

**CITY OF PUNTA GORDA, FLORIDA
PUNTA GORDA ISLES CANAL ADVISORY COMMITTEE MEETING MINUTES
JANUARY 18, 2022, 1:30 P.M.**

MEMBERS PRESENT: Cort, Chair
D'Amico, Dye, Hannon, Knabe, Ludvig, Sullivan

OTHERS PRESENT: Rick Keeney, Public Works Director; Gary Disher, Mapping, Permitting and Compliance Manager; Bryan Clemons, Public Works Engineering Manager; David Menalocus; Jessica Poe; Davis Johanson; Brian Corso; Rusty Palmer; Patricia Hornback; Brian Holt

CALL TO ORDER

Mr. Cort called the meeting to order at 1:30 p.m., followed by the Pledge of Allegiance. He then welcomed Messrs. D'Amico and Sullivan to the Committee. He announced the February 2022 meeting was scheduled on Tuesday, February 22, 2022, due to the Presidents' Day Holiday.

PUBLIC COMMENTS

Mr. David Menalocus received an explanation of the permitting process for installing signage on pilings, inquiring how to move forward with a request to install a minimum wake sign at a location within the Rim Canal.

Mr. Cort responded he would communicate with Ms. Cathy Miller, Canal Maintenance Supervisor, regarding same.

Ms. Jessica Poe expressed concern regarding issues with wakes since the opening of Buckley's Pass, particularly the lack of signage relating to wakes as manatees were in the area.

1) APPROVAL OF MINUTES

1.a Approval of Minutes: Punta Gorda Isles Canal Advisory Committee Meeting of November 15, 2021.

Exhibits:

[*Cover Page*](#)

[*11-15-2021 Minutes*](#)

Mr. Hannon **MOVED** approval of the November 15, 2021, minutes, **SECONDED** by Mr. Knabe.

MOTION UNANIMOUSLY CARRIED.

2) REPORTS

Recording Secretary Pues swore in all participants of the quasi-judicial public hearings.

2.a [Finance Report November and December 2021](#)

Exhibits:

[*Cover Page*](#)

[*PGI YTD Revenue Report 12-3-2021*](#)

PGI YTD Expenditure Report 12-3-2021
PGI YTD Revenue Report 1-12-2022
PGI YTD Expenditure Report 1-12-2022

Mr. Disher verified there were no questions regarding the finance reports.

2.b [Budget Utilization Report November and December 2021](#)

Exhibits:

Cover Page
PGI Utilization DEC
PGI Utilization JAN

Mr. Disher confirmed there were no questions regarding the November 2021 and December 2021 reports.

2.c [Seawall Replacement Status Report November and December 2021](#)

Exhibits:

Cover Page
PGI STATUS REPORT DEC
PGI STATUS REPORT JAN

Mr. Dye questioned the timeframe for development of the seawall replacement schedule as well as when homeowners on the schedule would be notified.

Mr. Disher replied same was developed following completion of the seawall assessment, anticipating information relating to the scheduled locations would be available by the end of summer.

Mr. Cort recalled residents desired more direct notice of the work schedule.

Mr. Disher indicated the property owners on the work list for fiscal year 2021/2022 had been notified.

2.d [Permits Authorized by City Staff November and December 2021](#)

Exhibits:

Cover Page
City Permit Report November 2021
PGI City Permit Report Dec 2021

Mr. Disher announced 24 permits were issued in November 2021 and 31 permits were issued in December 2021.

2.e [Punta Gorda Capital Improvement Status Report November and December 2021](#)

Exhibits:

Cover Page
PGI Capital Improvement Status 202112
PGI Capital Improvement Status 202201

Mr. Disher reported work was being completed for the Spoil Site Channel project, including completion of the bathymetric survey, concluding permitting for the project was moving forward.

2.f [Master Permit Agreement Status Report November and December 2021](#)

Exhibits:

[Cover Page](#)

[MasterPermitStatus202112](#)

[MasterPermitStatus202201](#)

Mr. Disher announced the Army Corps of Engineers (ACOE) submitted the consultation for the seawall/rip-rap permit to the National Marine Fisheries Service (NMFS), expressing uncertainty as to when a response would be received from the NMFS. He concluded the applications were submitted to the ACOE and Department of Environmental Protection for the master dredging permit.

3) [QUASI-JUDICIAL PUBLIC HEARINGS](#)

3.a [Special Permit CCSP 22-2021](#)

Exhibits:

[Cover Page](#)

[CCSP-22-2021 Staff Recommendation Packet 20220118](#)

Mr. Cort stated the City Clerk's Office clarified being a member of the Punta Gorda Isles (PGI) Yacht Club did not constitute a conflict of interest, noting he and Messrs. Dye, Hannon and Knabe were members of the Club.

Mr. Bryan Clemons, Public Works Engineering Manager, reviewed the request from the agenda material, noting same proceeded through the Development Review Committee (DRC) process due to the complex nature of the proposed project. He stated staff recommended approval of the request based on review of the application as per Chapter 6, Section 2-1(e)(4), Punta Gorda Code, with the following conditions: comments denoted in the staff report for DRC-07-2021 were satisfied; necessary permits were obtained from the Fire Department for the fueling system and fire protection on the fuel dock; local, state and federal permits and/or exemptions were obtained.

Mr. Davis Johanson, Weiler Engineering, drew members' attention to the presentation for the Isles Yacht Club Main Dock Replacement project, reviewing the project location and existing conditions.

Mr. Brian Corso, Project Manager, explained the project goals along with its advantages and purpose, including the intent for the structure to become more compliant with Americans with Disabilities Act regulations.

Mr. Johanson indicated the proposed plans had a net reduction of 79 square feet and 29 pilings were permitted; however, the number of pilings might be reduced based on discussions with the dock manufacturer. He continued reviewing the presentation, which included the existing and proposed dock overlay exhibit, proposed signage for the subject location and conditions for development approval.

Mr. Ludvig verified there would be no changes to the existing fuel tank.

A question and answer session took place between members and Messrs. Johanson and Corso regarding the specifications of the request.

Mr. Cort called three times for public comment.

Mr. Dye **MOVED** to close the public hearing, **SECONDED** by Mr. Knabe. **MOTION UNANIMOUSLY CARRIED.**

Mr. Hannon **MOVED** to approve Special Permit CCSP-22-2021, **SECONDED** by Mr. Dye.
MOTION UNANIMOUSLY CARRIED.

3.b [Special Permit CCSP 23-2021](#)

Exhibits:

[Cover Page](#)

[CCSP-23-2021 Staff Recommendation Packet 20220118](#)

NOTE: Mr. Dye stepped down from the dais at 2:06 p.m., disclosing he was recusing himself from voting on this matter (Form 8b – Conflict of Interest attached).

Mr. Clemons displayed photographs and proposed construction drawings from the agenda material, briefly reviewing the request. He stated the property had 54 linear feet (lf) of seawall and the canal was approximately 125 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, contingent the boat lift remain in the storage position over the dock except when launching and docking the personal watercraft.

Mr. Dye, applicant's representative, indicated the proposed structure would be constructed within the permitted 45-degree angle, concluding the request would not impede navigation or line of sight for surrounding property owners.

Mr. D'Amico received the specifications of the boat lift, including how to operate and store same.

Mr. Cort called three times for public comment.

Mr. Ludvig **MOVED** to close the public hearing, **SECONDED** by Mr. Hannon.
MOTION UNANIMOUSLY CARRIED.

Mr. Hannon **MOVED** to approve Special Permit CCSP-23-2021 contingent staff's recommendation was met, **SECONDED** by Mr. Ludvig.

MOTION UNANIMOUSLY CARRIED.

3.c [Special Permit CCSP 24-2021](#)

Exhibits:

[Cover Page](#)

[CCSP-24-2021 Staff Recommendation Packet 20220118](#)

Mr. Clemons displayed photographs and proposed construction drawings from the agenda material, briefly reviewing the request. He stated the property had 80 lf of seawall and the canal was approximately 98 lf wide, noting there could be navigational issues with the boat lift of the neighboring property owner if the request was approved. He concluded staff recommended denial of the request based on the recent opinion from the City Attorney which indicated future navigational hazards needed to be considered when reviewing requests.

Mr. Dye (Form 8b – Conflict of Interest attached) indicated consideration of hazards to navigation applied to general navigation and was not specific to the subject area, providing an explanation on the design of and approach to the boat lift. He stated there was sufficient space between the boat lifts, verifying the adjacent property owners did not oppose the request.

Mr. Rusty Palmer, applicant, verified the size of the second vessel was 20 feet.

Mr. Cort called three times for public comment.

Mr. Knabe **MOVED** to close the public hearing, **SECONDED** by Mr. Ludvig.

MOTION UNANIMOUSLY CARRIED.

Mr. Ludvig acknowledged staff's reasoning for recommending denial of the request; however, navigational issues no longer appeared to be a concern after receiving clarification of the details of the second boat lift.

Mr. Knabe **MOVED** to approve Special Permit CCSP-24-2021, **SECONDED** by Mr. Ludvig.

MOTION UNANIMOUSLY CARRIED.

NOTE: Mr. Dye returned to the dais at 2:30 p.m.

3.d [Special Permit CCSP 25-2021](#)

Exhibits:

[Cover Page](#)

[CCSP-25-2021 Staff Recommendation Packet 20220118](#)

Mr. Clemons announced members received a letter from the adjacent property owner regarding this request, explaining same was for informational purposes and should not serve as testimony. He then stated a request for intervenor status was received from Ms. Patricia Hornback, 5024 Key Largo Drive (Lot 25), noting staff denied same since the timeframe for submitting the request had expired; however, Ms. Hornback indicated the notice was not received in the mail in time for her to do so. He indicated Mr. Brian Holt, applicant, objected to Ms. Hornback's request for intervenor status and did not request a continuance, concluding the Committee could determine whether intervenor status should be granted after each party presents their case.

Mr. Cort verified all members had received the adjacent property owner's email excluding Mr. Sullivan.

Mr. Dye **MOVED** to approve listening to arguments regarding intervenor status, **SECONDED** by Mr. Ludvig.

MOTION UNANIMOUSLY CARRIED.

Ms. Hornback stated the request for intervenor status was to allow her adequate time to present her opposition to the special permit request.

Mr. Holt spoke against granting the intervenor status.

Mr. Dye verified Ms. Hornback would still be allowed time to provide testimony opposing the request if the request for intervenor status was denied.

Mr. Dye **MOVED** to deny intervenor status to Ms. Hornback, **SECONDED** by Mr. Hannon.

VOTING AYE: Mr. Dye, Mr. Hannon.

VOTING NAY: Mr. Cort, Mr. D'Amico, Mr. Knabe, Mr. Ludvig, Mr. Sullivan.

MOTION FAILED.

Mr. Knabe **MOVED** to grant intervener status to Ms. Hornback, **SECONDED** by Mr. Ludvig.

MOTION UNANIMOUSLY CARRIED.

Mr. Clemons displayed photographs and proposed construction drawings from the agenda material, briefly reviewing the request. He stated the property had 40 lf of seawall and the canal was approximately 345 lf wide, noting staff recommended denial of the request based on review of the application as per Chapter 6, Section 2-1(e)(4), Punta Gorda Code. He indicated denial was recommended based on the provided construction drawings which depicted the applicant's vessel would conflict with the vessel at Lot 25 when stored on the

proposed boat lift, concluding the applicant was advised to address the concerns prior to moving forward with the request.

Mr. Holt provided a detailed explanation regarding the development of plans for the proposed structure, including his establishment of the property lines and vessel limitation lines. He compared the request to the six criteria for approving special exceptions, opining the request adhered to same. He then displayed photographs along with a set of contingency drawings he created for the subject property and surrounding area, summarizing his rationale for the proposed configurations. He requested the Committee review the application in the context the structure would remain within the boat limitation lines, adding the structure would use the same design as many others in similarly shaped lots.

Mr. Dye indicated discussions relating to boat limitation lines were not within the Committee's purview.

Mr. Cort concurred, adding the Committee desired to be presented with the proposal of the request.

Mr. Holt requested members review the application based on what was permitted within the boat limitation lines, noting the intention was to safely moor his vessel outside of the water. He displayed a survey completed by Target Surveying which verified the waterlines of the property, explaining he was presenting the request since he did not yet hire a marine contractor and would do so following the permitting process. He then drew attention to the proposed request, noting there was an alternate design for approaching the boat lift which would remove existing conflict with the neighboring vessels; however, he reiterated the current request was consistent with others that had been approved.

Mr. Dye questioned whether Mr. Holt considered reconfiguring the proposed structure so the entrance was further north, opining same would be less hazardous.

Mr. Holt replied the proposed location for the boat lift was due to the view, indicating there was an equal hazard either way the entrance faced.

Ms. Hornback distributed aerial photographs and drawings (exhibits) to members which included a depiction of the location for the proposed structure and vessel in comparison to her existing dock and vessel, noting there were inaccuracies in the drawings displayed by the applicant relating to the vessel limitation lines. She provided a detailed explanation of exhibits 1 through 6, opining 3 of the 6 criteria for approving a special exception were not met and the request should be denied.

Mr. Dye pointed out information appeared to be missing in the application for the request, inquiring whether the vessel limitation line in the applicant's construction drawing was verified as accurate.

Mr. Clemons replied in the negative.

Mr. Disher indicated staff did not survey plats and relied on engineered drawings, noting the applicant based the construction drawings on the completed survey.

Mr. Holt stated the boat limitation lines were close to the property line and were per the Code, explaining the construction drawings were all the same, but with different views to show how the proposed structure would coexist with the surrounding area.

Discussion ensued regarding the details of the drawings and the specifications of the proposed structure and vessel pursuant to the permitted 45-degree angle and boat limitation lines.

Ms. Hornback stated the property survey the applicant displayed was not accurate, noting aerial photographs varied and were not appropriate to use for

measurements. She indicated the majority of the proposed structure was outside the structure limitation lines and prevented her vessel from entering and exiting her boat lift safely, reiterating there were alternatives to the request. She then read a letter of opposition from the property owners of 5042 Key Largo Drive, which included a request for a revised site plan that was accurate.

Mr. Holt verified the drawings were complete and accurate.

Mr. Cort called three times for public comment.

Mr. Dye **MOVED** to close the public hearing, **SECONDED** by Mr. Knabe.

MOTION UNANIMOUSLY CARRIED.

Mr. Dye inquired whether the applicant was willing to continue the request to ensure all required information was provided, noting there were conflicting details in the application such as the distances depicted in the drawings. He opined there might be an alternative to the request that was less constrictive for all of the concerned parties.

Mr. Cort clarified the Committee desired verification of the accuracy of the drawings, confirmation the angles were correctly depicted in same and exploration of an alternative docking solution.

Mr. Dye stated the City Engineer had previously made good effort to require detailed information in requests which answered many questions, requesting same be applied to this request.

Mr. Dye **MOVED** to continue Special Permit CCSP-25-2021 to the February 22, 2022, meeting, **SECONDED** by Mr. Hannon.

MOTION UNANIMOUSLY CARRIED.

STAFF COMMENTS

[Punta Gorda Isles Canal Advisory Committee 2022 Meeting Dates.](#)

Exhibits:

[Cover Page](#)

[PGI CAC Date Calendar for 2022](#)

Mr. Disher pointed out the meeting dates for 2022 in the agenda material.

MEMBER COMMENTS

None.

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.

Chair

Recording Secretary