

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
APRIL 19, 2021**

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

OTHERS PRESENT: Rick Keeney, Public Works Director
Cathy Miller, Canal Maintenance Supervisor
Gary Disher, Mapping, Permitting and Compliance Manager
Bob Nikula, Project Manager
Richard Toneatti, Angelo Muscolino, Mike Parr

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Cort called the meeting to order at 1:30 p.m., followed by the Pledge of Allegiance.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. May 17, 2021
- Mr. Knabe indicated he would not be present at the May 17, 2021, meeting.

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- Mr. Richard Toneatti expressed safety concerns regarding speeding vessels and high wakes within the canal located at Almar Drive, suggesting vehicles be placed on vacant lots with cameras to assist with enforcement to prevent same.
- Mr. Cort indicated his concerns should be directed toward the Police Department and/or City Council.
- Mr. Angelo Muscolino distributed a written request for the “foot” of the canal at Almar Drive to be designated a “no wake zone,” along with a map of the location and a photograph of a vessel causing a high wake near his dock. He expressed frustration damage was being caused to his dock by the high wake from speeding vessels, requesting assistance with enforcement.
- Mr. Cort stated Messrs. Toneatti’s and Muscolino’s concerns would be relayed to City Council and/or the Punta Gorda Police Department.

APPROVAL OF MINUTES

- A. January 19, 2021
- Mr. Hannon MOVED, Mr. Knabe SECONDED approval of the January 19, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

REPORTS

- A. Finance Reports – January, February and March 2021
 - Ms. Cathy Miller, Canal Maintenance Supervisor, confirmed there were no questions regarding the reports from the agenda material.
- B. Budget Utilization Report – January, February, March and April 2021
 - Ms. Miller verified there were no questions regarding the reports.
- C. Seawall Replacement Status Reports – January, February, March and April 2021
 - Ms. Miller announced 11 projects were completed, as delineated in the April 2021 report.
 - Mr. Dye inquired whether the pending projects were on schedule.
 - Ms. Miller replied affirmatively, adding same might be completed ahead of schedule.
- D. Permits Authorized by the City
 - Ms. Miller verified 45 permits were authorized by staff.
- E. PGI Capital Improvement Status Report – February, March and April 2021
 - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, reported staff was determining how to distribute the final report for the Seawall Alternative Materials Study (Study), noting same was a fairly large document. He then stated the Spoil Site Channel Project and Ponce de Leon Inlet Widening Project (Inlet Project) were separated and would be completed individually since the Inlet Project was still on hold.
- F. Master Permit Agreement Status Report
 - Mr. Disher announced staff's comments in response to the request for additional information were submitted to the consultant for the Master Permit Agreement, noting the Army Corps of Engineers had not yet provided comments for same. He stated the Procurement Division was finalizing the scope for the Dredging Permit and would then send same out for bid; additionally, they were working on the Laishley Marina submerged land lease which fell under the same Master Agreement permitting scope.
 - Mr. Dye verified Ecosystems Technologies Inc. was the contractor for mangrove trimming.

PUBLIC HEARING

- Recording Secretary Pues swore in all participants.
- A. Special Permit – CCSP-04-2021 – Petition for Special Permit under the provisions of Chapter 6, Section 2-1(e), of the Punta Gorda Code to install a boat lift with three (3) boat lift pilings and a portion of a two (2) foot wide aluminum walkway outside the structure limitation lines, which is prohibited by Section 2-1(c)(5), Punta Gorda Code, at Lot 1, Block 145, Section 12, aka 1801 Los Alamos Drive, Punta Gorda, Florida 33950
Owner/Petitioner: John and Jennifer Mangano
Charlotte County Parcel: 412223428008

- Mr. Bob Nikula, Public Works Project Manager, displayed photographs and proposed construction drawings from the agenda material, briefly reviewing the request. He stated given the approach angle of the existing boat lift the applicant would be unable to access their vessel if development was to occur at the adjoining vacant lot, concluding staff recommended approval of the request based on the six criteria for approving a special permit.
- Mr. Kuharski agreed with staff's recommendation; however, the request appeared to conflict with recent training members received relating to quasi-judicial proceedings.
- Mr. Nikula explained the request met the general intent of the article in Chapter 6 of the Punta Gorda Code which allowed applications for special permits, briefly reviewing the request in comparison to the approval criteria.
- Mr. Dye commented based on his interpretation of the quasi-judicial proceeding training, it was inappropriate for members to make subjective comments or to consider objections from opposing neighbors based on their concerns with view. He concluded members needed to utilize specific requirements in the Code when considering special permits.
- Mr. Mike Parr, applicant's agent, reiterated the current boat lift would be inaccessible if development were to occur at the adjacent vacant lot, concluding the applicant desired to replace the existing structure with one that was safe.
- Discussion ensued relating to approving and denying requests for special permits based on member's interpretations from the training received for quasi-judicial proceedings.
- Mr. Dye opined the remaining issue was educating contractors and applicants on the requirements to demonstrate the request complied with the approval criteria.
- Mr. Cort called three times for public comment.
- Mr. Dye MOVED, Mr. Raffa SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Dye MOVED, Mr. Raffa SECONDED to approve Special Permit CCSP-04-2021. MOTION CARRIED UNANIMOUSLY.
- Mr. Disher reported the link to the video of the training on quasi-judicial proceedings was provided to the contractors which typically worked with the City.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- A. Seawall Alternative Materials Study – Excerpt
 - Ms. Miller drew attention to the excerpt of the minutes from the January 20, 2021, City Council meeting, noting all of staff's recommendations from the Seawall Alternative Materials Study (Study) were approved except for the rate increase for seawall

assessments. She stated Councilmembers requested staff return to the Canal Advisory Committees to obtain additional community awareness of and greater consensus for the proposed costs.

- Mr. Dye recalled Councilmembers were opposed to the \$150 rate increase.
- Ms. Miller agreed, explaining Council's concerns were related to public awareness of the additional proposed capital improvement projects along with the assessment rate increase. She expressed uncertainty as to how to increase public awareness, noting in-person meetings were not desirable due to limitations caused by COVID-19. She recalled several meetings were held relating to the Study, opining evidence of due diligence by members relating to same might be needed.
- Mr. Dye inquired whether the advantages and disadvantages of the varying proposed rates were presented to Councilmembers.
- Ms. Miller replied they were aware of the meetings and received the Committee's minutes each month; however, she could not confirm whether Councilmembers had reviewed the minutes discussing the importance of increasing the assessment rates.
- Mr. Cort expressed uncertainty as to what Councilmembers desired from the Committee. He stated member's consideration of the necessity to increase assessment rates was based on the Study, at which time it was agreed a \$150 rate increase was a reasonable starting point for budget considerations. He noted the Burnt Store Isles Canal Advisory Committee was given the same direction by Council after recommending a \$100 rate increase.
- Ms. Miller stated the budget could be adjusted annually as needed.
- Mr. Cort stated City Council governed the assessment and budget process for the Canal Maintenance District and was required to hold public hearings for same annually, adding the Committee would review the budget at their May 2021 meeting.
- Mr. Dye indicated it was clear from the Study that an increase in contributions to repair the seawalls was imperative, noting there was some community appreciation for the lower costs associated with the City maintaining the seawalls versus those associated with personal ownership of seawalls. He opined staff's recommendations based on the Study were sufficient, concluding same might need to be articulated to Councilmembers as the Committee's position.
- Mr. Kuharski recalled the consultants recommended a substantial increase to the assessment budget, adding the \$150 rate increase was being challenged even though it was not sufficient to cover the cost future taxpayers would bear.
- Ms. Miller reiterated Councilmembers desired increased public outreach, expressing uncertainty as to whether the Committee could provide a letter to Council explaining

members felt their meetings had provided sufficient public outreach. She commented funds could be utilized to distribute flyers or conduct a straw ballot, concluding any direction chosen would come at a cost.

- Mr. Rick Keeney, Public Works Director, explained members would be presented with the proposed budget, noting capital improvement projects would be included, at which time members could decide whether to continue to recommend the \$150 rate increase.
- Mr. Cort indicated the Committee had no authority to impose rate increases or hold public hearings for same, noting Council was compelled to make decisions based on the mandate of the Canal Assessment District. He suggested the Committee maintain their recommendation to implement a \$150 rate increase as a stepping stone, adding the assessment rate would likely need to be addressed more aggressively in the near future or the issue would fall on their successors.
- Mr. Keeney stated the Finance Department could include the increase in the canal assessment budget presentation and members would make their official recommendation at that time.
- Mr. Kuharski agreed with Mr. Cort's comments, opining members' role was to make recommendations rather than public persuasion.
- Mr. Ludvig recalled Councilmembers were concerned with potential pushback from residents due to the impact of capital improvement projects on the district's assessment in addition to increases related to the Study. He spoke in favor of implementing small increases annually over the next ten years.
- Ms. Miller noted the assessment rate was previously \$650 due to damage from Hurricane Irma, explaining the rate was reduced to \$550 after the Federal Emergency Management Agency increased their level of funding for repair of the damaged seawalls and because the City repaid its loan early. She concluded negative feedback relating to the assessment and costs had rarely been received from residents.
- Mr. Cort summarized the general consensus of the Committee was to increase and monitor the assessment rate.

STAFF COMMENTS

- Ms. Miller welcomed Mr. Ludvig to the Committee, offering to provide him additional information relating to the Canal Maintenance District.

COMMITTEE/BOARD COMMENTS

- Mr. Cort offered to contact Police Chief Pam Davis regarding comments received this date relating to vessels speeding in the canals.
- Mr. Knabe recommended same be provided to City Council as well.

- Mr. Hannon recalled a previous marine officer requested the registration number of speeding vessels in order to contact offenders, suggesting same could be done.
- Ms. Miller indicated requests for installation of signage in the canals involved a lengthy process.
- Mr. Kuharski opined signage would not resolve the issue, noting same was an enforcement issue.
- A brief discussion ensued regarding issues with speeding vessels in the canal as well as related enforcement issues.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 2:33 p.m.

Fredric Cort, Chairman

Leah Pues, Recording Secretary