

**BURNT STORE ISLES
CANAL ADVISORY COMMITTEE
MEETING
JULY 13, 2021**

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

MEMBERS ABSENT: Sean Harrigan

OTHERS PRESENT: Rick Keeney, Public Works Director
Bryan Clemons, Public Works Engineering Manager
Bob Nikula, Public Works Project Manager
Mike Parr, Robert Simmons, Rich Bevak, Bob Fritz

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
- B. Next Scheduled Meeting
- 1. August 10, 2021

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. June 8, 2021
- Mr. Ashworth MOVED, Mr. Milne SECONDED approval of the June 8, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

REPORTS

- Recording Secretary Pues swore in all participants of the quasi-judicial public hearings.
- A. Finance Reports
- Ms. Bryan Clemons, Public Works Engineering Manager, displayed an overhead view of the June 2021 reports from the agenda material, offering to answer questions regarding same.
- Mr. Perkins inquired as to the reason the amended budget was \$1,500 less than the original budget.
- Mr. Clemons replied with uncertainty and indicated he would make note of same.
- B. Budget Utilization Report
- Mr. Clemons announced mangrove trimming was completed; additionally, staff performed sonar readings along the Perimeter Canal.

C. Seawall Replacement Status Reports

- Mr. Clemons reported the scheduled work for seawall replacements was 100% complete. He indicated there was seawall damage at Valletta Court, which occurred prior to Hurricane Elsa, and approximately 90 linear feet (lf) of seawall would be replaced, explaining reserve funds would be used for the repairs as all funds budgeted from the Seawall Replacement Work program for fiscal year 2020/2021 had been expended. He stated the contractor began mobilizing a barge and crane as well as notifying property owners on how to prepare their properties, concluding work was expected to commence the week of July 19, 2021. He then recalled an inquiry regarding the number of seawalls replaced as a result of storm damage, noting same was estimated to be 2,456 lf out of a total of 15,456 lf.
- Mr. Perkins questioned how same compared to Punta Gorda Isles (PGI).
- Mr. Clemons responded he could provide those numbers, adding PGI had significantly more seawall.
- Mr. Perkins inquired whether rates for emergency repairs increased.
- Mr. Clemons replied rates were presumed to be the same.

D. Permits Authorized by City Staff

- Mr. Clemons announced 13 permits were authorized by staff in June 2021.

E. BSI Capital Improvement Status Update

- Mr. Clemons announced the permit for the Burnt Store Isles Inlet Widening project was received from the Army Corps of Engineers (ACE).

F. Master Permit Agreement Status Report

- Mr. Clemons stated staff was still waiting on a meeting between the ACE and National Marine Fisheries for the Master Permit Agreement.

PUBLIC HEARINGS

- A. Special Permit – CCSP-13-2021 – 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, a portion of the boat lift 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 29, Block 265, Section 15, aka 644 Monaco Drive, Punta Gorda, Florida 33950

Owner/Petitioner: Joseph Bitner

Charlotte County Parcel: 412329101017

- 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 23 feet waterward from

the seawall and the applicant would be replacing the existing dock, concluding staff recommended approval of the request.

- Mr. Mike Parr, applicant's agent, spoke in favor of the proposed configurations for the location.
- Mr. Robert Simmons, 626 Monaco Drive, indicated the request presented no issues for his vessel, speaking in favor of the request.
- Mr. Daugherty called three times for public comment.
- Mr. Milne MOVED, Mr. Ashworth SECONDED to close the public hearing.
- Mr. Milne spoke in favor of the configurations of the request.
- MOTION CARRIED UNANIMOUSLY.
- Mr. Perkins MOVED, Mr. Milne SECONDED approval of CCSP-13-2021. MOTION CARRIED UNANIMOUSLY.

B. Special Permit – CCSP-14-2021 – Petition for Special Permit under the provisions of Chapter 6, Section 2-1(e) of the Punta Gorda Code to install an elevert boat lift and a floating boat lift on a canal approximately 50 feet wide with the lifts extending 6 feet waterward from the seawall into the navigable channel, which is prohibited by Section 2-1(c)(7), at Lot 147, Block 273, Section 15, aka 591 Macedonia Drive, Punta Gorda, Florida 33950

Owners/Petitioners: Christopher and Nicole Pena

Charlotte County Parcel: 412330252013

- Mr. Nikula displayed photographs of the subject property and proposed construction drawings from the agenda material, briefly reviewing the request. He explained both proposed boat lifts would extend one foot beyond the limitation line, noting the existing dock extended further beyond the limitation line and was approved prior to revisions to the code. He concluded staff recommended denial of the request based on the review of Chapter 6, Section 2-1(e)(4) of the Punta Gorda Code.
- Mr. Milne pointed out the configurations of the elevert boat lift left 44 feet of navigable water and appeared to comply with the code.
- Mr. Nikula explained the center of the canal was defined as the midpoint and the subject area was considered 25 feet waterward from the seawall, adding the navigable channel was 20 feet on either side of the midpoint.
- A brief discussion ensued regarding the location of the existing dock and proposed boat lifts in comparison to the navigable channel.
- Mr. Mike Parr, applicant's agent, indicated the goal was to keep the proposed boat lifts closer to the seawall than the existing dock, noting the applicant had no issues with boaters encroaching same. He explained the considerations that went into the design of

the proposed structures, reiterating the attempt was to keep same as compacted as possible.

- Mr. Ashworth inquired whether staff was stating the applicant could not have a boat lift.
- Mr. Nikula replied members had to vote on same.
- Discussion continued regarding issues which arose prior and following the revisions to the code in relation to the navigable channel.
- Mr. Daugherty opined the proposed configurations were ideal for minimizing intrusion into the canal, speaking in favor of the request.
- Mr. Rick Bevak, 617 Macedonia Drive, stated the community was a water community and all efforts should be made to satisfy residents that purchased property within same, opining the request should be granted.
- Mr. Bob Fritz, 579 Macedonia Drive, indicated he resided south of the applicant's property and the proposed boat lift would cause no issues for him, adding there were issues with 4 post boat lifts extending into the canals and causing issues with navigation.
- Mr. Daugherty called three times for public comment.
- Mr. Milne MOVED, Mr. Ashworth SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Perkins MOVED, Mr. Ashworth SECONDED approval of CCSP-14-2021. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Mr. Perkins inquired as to the creation and determination of the navigable channel.
- Mr. Rick Keeney, Public Works Director, replied with an explanation of the changes in enforcement for the footages within the Perimeter Canal which derived from recommendations from prior committee members as well as citizens' input.
- Mr. Perkins noted issues appeared to be with four-post boat lifts, suggesting elevated boat lifts be permitted in the Rim Canal to prevent the need for a special permit.
- Discussion ensued regarding issues which occurred within the Perimeter Canal.
- Mr. Ashworth recommended a change to the process so that residents would not have to pay application costs when requesting a special permit.
- Mr. Keeney explained the application fees were actual costs which included staff time, confirming special permits were required to go through a process. He indicated the Committee had the opportunity to base their decisions on public comments made for requests, verifying discussion on the process could be added to the next meeting agenda if members desired.

- Mr. Milne clarified the desire was for the discussion to include determination of the width of the navigable water.
- Mr. Keeney stated an overhead view of the Perimeter Canal could be included in the agenda, explaining members could recommend the navigable channel be narrower.
- Mr. Daugherty expressed concern with narrowing the navigable channel.
- Mr. Ashworth indicated there should be assurance mangrove trimmers were completing their work.
- Mr. Keeney stated information relating to mangroves could be added to the next agenda as well, adding same would demonstrate how the mangroves looked over a period of time.

NOTE: Citizens' Comments heard following New Business.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- Mr. Perkins recommended the budget include inspections following mangrove trimming to ensure the work was being completed.

CITIZENS' COMMENTS

- Mr. Bob Fritz suggested a survey be completed once mangrove trimming projects were finished to ensure the original width of the canal was maintained.
- Mr. Rich Bevak stated a recent storm caused mangroves to fall into the water and same should be investigated. He then indicated there were docks and boat lifts falling into the waterway of the Perimeter Canal, adding a vessel had fallen off the boat lift beyond Mosquito Ditch. He then stated there were residents discharging pool water into the canal system, noting he reported same to the Department of Environmental Protection. He expressed uncertainty as to how to resolve the issues, suggesting Code Compliance Officers collaborate with marine patrol to address the issues.

NOTE: Committee/Board Comments heard following Citizens' Comments.

ADJOURNMENT

- Meeting Adjourned: 2:37 p.m.

Rick Daugherty, Chairman

Leah Pues, Recording Secretary