

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
OCTOBER 19, 2020**

MEMBERS PRESENT: Fredric Cort, Chairman
Jake Dye, Fred Hannon,
Robert Knabe, Mark Kuharski,
Paul Raffa

MEMBERS ABSENT: Colleen Wright

OTHERS PRESENT: Cathy Miller, Canal Maintenance Supervisor
Gary Disher, Mapping, Permitting and Compliance Manager
Lisa Hannon, Zoning Official (virtually)
Bob Nikula, Public Works Project Manager
Warren Ross, Carol Kehrer, John Groff,
Tom Hamilton, Susan Winter, Jim Daut

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Cort called the meeting to order at 1:38 p.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. November 16, 2020

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- Ms. Cathy Miller, Canal Maintenance Supervisor, read the following comment into the record: Mr. Allan Clark and Ms. Patricia Clark spoke in opposition of CCSP-20-2020, listing a number of concerns they had regarding same.

APPROVAL OF MINUTES

- A. September 21, 2020
- Mr. Dye MOVED, Mr. Knabe SECONDED approval of the September 21, 2020, minutes.
MOTION CARRIED UNANIMOUSLY.

REPORTS

- A. Finance Reports – September 2020
- Ms. Miller explained the Finance Department was currently closing out the 2020 Fiscal Year (FY); thus, the September 2020 report would be available at the November 16, 2020, meeting.
- B. Budget Utilization Report - September 2020
- Ms. Miller stated the September 2020 report reflected total expenditures for the previous fiscal year.
- C. Seawall Replacement Status Reports - September 2020

- Ms. Miller drew attention to the Punta Gorda Isles (PGI) Replacement Work Program for FY 2020/2021, noting same was subject to change.
- D. Permits Authorized by the City - September 2020
 - Ms. Miller announced 30 permits were authorized in September 2020.
- E. PGI Capital Improvement Status - Update
 - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, noted the Seawall Materials & Methods Feasibility Study (Feasibility Study) by Taylor Engineering (TE) would be discussed under Unfinished Business. He then stated the Ponce De Leon Inlet Widening & Dredging/Spoil Site Channel Project (Inlet/Channel Project) was still currently on hold, confirming there was no further information relating to same at this time.

PUBLIC HEARINGS

- Recording Secretary Pues swore in all participants.
- A. V-02-2020 - A request by Warren R. Ross, Esquire, authorized agent for Donald D. and Diane M. Soukup, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a rear yard setback of 6.2 feet at its closest point instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, in order to construct a new screen enclosure on an existing non-conforming pool deck, constructed in 1974, for a single-family residence located in a General Single-family zoning district.

LEGAL: Punta Gorda Isles Section 14, Block 174, Lot 6
A/K/A: 951 Don Juan Court, Punta Gorda, Florida
CHARLOTTE COUNTY PARCEL ID: 412213153013
- Ms. Lisa Hannon, Zoning Official, entered the staff report into the record by reference, providing a detailed review of the request, including the criteria which must be met in order for a variance to be approved, along with staff's findings and conclusions. She noted strict and literal enforcement of the zoning regulations regarding setbacks created an undue hardship in that the installation of the screen enclosure would not be permitted, adding the applicant had provided two letters regarding the benefit of the applicant's pool use from medical professionals and two letters of support from the adjacent property owners. She stated the seawall of the subject property had a rating of 1 (good condition) on the Canal Maintenance Division's 2020 inspection report and the City's Building Official favored a screen enclosure instead of a fence for pool safety. She concluded the Urban Design Division recommended approval of the request with the conditions that no expansion of the pool deck was permitted and that a proper building permit be obtained prior to construction and installation of the enclosure.

- Mr. Warren Ross, authorized agent, agreed with staff's report and requested a recommendation of approval.
 - Mr. Cort called three times for public comment.
 - Mr. Dye MOVED, Mr. Raffa SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Kuharski MOVED, Mr. Raffa SECONDED to approve V-02-2020.
 - VOTING AYE: Cort, Dye, Hannon, Kuharski, Raffa.
 - VOTING NAY: Knabe.
 - Mr. Knabe opined the Building Division should address the request. He indicated denial of the request would be consistent with action taken on similar requests.
 - MOTION CARRIED.
- B. Special Permit CCSP-13-2020 – 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 three (3) foot wide aluminum walkway outside the 45 degree angle, which is prohibited by Section 6-6(c)4, Punta Gorda Code, at Lot 15, Block 136, Section 12, aka 3800 Bermuda Court, Punta Gorda, Florida 33950.
 Owner/Petitioner: Donald Harter
 Charlotte County Parcel ID: 412223110001
- Mr. Cort stated this request was withdrawn and no further action was required.
- C. Special Permit CCSP-16-2020 - 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 1, Block 93, Section 11, aka 420 Garvin Street, Punta Gorda, Florida 33950
 Owner/Petitioner: John and Maureen Groff
 Charlotte County Parcel: 412212330004
- 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 furthest piling extended 20 feet waterward from the seawall, explaining the orientation of the proposed lift would allow a nearly straight-in access point from the long access of the waterway. He concluded staff recommended approval of the request.
 - Ms. Carol Kehrer displayed an overhead view of her property (420 Garvin Street) and the subject property, noting the proposed construction design was revised from what was originally presented to her by the applicant. She expressed concern regarding

this lift and others like it having a negative impact on her view of the canal, requesting it be denied and the applicant return to what was originally proposed.

- Mr. John Groff, applicant, explained the difference in design was a result of hiring a new marine contractor who informed him similar designs had previously been approved. He asserted Ms. Kehrer's concern was that the construction of a similar lift on the adjacent property would cause more impact on view down the canal, pointing out since permit request was reviewed on its own merits and what he had proposed would make no difference to her view.
- Mr. Mike Parr, Marine Contractor, opined the original design would not work for the subject property, noting the proposed construction design was to allow the boat lift to align with the flow of traffic while meeting the six criteria required for approval.
- A brief discussion ensued regarding various lifts and approach angles for the subject property, with Mr. Parr verifying safety and navigation were the main considerations for the configuration.
- Mr. Tom Hamilton asserted as a result of the proposal, any future lift installed at Ms. Kehrer's property would have to be located near the middle of her property versus to the right where it could be installed this date, adding same would impact the view down the canal and could impact her property value. He reiterated her agreement was with the original proposal.
- Mr. Groff clarified this was the first request for a special permit submitted to the City, reiterating it would not impede Ms. Kehrer's view.
- Ms. Susan Winter clarified the request was for the subject property only. She empathized with Ms. Kehrer regarding the obstruction of her view.
- Ms. Kehrer reiterated her dissatisfaction with the revised request, stating it was 20 feet at an angle across her property.
- Mr. Parr opined there were options for designing a lift on the end canal within the 45 degree angle, or the property owner could apply for a variance. He stated it was necessary to remember Punta Gorda was a boating community, asserting view had now always been a top priority and was not one of the six criteria for approving special exceptions.
- Mr. Hamilton asserted the 45 degree rule was established to avoid obstructing views.
- Mr. Cort called three times for public comment.
- Mr. Knabe MOVED, Mr. Dye SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.

- Mr. Dye opined the 45 degree rule was related to safe navigation, adding he sympathized with Ms. Kehrer regarding the obstruction of her view; however, he agreed the proposed design was the best solution.
 - Mr. Knabe MOVED, Mr. Dye SECONDED to approve CCSP-16-2020.
 - VOTING AYE: Cort, Dye, Hannon, Knabe, Raffa.
 - VOTING NAY: Kuharski.
 - Mr. Kuharski noted he agreed with Ms. Kehrer's argument regarding her view.
 - MOTION CARRIED.
- D. Special Permit CCSP-19-2020 - 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 12, Block 127, Section 12, aka 2323 St. Davids Island Court, Punta Gorda, Florida 33950
 Owner/Petitioner: John Hinnenthal
 Charlotte County Parcel ID: 412214454003
- Mr. Nikula briefly reviewed the request and concluded staff recommend approval of same, offering to display photographs from the agenda material if members desired.
 - Mr. Cort verified there were no questions relating to the request. He then called three times for public comment.
 - Mr. Dye MOVED, Mr. Hannon SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Kuharski MOVED, Mr. Dye SECONDED to approve CCSP-20-2020. MOTION CARRIED UNANIMOUSLY.

NOTE: Special Permit CCSP-21-2020 heard prior to Special Permit CCSP-20-2020.

NOTE: Mr. Dye stepped down from the dais at 2:30 p.m.

- E. Special Permit CCSP-20-2020 - 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 47, Block 226, Section 14, aka 5710 Almar Drive, Punta Gorda, Florida 33950
 Owner/Petitioner: Michael Clark
 Charlotte County Parcel ID: 412225202004
- Mr. Nikula displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He noted the photographs differed since the aerial image was captured prior to the construction drawings.
 - Mr. Dye disclosed he submitted a Form 8B Conflict of Interest (see attached). He explained the construction was designed to allow the personal watercraft (PWC) to be

stored on the boat lift at all times, adding same would not extend beyond the property line. He indicated the neighbor's concern was in relation to a typical four post piling, verifying he would not utilize their property for staging since they had denied permission to do so.

- Mr. Cort called three times for public comment.
- Mr. Knabe MOVED, Mr. Raffa SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Kuharski spoke in favor of amending the regulations to address PWC boat lifts.
- Mr. Kuharski MOVED, Mr. Raffa SECONDED to approve CCSP-20-2020. MOTION CARRIED UNANIMOUSLY.

NOTE: Mr. Dye returned to the dais at 2:40 p.m.

- Mr. Dye suggested the City needed to be cautious when revising regulations so that requests for PWC lifts were not categorized under the same rules as smaller boat lifts.
 - Members agreed regulations regarding PWC boat lifts should be addressed.
- F. Special Permit CCSP-21-2020 - 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 14, Block 16, Section 3, aka 2701 Bay Court, Punta Gorda, Florida 33950
Owner/Petitioner: Albert Perry
Charlotte County Parcel: 412211155006
- Mr. Nikula briefly reviewed the request, noting the furthest piling extended 19 feet waterward from the seawall. He explained the orientation of the proposed lift would allow a nearly straight-in access point from the long access of the waterway. He stated the request met the six criteria for approving a special exception, concluded staff recommend approval of same.
 - Mr. Jim Daut spoke in favor of the proposed boat lift, stating same was the safest option and his view was not obstructed.
 - Mr. Cort called three times for public comment.
 - Mr. Raffa MOVED, Mr. Knabe SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Knabe MOVED, Mr. Raffa SECONDED to approve CCSP-21-2020.
 - Mr. Cort expressed concern the property owner of Lot 2 would encounter issues if they eventually desired a boat lift.

- Mr. Dye stated marine contractors were responsible for configuring boat lifts to minimize impact to neighboring properties, reiterating Punta Gorda was a boating community.
- MOTION CARRIED UNANIMOUSLY.

NOTE: Special Permit CCSP-20-2020 heard following Special Permit CCSP-21-2020.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

A. Seawall Materials & Methods Feasibility Study - Staff Recommendations

- Ms. Miller provided the history on the progression of the Canal Maintenance District (District), including the seawall materials utilized along with the previous and current seawall replacement and inspection processes. She stated the four components identified in the Feasibility Study were: (1) Structural design modifications (2) Seawall production and replacement rates (3) Standardized seawall inspection process (4) Considerations of future construction staging and barge transport access. She explained staff desired a recommendation from members for each component, noting same would be included when the Feasibility Study was presented to City Council. She clarified staff was asking for guidance, noting changes could be made in the future. She stated nothing was being approved for the budget at this time, noting the assessment rate and/or how much seawall was to be replaced, that could be reviewed every year during the budgeting process. She then provided a detailed review of the recommendations provided by Taylor Engineering (TE) and City staff, as denoted in the agenda material.
- Mr. Hannon spoke against welding tie rods together, suggesting another method be explored.
- Mr. Cort questioned why staff did not agree with TE's recommendation to upsize tie rods to #8 (1" diameter).
- Ms. Miller clarified TE's recommendation was to completely replace the tieback and the deadmen using #8 tie rods, adding staff recommended welding the tie backs to existing tie backs. She stated you would end up welding a #8 piece of steel to a #5 piece of steel to existing deadmen. She clarified there was a significant cost factor, noting there were a lot of conflicts in the back yard. She stated the deadmen were located between 18 and 25 feet; thus, it would be necessary to excavate close to pools and lanais.
- Mr. Cort noted TE appeared to strongly recommend upsizing the tie rods, suggesting more information be provided on why the recommendation was not favored.

- Ms. Miller stated if staff's recommendation was not acceptable, the committee could reject same or request additional research be done.
- Discussion ensued regarding the City's current seawall materials and methods utilized and factors which might contribute to failures of same, as well as the costs involved.
- She concluded the review of the recommendations for structural design modifications, requesting direction from members.
- Consensus of members was to support staff's recommendations for the structural design modifications.
- Ms. Miller stated the study recommended increasing seawall replacement from 8,000 lineal feet (LF) per year to 12,500 LF per year for the first ten years and then increasing same to 22,500 LF per year beginning in 2030, noting the figures included both districts. She stated there 480,000 LF of seawall in the system with an annual budget of \$1.5 million with an annual operating assessment rate of \$550 per equivalent residential unit (ERU). She presented two options for the seawall production and replacement rates: Option 1 - annual rate increase of \$100 per ERU which would provide an additional 1,569 lineal feet (LF) of seawall replacement for an estimated total of 6,629 LF of seawall replaced each year; Option 2 - annual rate increase of \$150 per ERU which would provide an additional 2,354 LF of annual seawall replacement for an estimated total of 7,414 LF of seawall replaced each year. She noted 44% of PGI's seawall system had been replaced.
- Mr. Raffa spoke in favor of Option 2, opining residents should be made aware rate increases were needed.
- Mr. Disher stated the most recent assessment found 78,318 feet (16.3%) of seawalls located in PGI had some form of cracking and at the current rate of replacement would require several years to replace, voicing concern 55% of the walls dated back to 1965 with the newest being constructed in 1978 in the Bird section.
- Mr. Dye opined residents would be amenable to the rate increasing to \$150 if justification was provided. He stated City Council would be looking for the Board's support of the recommendations, adding one of the considerations was the risk of not increasing the rate to \$150.
- Ms. Miller stated staff felt the risk was there, reiterating there was much original seawall which had outlived its life expectancy; hence, their recommendation.
- Mr. Cort inquired as to increasing the replacement rate to 22,500.
- Mr. Disher stated that was a huge number; however, it might get to that point where the design and service life required an increase to the program, adding the seawalls

would continuously be assessed with information provided to the Board for their consideration.

- Ms. Miller stressed the program and assessment rates could be adjusted each year based on the annual evaluation of the seawalls, concluding staff felt gradual increases would be more palatable to the District.
- Mr. Cort confirmed the Committee was in support of the recommendation to increase the assessment rate to \$150.
- Ms. Miller stated staff recommended the Standardized Seawall Inspection process be completed every two years, with the northerly half of PGI being inspected one year and the southerly half along with Burnt Store Isles the alternating year.
- Mr. Cort verified members had no disagreements with staff's recommendation.
- Mr. Disher then stated the City had already purchased the recommended American Society of Civil Engineers Waterfront Facilities Inspection and Assessment manual, noting some items from the study were being implemented in the current year's data set with staff receiving additional training in that area. He then drew attention to the considerations of future construction staging and barge transport access, noting staff determined the current number of staging locations was adequate for a few more years dependent on growth and staff would continue to monitor availability as time progressed. He displayed an overview of vacant lots, noting a total of 9.8% (485 lots) of the PGI canal system was available for staging with 8.2% (100 lots) in the northeast zone, 6% in the northwest zone, 191 lots in the southeast zone and 91 in the southwest zone. He concluded a budget increase for travel distance was not needed at this time and staff would continue to monitor same. He stated TE further recommended the City consider buying waterfront commercial property for staging purposes or partnering with an existing waterfront facility, noting staff would explore the feasibility regarding some waterfront commercial parcels on Alligator Creek which were now accessible since Buckley's Pass was dredged. He stated the Feasibility Study recommended dredging an access channel to Colony Point, concluding the project relating to same was scheduled for FY 2023.
- Mr. Cort verbally confirmed members supported staff's recommendation to continue monitoring situations.

STAFF COMMENTS

- Ms. Miller announced City Council approved the revisions to the Chapter 6 rewrite.
- Mr. Disher stated a meeting was scheduled with the Florida Department of Environmental Protection regarding permitting for seawall replacement and rip-rap on October 12, 2020. He stated a site visit was scheduled with Hans Wilson and

Associates on October 16, 2020, and another meeting on October 20, 2020, to include the Army Corps of Engineers to review permitting language.

- Mr. Knabe inquired whether the language for the Inlet/Channel Project was available.
- Mr. Disher replied staff was still waiting for approval from the City Attorney.

COMMITTEE/BOARD COMMENTS

- Mr. Dye thanked staff for their efforts.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 3:40 p.m.

Fredric Cort, Chairman

Leah Pues, Recording Secretary