

**BURNT STORE ISLES
CANAL ADVISORY COMMITTEE
MEETING
MAY 11, 2021**

MEMBERS PRESENT: Rick Daugherty, Chairman
Norman Ashworth, Sean Harrigan,
Ian Milne, David Perkins

OTHERS PRESENT: Rick Keeney, Public Works Director
Cathy Miller, Canal Maintenance Supervisor
Gary Disher, Mapping, Permitting and Compliance Manager
Bob Nikula, Public Works Project Manager
Mike Parr, Frank Drahos, Bob Fritz, Sean Howard

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Daugherty called the meeting to order at 1:30 p.m., followed by the Pledge of Allegiance.

A. Roll Call

NOTE: Staff Comments – Election of Chair heard following Roll Call.

B. Next Scheduled Meeting

- Recording Secretary Pues swore in all participants of the quasi-judicial public hearings.

1. June 8, 2021

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

A. March 9, 2021

- Mr. Harrigan MOVED, Mr. Ashworth SECONDED approval of the March 9, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

REPORTS

A. Finance Reports

- Ms. Cathy Miller, Canal Maintenance Supervisor, confirmed there were no questions regarding the finance reports denoted in the agenda material.

B. Budget Utilization Report

- Ms. Miller reported the Seawall Replacement Program for Fiscal Year (FY) 2020/2021 was complete. She stated mangrove trimming was scheduled to commence at the beginning of June 2021. She noted sonar readings at the Perimeter Canal were scheduled for July 2021, adding same allowed the contractors to complete dredging prior to October 1, 2021. She acknowledged dredging was needed at the front of Mayor's Cut.

C. Seawall Replacement Status Reports

- Ms. Miller announced all projects for FY 2020/2021 were complete, as delineated in the agenda material, confirming there were no questions regarding same.

D. Permits Authorized by City Staff

- Ms. Miller indicated there were twelve active permits in the district.

E. BSI Capital Improvement Status

- Mr. Gary Disher, Mapping, Permitting and Compliance Manager, announced the final report for the Seawall Alternative Materials Study was submitted from Taylor Engineering. He stated the Burnt Store Isles (BSI) Inlet Widening Project received one question from the Army Corps of Engineers (ACE) in their request for additional information (RAI), concluding the consultants for the project had submitted a response to the ACE.
- Mr. Daugherty inquired as to the current status for same.
- Mr. Disher responded the ACE was working on developing the permit.

F. Master Agreement Status Report

- Mr. Disher stated the Seawall/Rip-Rap Permit received a single question RAI from the Department of Environmental Protection (DEP) which indicated additional fees were due based on the size of the project, explaining staff was attempting to pay same and the DEP would be satisfied once the payment was processed. He stated an RAI was also received from the ACE on April 22, 2021, noting the consultants were working on the response with the ACE as the RAI was broad and direction was needed. He then reported the following: staff initiated the Specific Authorization process for the Dredging Permit; purchase order was issued to Hans Wilson & Associates for the Dockside Dredging Permit; renewal of the Laishley Marina Submerged Land Lease was being addressed through the Master Permit Agreement.

G. BSI Seawall Assessment

- Ms. Miller drew attention to the BSI Seawall Assessment report for FY 2019/2020, as delineated in the agenda material, recalling after discussion of the Seawall Alternative Materials Study's (Study) recommendations, the Committee and Council agreed assessments of BSI's seawalls should occur every two years. She reported 3 miles (16.67%) of the seawall had been replaced to date, adding 80% of the seawall was still original. She indicated over 81% of the seawall was rated in good condition; however, she wanted to raise awareness of the current status of the seawalls since the Study indicated the seawalls had a lifespan of 39 to 51 years and the BSI seawalls were reaching the end of that lifespan.

- Mr. Harrigan recalled Council desired further community input regarding the additional assessments recommended by the BSI and Punta Gorda Isles Canal Advisory Committees, inquiring whether the Committees could collaborate and develop a city-wide approach to present the necessary increases to the community.
- Ms. Miller replied public meetings were difficult due to COVID-19, adding there would be costs associated with producing public outreach materials. She explained the budget would be presented at the June 8, 2021, meeting, with one budget showing no increases and one showing the proposed increases, concluding members could then decide which budget to approve and move forward to Council.
- Mr. Harrigan expressed uncertainty as to whether same addressed the need for additional community input.
- Ms. Miller indicated she was unable to develop an economical solution for public outreach, recalling the Study had been presented and discussed for over a year. She explained members made budget recommendations and Council was responsible for approving same, noting the budget would be addressed each year and revised accordingly.
- Mr. Daugherty opined the sooner the process began the less impact there would be in the future.
- Ms. Miller stated approximately 1,000 feet of seawall was replaced each year, explaining the current rate would require 79 years to replace all original seawall.
- Mr. Daugherty commented some seawalls would likely exceed the expected lifespan, recommending seawalls not be prematurely replaced.
- Mr. Disher indicated the latest assessment determined over 17,000 feet of seawall had some sort of issue.
- Mr. Daugherty noted cracks did not always result in failure of seawalls, suggesting there might be preventative maintenance materials to increase the lifespan of seawalls without replacing the entire wall.
- Ms. Miller commented that a new software package was developed from the Study, explaining staff was evaluating the seawall and using a less subjective rating system. She expressed enthusiasm to utilize the new data and software during the next assessment. She reminded members seawall inspections examined surface damage only, adding seawalls were replaced only when needed.

PUBLIC HEARINGS

A. Special Permit – CCSP-03-2021 – Petition for Special Permit under the provisions of Chapter 6, Section 2-1(e) of the Punta Gorda Code to install a second boat lift at a property with less than 85 feet of seawall, which is prohibited by Section 2-1(c)(1), Punta Gorda Code, at Lot 6, Block 278, Section 15, aka 449 Macedonia Drive, Punta Gorda, Florida 33950

Owners/Petitioners: Thomas and Cherryl Tomaszewski

Charlotte County Parcel: 412329104006

- Mr. Bob Nikula, Public Works Project Manager, displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He stated the intent was to install a floating lift between the existing boat lift and seawall of the property, concluding staff recommended approval of the request based on the six criteria for approving a special permit.
- Mr. Daugherty inquired whether similar requests had been approved previously.
- Mr. Nikula replied affirmatively, noting the majority of requests for a second boat lift were to store smaller watercraft.
- Mr. Mike Parr, applicant’s agent, reiterated similar boat lifts had been installed, adding the applicant desired for their boat lift to be installed according to the Punta Gorda Code’s requirements. He expressed uncertainty as to how many similar boat lifts were installed in the canals and whether some had received permits.
- Mr. Milne questioned the type of vessel which would be stored on the boat lift.
- Mr. Parr replied same was believed to be a Wave Runner.
- Discussion ensued regarding the request along with the process for approving a special permit based on the criteria listed in the Code.
- Mr. Daugherty called three times for public comment.
- Mr. Harrigan MOVED, Mr. Ashworth SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Harrigan MOVED, Mr. Ashworth SECONDED to approve CCSP-03-2021. MOTION CARRIED UNANIMOUSLY.

B. Special Permit – CCSP-05-2021 – Petition for Special Permit under the provisions of Chapter 6, Section 2-1(e) of the Punta Gorda Code to install a second boat lift at a property with less than 85 feet of seawall, which is prohibited by Section 2-1(c)(1), Punta Gorda Code, at Lot 28, Block 280, Section 15, aka 331 Portofino Drive, Punta Gorda, Florida 33950

Owner/Petitioners: Mark and Shari Hendrickson

Charlotte County Parcel: 412329183006

- Mr. Nikula displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He explained the proposed swing lift would be positioned at the end of the proposed dock and would be stored on the dock when not in use, concluding staff recommended approval of the request based on the six criteria for approving a special permit.
- Mr. Mike Parr, applicant's agent, indicated the swing lift would stay within the permitted 45 degree angle when storing the watercraft.
- Mr. Daugherty called three times for public comment.
- Mr. Harrigan MOVED, Mr. Ashworth SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Harrigan MOVED, Mr. Ashworth SECONDED to approve CCSP-05-2021. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- Ms. Miller announced staff was waiting to receive the permit for the additional pilings at Mayor's Cut after submitting a response to the ACE's RAI, indicating the process was taking longer than expected.

STAFF COMMENTS

A. Election of Chairman

- Recording Secretary Pues opened the floor for nomination of Chairman.
- Mr. Harrigan NOMINATED Mr. Daugherty for Chairman.
- Mr. Ashworth NOMINATED Mr. Harrigan for Chairman.
- Recording Secretary Pues requested a SECOND to the nominations.
- Mr. Perkins SECONDED the nomination of Mr. Daugherty for Chairman.
- Recording Secretary Pues announced Mr. Daugherty was appointed Chairman.

NOTE: Next Scheduled Meeting was heard following Election of Chairman.

COMMITTEE/BOARD COMMENTS

- Mr. Milne inquired as to the mask policy during meetings.
- Ms. Miller responded she would verify same for members prior to their next meeting.
- Mr. Rick Keeney, Public Works Director, indicated the policy was for masks to be worn when six feet of separation could not be maintained, adding Ms. Miller could provide members with the policy.

CITIZENS' COMMENTS

- Mr. Frank Drahos questioned when the project to widen the old lock at the Rim Canal was expected to commence.
- Mr. Disher responded with uncertainty, explaining the project application was submitted in 2019 and was still in permitting, which was a lengthy process.
- Mr. Drahos inquired whether the project would commence once the permitting process was complete.
- Mr. Disher replied in the negative, explaining the project still required funding.
- Mr. Daugherty added the project could take several years to begin.
- Mr. Drahos then questioned how to legally trim the mangrove growing next to his boat dock on his property.
- Ms. Miller responded property owners were responsible for trimming mangroves on private property, recommending Mr. Drahos contact the Florida DEP.
- Mr. Bob Fritz recalled Mr. Disher had mentioned permitting for installation of rip-rap at the base of seawalls, requesting locations such as the Perimeter Canal be accounted for as there were elevat boat lifts which did not work with rip-rap. He then spoke positively of the mangrove trimming completed in the previous year, noting the issue was the mangrove trimmers appeared to focus on the widest portion of the Perimeter Canal near San Massimo Drive. He opined the mangroves should be trimmed as much as legally possible due to space limitations caused by the new ordinance, suggesting the ordinance be amended with a goal to prevent installation of four-post lifts and to address the narrow width of the BSI Perimeter Canal.
- Mr. Sean Howard inquired whether staff could revisit prioritizing seawalls which were questionable on properties he developed if same were to be listed on an upcoming assessment.
- Ms. Miller replied she would work with the contractor to increase the priority if the seawall was on the replacement list.
- Mr. Howard then questioned why pilings were being installed at Mayor's Cut rather than opening same.
- Ms. Miller responded the pilings were part of the permit requirement after doors were removed from the locks.
- Mr. Howard inquired whether the Committee could work on opening Mayor's Cut if the City would support looking into same.
- Ms. Miller replied staff would do so if the Committee made such a recommendation, offering to provide minutes of the meetings with discussion of the pilings.
- Mr. Daugherty indicated Mayor's Cut would likely not be opened due to the manatees.

- Ms. Miller added studies on the environmental impact of opening Mayor's Cut would also need to be completed.

ADJOURNMENT

- Meeting Adjourned: 2:30 p.m.

Rick Daugherty, Chairman

Leah Pues, Recording Secretary