

**CITY OF PUNTA GORDA, FLORIDA
PUNTA GORDA ISLES CANAL ADVISORY COMMITTEE MEETING MINUTES
NOVEMBER 15, 2021, 1:30 P.M.**

MEMBERS PRESENT: Cort, Chair
Dye, Hannon, Knabe, Ludvig, Sullivan, Raffa

OTHERS PRESENT: Rick Keeney, Public Works Director; Cathy Miller, Canal Maintenance Supervisor; Gary Disher, Mapping, Permitting and Compliance Manager; Bryan Clemons, Public Works Engineering Manager; Mike Parr; Jim McCarty; Debra McCarty

CALL TO ORDER

Mr. Cort called the meeting to order at 1:30 p.m., followed by the Pledge of Allegiance. Recording Secretary Pues swore in all participants of the quasi-judicial public hearings. Mr. Cort verified the January 2022 meeting would be scheduled on January 18, 2022, due to the Martin Luther King, Jr., Holiday.

PUBLIC COMMENTS

None.

1) APPROVAL OF MINUTES

1.a Approval of Minutes: Punta Gorda Isles Canal Advisory Committee Meeting of October 18, 2021

Exhibits:

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[*10-18-2021 Minutes*](#)

Mr. Raffa **MOVED** approval of the October 18, 2021, minutes, **SECONDED** by Mr. Knabe. **MOTION UNANIMOUSLY CARRIED.**

2) REPORTS

2.a Finance Report October 2021

Exhibits:

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[*PGI YTD Revenue Report 11-3-2021*](#)

[*PGI YTD Expenditure Report 11-3-2021*](#)

Ms. Cathy Miller, Canal Maintenance Supervisor, verified there were no questions regarding the finance reports.

2.b Budget Utilization Report October 2021

Exhibits:

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[*PGI Utilization Report NOV*](#)

Ms. Miller confirmed there were no questions regarding the October 2021 report.

2.c [Seawall Replacement Status Report October 2021.](#)

Exhibits:

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[PGI Status Report NOV](#)

Ms. Miller indicated a seawall failure on West Marion Avenue would be added to the seawall replacement schedule, verifying same was 312 linear feet (lf).

2.d [Permits Authorized by City Staff October 2021](#)

Exhibits:

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[City Permit Report Oct 2021](#)

Ms. Miller announced 38 permits were authorized by staff.

2.e [Punta Gorda Capital Improvement Status Report October 2021](#)

Exhibits:

[Cover Page](#)

[PGI Capital Improvement Status 202111](#)

Mr. Gary Disher, Mapping, Permitting and Compliance Manager, stated no changes had occurred to the Capital Improvements Program.

Mr. Dye questioned whether staff discovered the reason for the white material on two pilings in the Ponce de Leon Inlet.

Ms. Miller responded in the negative, noting staff did not remove same as it appeared to increase visibility of the pilings.

2.f [Master Permit Agreement Status Report October 2021](#)

Exhibits:

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[MasterPermitStatus202111](#)

Mr. Disher indicated the status of the Master Permit Agreement had not changed. He verified the Laishley Marina Submerged Land Lease was for ten years, opining the new land lease would be for an additional ten years.

NOTE: Staff Comments, City Attorney Opinion, was heard following Reports, Item 2.f.

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

3.a [Special Permit CCSP 16-2021](#)

Exhibits:

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[CCSP-16-2021 Staff Recommendation Packet 20211115](#)

Mr. Clemons indicated the request was continued from the October 18, 2021, meeting. He then 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 205 lf wide, noting the revised plans decreased the dock width to 23 feet and slightly shifted the walk board and boat lift. He concluded 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, stated the goal was to create a reasonable solution to allow the vessel to be moored at the subject location.

A brief discussion ensued 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. Raffa. **MOTION UNANIMOUSLY CARRIED**

Mr. Dye **MOVED** to approve Special Permit CCSP-16-2021, **SECONDED** by Mr. Hannon. **MOTION UNANIMOUSLY CARRIED**

3.b [Special Permit CCSP 19-2021](#)

Exhibits:

[Cover Page](#)

[CCSP-19-2021_Staff_Recommendation_Packet_20211115](#)

Mr. Clemons indicated the request was continued from the October 18, 2021, meeting. He then 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 137 lf wide, noting the revised plans decreased the dock width to 24 feet. He concluded staff recommended denial of the request based on review of the application as per Chapter 6, Section 2-1(e)(4), Punta Gorda Code.

Mr. Dye questioned the reason staff recommended denial of the request.

Mr. Clemons replied same was due to navigational concerns based on the recent opinion from the City Attorney, summarizing staff's evaluation process for determining the impact to navigation.

Discussion ensued regarding the specifications of the original and revised request, including the point of entry for the vessel to the boat lift and its effects on navigation in the canal.

Mr. Mike Parr, applicant's representative, provided an explanation for the configurations of the request, expressing concern with issues that occur when installing boat lifts at end of canal locations.

Mr. Jim McCarty spoke in opposition to the request, expressing concern with navigation to his son's boat lift at Lot 25 if same was approved.

Mr. Parr indicated the proposed configuration of the request was a reasonable solution for the subject location.

Ms. Debra McCarty inquired as to the reason the request could not replicate the existing neighboring structures, adding the City did not conduct proper communication when the proposed request was developed and the installation of her son's boat lift at Lot 25 was approved.

Mr. Cort opined the revised design was a sufficient solution for the location.

Discussion continued regarding navigational issues which might occur as structures were built within the area of the subject location.

Mr. Parr indicated navigational issues would still occur even if the boat lift was installed within the permitted 45 degree angle. He then displayed an overhead view of two alternatives for a dock and boat lift at Lot 25.

Mr. Cort called three times for public comment.

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

Mr. Knabe opined the design of the boat lift at Lot 25 would cause future issues.

Mr. Dye indicated issues with navigation would be removed if the direction of the boat lift at Lot 25 was changed. He stated Lot 24 might have future issues; however, the City Attorney's opinion suggested residents of the canal did not have an automatic right to install boat lifts at their property when there were concerns with navigation, adding the Building Division was provided guidance to become more involved with determining whether a structure would cause navigational issues.

Mr. Ludvig opined approval of the request would negate the ability for Lot 24 to install a boat lift, expressing concern with supporting the proposed configuration.

Mr. Dye **MOVED** to approve Special Permit CCSP-19-2021, **SECONDED** by Mr. Hannon.

VOTING AYE: Mr. Cort, Mr. Dye, Mr. Hannon, Mr. Knabe, Mr. Sullivan.

VOTING NAY: Mr. Ludvig, Mr. Raffa.

MOTION CARRIED.

Mr. Raffa agreed with concerns regarding navigation.

STAFF COMMENTS

[City Attorney Opinion](#)

Exhibits:

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[Legal Opinion Docks 2 \(01431609\)](#)

Mr. Clemons drew members' attention to the City Attorney's opinion denoted in the agenda material, noting same addressed how to determine the impact of boat lift and dock requests to existing structures in the waterways. He indicated he would not provide an interpretation regarding the opinion, concluding members' inquiries would be forwarded to the City Attorney.

Mr. Cort pointed out the last paragraph indicated a potential amendment to the Code, questioning whether same was in process.

Mr. Clemons replied in the negative, adding same could be addressed with the City Attorney at a future date.

Mr. Dye expressed concern a precedent would be created for property owners with existing structures which necessitated navigating a vessel through the adjacent property's water, opining the adjacent property owner would have less right to use the water according to how the City Attorney's opinion was written.

Mr. Cort stated the opinion suggested the Committee was responsible for determining the impact of navigation and did not have jurisdiction to mediate preexisting conditions, adding it was the responsibility of neighbors to cooperate with each other.

Discussion ensued regarding the role of the Committee in the decision making process for requests, including the appeals process for decisions that were made.

NOTE: Quasi-Judicial Public Hearings, Item 3.a, was heard following Staff Comments, City Attorney Opinion.

MEMBER COMMENTS

Certificate of Appreciation Paul Raffa

Exhibit:

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Mr. Cort presented Mr. Raffa with a Certificate of Appreciation in recognition of his years of service on the Committee.

ADJOURNMENT

The meeting was adjourned at 2:52 p.m.

Chair

Recording Secretary