

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
JUNE 8, 2021**

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

**OTHERS PRESENT:** Cathy Miller, Canal Maintenance Supervisor  
Gary Disher, Mapping, Permitting and Compliance Manager  
Kristin Simeone, Finance Director  
Bob Nikula, Public Works Project Manager  
Bryan Clemons, Public Works Engineering Manager  
Peter Aratari, Charles Otani

**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
  - 1. Election of Chairman
    - Recording Secretary Welch explained there was a procedural error during the election of Chairman at the May 11, 2021, meeting, and then opened the floor for nomination of Chairman.
    - Mr. Perkins NOMINATED Mr. Daugherty for Chairman.
    - Mr. Ashworth NOMINATED Mr. Harrigan for Chairman.
    - VOTING DAUGHERTY: Daugherty, Harrigan, Milne, Perkins.
    - VOTING HARRIGAN: Ashworth.
    - Mr. Daugherty was appointed Chairman by a majority vote.
    - Recording Secretary Welch opened the floor for nomination of Vice Chairman.
    - Mr. Harrigan NOMINATED Mr. Ashworth for Vice Chairman.
    - Mr. Ashworth NOMINATED Mr. Harrigan for Vice Chairman.
    - VOTING HARRIGAN: Ashworth, Daugherty, Milne, Perkins.
    - VOTING ASHWORTH: Harrigan.
    - Mr. Harrigan was appointed Vice Chairman by a majority vote.
    - Recording Secretary Welch then swore in all participants for Special Permit CCSP-09-2021.
  - B. Next Scheduled Meeting
    - 1. July 13, 2021

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- None.

**APPROVAL OF MINUTES**

A. May 11, 2021

- Mr. Harrigan MOVED, Mr. Ashworth SECONDED approval of the May 11, 2021, minutes. MOTION CARRIED UNANIMOUSLY.

**REPORTS**

A. Burnt Store Isles Seawall Assessment

- Ms. Cathy Miller, Canal Maintenance Supervisor, announced almost 3 miles (16%) of the Burnt Store Isles' (BSI) seawalls had been replaced as of 2020, noting 15 miles of original seawall remained. She explained statistics were provided to assist members with budgeting decisions made this date, adding same did not indicate the seawalls needed to be replaced.
- Mr. Harrigan commented approximately 14,000 feet of seawall needed attention.

B. Presentation and Discussion of Fiscal Year 2022 Operating Budget and 5 Year Capital Improvement Projects

- Ms. Kristin Simeone, Finance Director, provided a presentation on the Fiscal Year (FY) 2021/2022 operating budget and Capital Improvements Program (CIP) for the BSI Canal Maintenance Assessment District (CMAD), as delineated in the agenda material. She explained four assessment rate options were being presented for FY 2021/2022: A) operating assessment of \$460; B) operating assessment of \$560 (increases replacement program by 320 linear feet (LF)); C) operating assessment of \$560 (increases replacement program by 320 LF) in FY 2021/2022 with annual increases of \$25 (additional 80 LF); D) operating assessment of \$510 (increases replacement program by 160 LF) with annual increases of \$50 (additional 160 LF). She then provided a detailed account of the revenue and expense assumptions, indicating the Land Acquisition for Staging Project, BSI Inlet Widening Project and Channel Corner Widening Project were additional special projects for the BSI CMAD which were pending approval. She reviewed the Proforma based on the assessment rate options, noting a \$100 increase for the operating assessment would generate approximately \$103,000 in revenue which could be considered for funding the special projects; additionally, there were reserves which could help fund projects.
- Mr. Harrigan questioned the amount of contingency reserve needed to be maintained by the CMAD.

- Ms. Simeone replied at least 16.7% was standard nationwide; however, 25% was recommended for the CMAD's reserves due to potential storms, adding staff reviewed same each year.
- Mr. Milne expressed concern regarding potential pushback from residents who owned more than one property in the BSI CMAD if Option B was chosen due to the high costs; however, he spoke in favor of maintaining the assessment rate at the \$100 increase through FY 2026.
- Mr. Daugherty commented the Committee's perspective was to be proactive in building the reserves as seawalls approached the end of their lifespan.
- A lengthy discussion ensued regarding the potential causes for seawall failures, as well as the assessment rate options and special proposed projects.
- Ms. Simeone verified the budget would be discussed and could be revised each year regardless of which option members choose. She indicated members needed to consider the increasing cost of construction materials, which could reduce the amount of work completed in future years if prices did not decrease. She then stated reserves were estimated to be at \$450,000 by the end of FY 2026, reiterating same could help fund special projects. She pointed out the Channel Corner Widening Project was scheduled for FY 2022 due to staff requesting to move forward with same.
- Discussion continued regarding the specifications and justifications of the proposed special projects along with their estimated costs.
- Mr. Harrigan opined the number of properties in the area of the Channel Corner Widening Project did not justify the project's costs. He then indicated the staging site at Candia Court was not ideal; however, same was owned by the community.
- Mr. Perkins questioned whether the Punta Gorda Isles staging lots could be of use to the BSI CMAD.
- Mr. Disher responded the special projects developed from discussions on how the seawall replacement program should evolve once staging lots were no longer available, recalling many alternatives had been explored and the options presented this date derived from those previous discussions.
- Mr. Harrigan opined the staging lot on Candia Court was suitable for replacing 1,000 feet of seawall each year. He then spoke in favor of opening the locks due to safety concerns, indicating issues should be addressed slowly as many would be resolved by opening up the lock. He further suggested the 14,000 feet of compromised seawall be reviewed and the issues regarding land acquisition be addressed.
- A brief discussion took place between Mr. Disher and Mr. Harrigan regarding the potential outcomes of opening the lock.

- Ms. Miller indicated staff desired a consensus from the Committee on whether they desired to move forward with each special project as defined in the CIP program.
- Consensus of the Committee was to support the BSI Inlet Widening project.
- Mr. Harrigan reiterated a cost/benefit analysis should be considered for funding the Channel Corner Widening Project, noting more economical alternative solutions might exist.
- Mr. Disher indicated staff could schedule a pre-application meeting with the Department of Environmental Protection and the Army Corps of Engineers (ACE) to discuss what needed to be done, adding staff could return with more data from the agencies if members decided to postpone the project for another year.
- Mr. Daugherty questioned whether members were in favor of the Channel Corner Widening Project.
- Mr. Harrigan responded he was in favor of further review of same.
- Ms. Miller noted the \$100,000 budgeted for FY 2021/2022 could be extended another year for the project.
- Ms. Simeone clarified same was not budgeted as of yet, explaining the \$100,000 was dependent on member's approval.
- Mr. Daugherty confirmed members were in favor of continued review of the Channel Corner Widening Project.
- Ms. Simeone verified the project would be postponed for a year.
- Mr. Daugherty then inquired whether the Land Acquisition for Staging Project should be budgeted.
- Mr. Ashworth inquired as to the \$400,000 cost.
- Ms. Miller replied same was based on vacant lots adjacent to the Perimeter Canal that would be accessible by a barge.
- Mr. Milne inquired as to the reasoning for purchasing additional land if the staging lot on Candia Court was sufficient, opining this project could be postponed as well.
- Discussion ensued regarding the rationale for the Land Acquisition for Staging Project.
- Mr. Daugherty called for a vote on the Land Acquisition for Staging Project.
- VOTING IN FAVOR: Daugherty.
- VOTING IN OPPOSITION: Ashworth, Harrigan, Milne, Perkins.
- Ms. Simeone stated the Channel Corner Widening Project and Land Acquisition for Staging Project would be postponed and the \$100,000 budgeted for the Channel Corner Widening Project would be moved to FY 2022/2023, noting same would be available for members to discuss at a future date. She then questioned which assessment rate option members recommended.

- Mr. Daugherty responded the Committee's recommendation was Option B, inquiring whether members still agreed with same.
  - Mr. Harrigan replied with the recommendation for the \$100,000 moving forward, indicating members needed to communicate with residents on the reasoning for same, particularly those with fixed incomes.
  - A brief discussion ensued relating to potential sources for communicating the project to residents as well as cost savings for residents of the CMAD.
  - Consensus of members to support the recommendation of the \$100 rate increase for the operating assessment.
  - Ms. Simeone inquired whether members desired for staff to move forward with the BSI Inlet Widening Project in FY 2021/2022.
  - Discussion continued regarding the scope of the project, including the design and funding for same.
  - Ms. Simeone indicated \$270,000 was available from the accumulated reserves at the end of FY 2021/2022, explaining the "Projected Carryover Ending" was \$737,000 and could be utilized toward the BSI Inlet Widening Project. She advised the standard reserves could be paid back from the \$45,000 that would accumulate through FY 2025/2026.
  - Mr. Harrigan spoke in favor of same, noting same would prevent the need to return to the community to request an additional assessment for the lock.
  - Mr. Daugherty spoke in favor of the funding option as well.
  - Ms. Simeone confirmed funds would be moved to FY 2021/2022 to allow the project to move forward, reiterating the two additional projects would be postponed.
- C. Finance Report
- Ms. Miller offered to answer any questions regarding the finance reports.
  - Mr. Harrigan verified mangrove trimming commenced this week.
- D. Seawall Replacement Status Report
- Ms. Miller confirmed the Seawall Replacement Program was complete for the year, noting she would continue to submit the reports each month for awareness.
- E. Budget Utilization
- Ms. Miller announced there were no expenses this month, reiterating the mangrove trimming was still awaiting completion. She stated sonar readings for the Perimeter Canal were expected to commence at the beginning of July 2021.
- F. Permits Authorized by City Staff
- Ms. Miller indicated the permit's report was not available this month due to technical issues, concluding same would be provided at the next meeting.

- G. Burnt Store Isles Capital Improvement Status Report
  - Mr. Disher reported staff was waiting on the permit from the ACE for the BSI Inlet Widening Project prior to commencing work. He indicated the Channel Corner Widening Project would be removed from the report since members had decided not to move forward with same at this time.
- H. Master Permit Agreement Status Report
  - Mr. Disher stated staff was attempting to coordinate efforts for the permit application with the consultants and the ACE, noting same had not yet been submitted from the ACE to the National Marine Fisheries Service. He explained a conference call was scheduled for the following day, anticipating the Seawall/Rip-Rap Installation Project would move forward soon. He then stated a purchase order was issued to Hans Wilson & Associates for the Dredging Permit for the inlets as well as dockside dredging.

**PUBLIC HEARING**

- A. Special Permit - CCSP-09-2021 - Petition for Special Permit under the provisions of Chapter 6, Section 2-1 (e) of the Punta Gorda Code to install a boat lift on a canal approximately 46 feet wide with the lift extending 7 feet waterward from the seawall into the navigable channel, which is prohibited by Section 2-1 (c) (7) at Lot 146, Block 273, Section 15, aka 595 Macedonia Drive, Punta Gorda, Florida 33950  
Owner/Petitioner: Charles Otani  
Charlotte County Parcel: 412330252012
  - 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 canal was approximately 46 feet in width, with the proposed boat lift extending 7 feet waterward and 22 feet south of the existing dock. He concluded staff recommended denial of this request based on the impact the proposed boat lift would have on the navigable channel.
  - Mr. Ashworth questioned whether there were alternatives for installing a boat lift at the property if the request was denied.
  - Mr. Nikula replied affirmatively; however, same could only extend 3 feet waterward under the current Code. He drew attention to the aerial view of the subject property, noting there were additional boat lifts in the canal between the property and Mayor's Cut. He indicated the width of the canal between Mayor's Cut and the subject location was fairly uniform, varying between 46 and 50 feet wide.
  - Mr. Disher added the property owner could install davits which would provide support on the land side of the boat lift.

- A brief discussion ensued regarding the impact of the proposed boat lift on the navigable channel.
- Mr. Bryan Clemons, Public Works Engineering Manager, explained the boat lift would be angled out into the channel along with potential overhang from the vessel, noting 7 feet was the minimum encroachment on the navigable channel when the boat lift was in the upright position.
- Mr. Harrigan questioned whether a bathymetric survey of the subject location was available, inquiring whether the channel wandered toward the mangroves or right against the seawall.
- Mr. Nikula responded same was centered between the seawall and mangroves, adding survey data was from 2017.
- Mr. Ashworth recalled a suggestion he had regarding the City contacting the property owners of lots within the Perimeter Canal, opining it was unfair for potential buyers to find out they could not install a boat lift without a special permit after they already purchased a property.
- Mr. Daugherty questioned the size of the proposed boat lift.
- Mr. Peter Aratari, applicant's agent, responded same had a capacity of 7,000 pounds and could support a vessel at a maximum of 24 feet.
- Mr. Daugherty inquired whether 4 feet could be removed from the steel arms of the elevators as same extended beyond the vessel supports.
- Mr. Aratari replied affirmatively, verifying he would be comfortable removing approximately 16 inches from same.
- Discussion ensued regarding the specifications of the request and the existing boat lifts within the subject location, with Mr. Aratari implying this request would have no effect on barge traffic.
- Mr. Charles Otani, applicant, indicated the boat lift was intended to be constructed prior to amendment of the Punta Gorda Code, reiterating approval of this request would not impede navigation.
- Mr. Daugherty called three times for public comment.
- Mr. Milne MOVED, Mr. Harrigan SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Perkins MOVED, Mr. Ashworth SECONDED approval of CCSP-09-2021.
- Mr. Harrigan indicated elevator-style lifts presented a hazard to navigation
- Mr. Disher explained property owners were required to mark same, verifying the applicant would have a remote for the boat lift that would raise it out of the water when not in use.

- Mr. Daugherty reiterated he was inclined to approve the request if the arm extensions were trimmed as much as possible.
- Mr. Aratari indicated same would be pushed in as much as possible.
- MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- No items.

**UNFINISHED BUSINESS**

A. Mayor's Cut Pilings

- Mr. Disher reported staff received confirmation the ACE had received staff's response, expressing uncertainty as to the current trajectory of the project.

**STAFF COMMENTS**

- Mr. Disher presented a boating safety video created by the City's Police Department.
- Mr. Nikula recalled concerns related to the potential hazard presented by elevert-style lifts, noting Section 2-3 of the Punta Gorda Code required any permitted structure, including elevators, to be marked in such a way that said structure was clearly visible above the water line for the safety of passing vessels. He indicated information relating to same could be included in the Weekly Highlights Report to remind residents of same.
- Mr. Aratari indicated reflective tape was installed on the end of elevators.

**COMMITTEE/BOARD COMMENTS**

- None.

**CITIZENS' COMMENTS**

- None.

**ADJOURNMENT**

- Meeting Adjourned: 3:39 p.m.

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Rick Daugherty, Chairman

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Sara Welch, Recording Secretary