

**PUNTA GORDA ISLES
CANAL ADVISORY COMMITTEE
MEETING
SEPTEMBER 20, 2021**

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

OTHERS PRESENT: Cathy Miller, Canal Maintenance Supervisor
Gary Disher, Mapping, Permitting and Compliance Manager
Bryan Clemons, Public Works Engineering Manager
Mike Parr, James McCarty, James McAdory, Debra McCarty,
Cheryl Foley, Stela McCarty

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. October 18, 2021

PUBLIC COMMENTS

- None.

APPROVAL OF MINUTES

- A. August 27, 2021
- Mr. Kuharski MOVED, Mr. Raffa SECONDED approval of the August 27, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

REPORTS

- Recording Secretary Welch swore in all participants of the quasi-judicial public hearings.
- A. Finance Report September 2021
- Ms. Cathy Miller, Canal Maintenance Supervisor, verified there were no questions regarding the September 2021 report from the agenda material.
- B. Budget Utilization Report September 2021
- Ms. Miller indicated the budget for fiscal year (FY) 2020/2021 was almost complete, recalling a seawall failure at Via Venice had occurred and funds were available for the repair.
- C. Seawall Replacement Status Report September 2021
- Ms. Miller pointed out the schedule denoted in the agenda material was the work program for FY 2020/2021 and the only seawall currently under construction was the emergency repair at Via Venice, confirming all other projects were completed. She then

verified the work program for FY 2021/2022 was advertised in the Weekly Highlights Report.

- Mr. Kuharski suggested there be additional advertisement of the new work program to ensure residents were aware of same.
 - Ms. Miller explained the current process was to send notice 8 to 12 weeks prior to the seawall being replaced, adding same allowed residents to prepare their property and meet with the contractor.
 - Mr. Kuharski opined notice should be provided a year in advance as residents had indicated current notice was not adequate.
 - Ms. Miller stated she would do so if the Committee desired; however, property ownership changed over time and individuals might not receive the notice.
 - Mr. Dye indicated most seawall replacements affected docks, noting notification issues might be due to the Charlotte County Property Appraiser's information not being current.
 - Mr. Ludvig suggested notices be sent to residents on the seawall replacement schedule now to allow them to be more proactive.
 - Ms. Miller agreed, stating letters would be distributed within the next couple weeks.
 - Mr. Knabe verified residents with two addresses would receive notice at both.
- D. Permits Authorized by the City September 2021
- Ms. Miller announced there were still technical difficulties generating the permit report, expressing uncertainty as to the volume of permits issued.
- E. Punta Gorda Isles Capital Improvement Status Report September 2021
- Mr. Gary Disher, Mapping, Permitting and Compliance Manager, indicated no changes had occurred to the Capital Improvement program at this time, confirming there were no questions regarding same.
- F. Master Permit Agreement Status Report – July and August 2021
- Mr. Disher reported the seawall permit from the Department of Environmental Protection (DEP) was issued, explaining errors that occurred when same was issued in July 2021 had been corrected. He then stated staff toured several sites with the Army Corps of Engineers (ACOE) and consultants, noting the consultants were working on compiling information to return to the ACOE prior to the project proceeding to the National Marine Fisheries Service.
 - Mr. Cort inquired whether there were any concerns with meeting the deadline for the permits.
 - Mr. Disher replied staff had documentation from the permitting agency indicating work could continue under the existing permit until the new permit was issued.

- Mr. Cort then questioned the current and desired protocol for rip-rap.
- Mr. Disher responded currently rip-rap was not installed; however, the Federal Emergency Management Agency desired rip-rap to be installed in front of all seawall which failed due to Hurricane Irma.
- Discussion ensued regarding the permitting and contractors for rip-rap and dredging.
- Mr. Kuharski then recalled a suggestion he made for City divisions to communicate with each other when requests for special permits for end of canal locations were received, noting he had spoken with the City Manager at length regarding notifying the property owner of a potential issue prior to a dock's construction. He indicated a policy should be implemented to avoid the need to reconstruct a dock.
- Mr. Cort suggested an official recommendation from the Committee be sent to the City Manager regarding the need for improved communications.

QUASI-JUDICIAL PUBLIC HEARINGS

- A. Special Permit - CCSP-19-2021 - 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 26, Block 208, Section 14, aka 1221 Spoonbill Drive, Punta Gorda, Florida 33950
 Owner/Petitioner: Patrick and Lisa Galli
 Charlotte County Parcel: 412224433002.
- Mr. Bryan Clemons, Public Works Engineering Manager, displayed photographs and proposed construction drawings from the agenda material, briefly reviewing the request. He stated the property had 40 linear feet (lf) of seawall and the canal was approximately 137 lf wide, concluding staff recommended approval of the request based on review of the application as per Chapter 6, Section 2-1(e)(4), Punta Gorda Code.
 - Mr. Mike Parr, applicant's representative, verified a 10' x 27' vessel was the largest size that could be stored on the boat lift, summarizing the specifications of the types of vessels that could be stored on the proposed boat lift.
 - Mr. James McCarty distributed photographs he created which depicted the subject property along with the surrounding area, noting he represented his son who resided at Lot 25. He indicated the request did not consider the boat lift being installed at Lot 25 this date, opining the requested boat lift could be engineered differently so Lot 25 was burdened less.
 - Mr. James McAdory, Lot 24, indicated the applicant should have been aware of the limitations when installing the dock, noting alternative vessels and boat lifts would allow

better access. He opined the request would cause navigational and congestion issues, speaking in opposition to the request.

- Mr. Kuharski pointed out the request was similar to the issue which occurred with Special Permit CCSP-15-2021, inquiring whether the orientation of the boat lift could be revised so that the applicant was not blocking adjacent neighbors when approaching same.
- Ms. Debra McCarty, representing Lot 25, reiterated a dock was being installed at Lot 25 this date, noting the existing docks along the canal were installed appropriately; additionally, she opined the request did not ensure harmony.
- Mr. Parr agreed additional communication was needed when designing boat lifts, pointing out Mr. McCarty's photographs did not depict the angles as did the engineered drawings which displayed the angles of the seawall and boat limitation lines. He explained a vessel could be stored at the subject property without a special exception and still block access for adjacent property owners, recalling he had stated an ordinance change was needed for end of canal locations
- Mr. Kuharski verified the configuration of the request would be the correct solution if each property on the canal were the same to allow equal access, reiterating a policy was needed for such issues.
- Mr. Parr indicated he would be willing to attempt alternative solutions for the request, noting the current configuration was the best option at this time.
- Mr. Dye opined alternatives could not differ much from the request, adding end of canal properties would continue to experience issues and Lots 23 and 24 would have larger concerns in the future.
- Discussion ensued regarding potential issues which would be posed for end of canal locations as boat lifts were installed.
- Mr. McAdory questioned why a side-mount boat lift had not been considered.
- Mr. Dye responded same could be problematic, explaining those boat lifts were high maintenance and the aluminum track needed replacement every five years.
- Ms. Cheryl Foley, Lot 23, indicated the request would greatly impact her property, noting she was aware of the size limitations when purchasing her property. She opined a change to the ordinance would be ideal for smaller waterfront lots, expressing concern regarding safe navigation.
- Mr. Kuharski commented there would not be navigational issues if all four properties along the same side of the canal had similarly configured boat lifts.
- Mr. Dye opined installing boat lifts on parallel docks was the source of the issue, agreeing the best solution for end of canal locations was to orient the approach to allow access for everyone; however, same would be an expense.

- Mr. Kuharski indicated the goal was to find a solution that satisfied all residents on the canal, recalling a suggestion for residents in similar situations to cost share in the construction of docks.
- Ms. Stela McCarty, Lot 25, stated arrangements had been made so that her dock did not block adjacent property owners, inquiring whether the applicant should be permitted to store a 29 foot vessel when others might not be able to do so.
- Mr. Cort responded the Committee's role was to ensure requests met the City's requirements, adding the size of vessels was a concern when there was evidence of an issue such as exceeding the berthing limitations. He then verified property values were not a consideration when approving requests.
- Ms. Debra McCarty indicated the situation could have been alleviated when the request was received on August 9, 2021, noting her son received a permit on August 11, 2021.
- Mr. Cort stated same was an issue members were discussing and would be addressed with the City Manager and might require amendment of Chapter 6, explaining the Committee could only make decisions based on the information presented this date.
- Mr. Parr advised a special exception was likely the best option for Lot 25, reiterating access to their dock would still not be possible if each dock remained within the permitted 45 degree angle.
- Mr. Cort called three times for public comment.
- Mr. Dye MOVED, Mr. Hannon SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Dye noted staff recommended approval of the request as same was a reasonable approach for the boat lift, opining the request was an ideal solution although adjacent property owners might have future issues.
- Mr. Kuharski inquired whether there could be a stipulation on the size of the vessel if the request was to be approved.
- Mr. Dye replied a 10,000 pound boat lift would likely not store a vessel larger than 27-feet.
- Mr. Kuharski recommended the request be continued if revisions could be made.
- Mr. Ludvig agreed the property owner should have been aware of the limitations for end of canal locations, reiterating the four property owners could potentially collaborate for a solution; however, he opined same was not likely.
- Discussion continued regarding alternatives to the request, with Mr. Cort expressing desire for Mr. Parr and the applicant to consider comments made this date and provide more accurate information prior to the Committee making a final decision.

- Mr. Raffa MOVED, Mr. Ludvig SECONDED to continue Special Permit CCSP-19-2021 to the October 18, 2021, meeting. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- Mr. Kuharski reiterated the City should adopt a policy for communication between the divisions, noting CCSP-19-2021 demonstrated the need for same.
- Mr. Dye indicated it would be ideal for the Engineering Division and Building Division to gather information prior to a permit request moving forward; however, the Engineering Division might not notice a permit was pulled since same could be obtained from the Building Division within two days, adding the policy needed detailed considerations.
- Mr. Kuharski opined the issue with CCSP-19-2021 could have been prevented and the McCarty's could have been informed there might be difficulties with accessing their boat lift prior to installation of same.
- Discussion ensued regarding potential solutions to prevent situations similar to those which occurred in Special Permit CCSP-19-2021, with Mr. Disher noting approximately 30 permits were issued per month.
- Mr. Kuharski stated residents were capable of making their own decisions; however, they should be notified when access to their boat lift might be blocked.
- Mr. Cort concluded same had been addressed with the City Manager and the Committee was in consensus that additional communication was needed.

CITIZEN COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 2:51 p.m.

Fredric Cort, Chairman

Sara Welch, Recording Secretary