESS**

- A. Continued discussion of structural boat covers.
  - Ms. Macalle Finkle, Paralegal, displayed several photographs of the various types of structural boat covers, then presenting video footage of same in operation. She explained that a specific brand for the device could not be regulated. She drew attention to regulations from Marco Island, noting similar systems to that shown in the video were known as “mooring cover assist systems” which could be utilized as a definition in Chapter 6. She stated one concern was the location of the structural components when not in use, explaining same would be slightly above the seawall and/or the lift, and the only way to get it down was to have the lift lowered to a certain point. She stated once members had provided feedback, staff would obtain community input. She confirmed City Council had discussed this matter and had requested board input, noting the curtain design was not preferred, nor was the third option with the flat roof where the sides came down. She stated the front to back rolling design with established criteria was a possibility.
  - Mr. Daugherty stated residents had expressed concern structural components of the device might protrude from the front or back of the vessel and encroach on neighboring boat docks. He added most residents were amenable to the assist systems provided canopy-type systems were not allowed.
  - Ms. Finkle commented any part of a cover assist system would be part of the structure and be required to stay within the 45-degree angle.
  - Mr. Bill Drummond verified the swing arms would be inside the post of the boat lift, adding the hydraulic box sits on the dock out of view and when the boat was removed from the lift it was possible to bring the cover down so it was out of view.
  - A lengthy discussion ensued regarding possible concerns with the device extending beyond the property line, with members requesting language be added requiring proper storage of the cover when the vessel was in use so that it was not protruding out in front of the lift, and that if the cover was within the existing pilings or structure then it might not be an issue.
  - Ms. Finkle concluded she would draft the language and determine how to obtain feedback from waterfront property owners. She clarified structural boat covers had never been allowed, adding currently only the lift and dock were permitted as a structure.

She stated City Council was willing to consider a mooring cover type of equipment that was on the boat rather than a fixed boathouse type of structure.

- Mr. Disher clarified boat covers were currently allowed, adding City Council was looking for direction with regard to some type of assist system due to the aging population of the City.
- Mr. McIntosh requested language be added which would prohibit the cover and device from being left in the up-right position.
- Ms. Finkle agreed to do so, concluding same would be enforceable once codified in Chapter 6 of the Punta Gorda Code.

**Note: The Master Agreement Discussion was heard following the Operating Budget Discussion.**

B. Master Agreement to Provide Professional Services for Permitting Various Projects for the City's Waterway Assets - Discussion.

- Mr. Disher reported City Council had approved the Master Agreement for Permitting without the specific authorization for permitting for widening Ponce de Leon Inlet, then reviewing the Master Agreement and specific authorization process.
- Ms. Simeone explained staff had originally planned to use the Master Agreement for the permit required for the Rip-rap Mitigation Project; however, a federalized contract was required to seek reimbursement from FEMA, which would necessitate sending the project out to bid, voicing concern regarding delays. She questioned if the Committee desired to move forward with permitting under the Master Agreement.
- Discussion ensued regarding the differences and risks between permitting the Rip-rap Mitigation project under the Master Agreement versus an individual bid for a federalized contract.
- Mr. Harrigan MOVED, Mr. Daugherty SECONDED to move forward with utilizing the Master Agreement for Burnt Store Isles and to utilize same for the permitting portion of the Rip-rap Mitigation Project. MOTION CARRIED UNANIMOUSLY.
- Consensus of the Committee was to submit the budget as presented to City Council.

**Note: Staff Comments was heard following Approval of Minutes.**

**STAFF COMMENTS**

- Mr. Disher stated the Seawall Alternative Materials project report would be distributed to BSI CAC members subsequent to the Punta Gorda Isles Canal Advisory Committee meeting.
- Ms. Miller reported mowing near the BSI boat lock would be completed on June 12, 2020; heavy rain had caused a seawall failure in Punta Gorda Isles; staging on vacant lots for seawall work had become difficult and costly.

- Ms. Finkle stated the City's motion to dismiss the lawsuit related to the canal maintenance assessment methodology had been granted.

**COMMITTEE/BOARD COMMENTS**

- None.

**CITIZENS' COMMENTS**

- A. PUBLIC NOTICE: Due to emergency attendance limitations, the Burnt Store Isles Canal Advisory Committee will accept written comments on scheduled agenda items except for quasi-judicial and other proceedings which require evidence and testimony to be presented at the hearing. Submissions must include the submitter's full name, clearly identify the topic, and be limited in length so that they may be read into the record by city staff in approximately three (3) minutes. Written comments must be submitted prior to the start of the meeting to the Canal Maintenance Supervisor, Catherine Miller by email to CMiller@cityofpuntagordafl.com; regular mail to 326W. Marion Avenue, Punta Gorda, FL 33950; or document drop off located inside the City Hall Annex lobby at 126 Harvey Street, Punta Gorda FL 33950.
- Ms. Katrina McIntosh expressed appreciation for the contractors which dredged Buckley's Pass and performed the seawall repairs.

**ADJOURNMENT**

- Meeting Adjourned: 2:57 p.m.

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Mike McIntosh, Chairman

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Leah Pues, Recording Secretary