

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
May 8, 2018**

**MEMBERS PRESENT:** Bill Hughes, Chairman  
John Forr, Sean Harrigan,  
Mike McIntosh, Jack Pryor

**OTHERS PRESENT:** Cathy Miller, Canal Maintenance Supervisor  
Mark Gering, City Engineer  
Jeff Ziemer

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. Next Scheduled Meeting - June 12, 2018

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- There were none.

**APPROVAL OF MINUTES**

- A. Approval of Minutes - April 10, 2018
- Mr. Harrigan MOVED, Mr. McIntosh SECONDED approval of the April 10, 2018 minutes.  
MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Patrol Update - April 2018
- Mr. Hughes briefly reviewed the April 2018 Marine Volunteers in Policing Report, as delineated in the agenda material, noting three patrols were conducted.
- B. Finance Reports - April 2018
- Ms. Cathy Miller, Canal Maintenance Supervisor, drew attention to the finance reports for April 2018, as delineated in the agenda material, calling for questions.
- Mr. Hughes observed little money had been spent.
- C. Budget Utilization Report - April 2018
- Ms. Miller announced mangrove trimming and associated spending would likely begin in August.
- D. Seawall Replacement Status Reports - April 2018
- Ms. Miller announced the Burnt Store Isles (BSI) canals had been divided into North and South zones for repair, noting work would begin in the more heavily damaged South zone.
- Mr. Hughes questioned when repairs were expected to begin.

- Ms. Miller responded October 1, 2018.
  - Mr. Hughes inquired as to efforts to monitor seawall integrity.
  - Ms. Miller replied seawalls continued to be inspected for significant deterioration, noting three sites had been identified and fortified.
- E. Permits Authorized by City Staff - April 2018
- Ms. Miller announced 6 permits had been issued during April 2018.
  - Mr. Hughes questioned the permit for 3707 Candia Drive.
  - Ms. Miller replied ongoing legal action prevented her from commenting. She suggested Mr. Hughes contact the Building Department for more information.

### UNFINISHED BUSINESS

- A. Chapter 6 of City Code- Revision
- Mr. Forr proposed removal of City Code's requirement to store boats on a lift in BSI's canals.
  - Ms. Miller explained that had been a condition from the State for removal of the lock.
  - Mr. Forr suggested the issues which had necessitated this provision no longer applied.
  - Mr. Hughes questioned how long the requirement would remain.

**Note: Mr. Pryor arrived at 1:42.**

- Ms. Miller noted funds were allocated for removal of the south side of the lock wall, offering to question the Florida Department of Environmental Protection (FDEP) about the boat storage requirement.
- Mr. Forr suggested City Code should provide more direction regarding protection of the canal system and waters from dumping.
- Ms. Miller pointed out dumping was a Code Enforcement issue, explaining staff could not act unless violators were caught in the act.
- Mr. Hughes recalled the City had published a pamphlet which addressed dumping in the canals.
- Mr. Forr proposed City Code Chapter 6 allow the Canal Maintenance Assessment District's reserve to be increased and subjected to review annually.
- Ms. Miller responded the reserve was established by the Finance Department and was subject to regulations.
- Mr. Forr opined maintaining a greater reserve would decrease the incidence of contentious assessment increases.
- Mr. Harrigan suggested City Code Chapter 6 must unambiguously define navigable waters to protect the canals' navigability by barges.
- Mr. Pryor provided a detailed review of his suggestions regarding the following: aligning City Code with the Army Corps of Engineers' and FDEP's regulations, clearly

defining the terms “navigable waterway” and “structure” and requiring dock structures in legal non-conformance to come into compliance when new permits were requested. He concluded with a suggestion the City begin procuring bids to widen the lock and to remove certain mangroves.

- Ms. Miller responded the entirety of City Code Chapter 6 was being rewritten, noting the Committee would begin review of the draft at their July 12, 2018, meeting. She then explained BSI’s canals were regulated by FDEP.
  - Mr. Pryor questioned if City Code could mirror FDEP’s requirements.
  - Ms. Miller pointed out staff was already obligated to adhere to FDEP’s regulations. She noted staff was working to widen the lock and remove mangroves.
  - Mr. Hughes questioned if the term navigable waterway could be defined from the seawall to the dredged channel’s edge.
  - Ms. Miller pointed out same would not apply to interior canals, stressing staff wanted a universal definition. She clarified the dredged channel’s edge constantly shifted due to the movement of sand; however, she would note Mr. Hughes’ suggestion for discussion.
  - Mr. Hughes voiced approval of the suggested revisions regarding terms and docks in legal non-conformance. He recommended the Code clearly specify the number of days which constituted reasonable notice, questioning whether the current definition of vessel applied to sailboats.
  - Ms. Miller responded sailboats were vessels, but she would discuss the definition of vessel with City Attorney Levin.
  - Mr. McIntosh drew attention to a letter from City Attorney Levin, confirming permit applications for structures which would impinge on the 40 foot waterway in BSI would be reviewed by the Committee.
  - Ms. Miller offered to answer additional individual member questions regarding City Code outside of meetings.
- B. Hurricane IRMA Seawall Failure Updates
- Ms. Miller announced Marine Contracting Group (MCG) estimated repairs would begin in BSI on October 1, 2018, explaining notice would be sent to homeowners approximately one month before work began.
  - Mr. Pryor questioned why repairs could not begin at this time.
  - Ms. Miller explained MCG did not have the resources to work on PGI and BSI concurrently.
  - Mr. Pryor inquired if any properties needed urgent repair.

- Ms. Miller replied in the negative, reiterating staff had fortified the three most significantly damaged properties.
- Mr. Hughes questioned who concerned residents should contact.
- Ms. Miller advised residents should call the Public Works Department.
- Mr. Hughes inquired as to the legal action regarding 3707 Candia Drive's permit.
- Ms. Miller expressed uncertainty regarding same.
- Mr. Gering responded City Attorney Levin informed the Building Division a boat lift was a structure which could not extend ten feet beyond the seawall, noting no direction was issued regarding previously permitted noncompliant lifts.

**CITIZENS' COMMENTS**

- Mr. Jeff Ziemer asserted illegal docks would have been built in BSI if not for his efforts.

**STAFF COMMENTS**

- Ms. Miller announced a community meeting would be held prior to the onset of repairs.

**COMMITTEE/BOARD COMMENTS**

- Mr. Pryor questioned the status of seawall repairs in PGI.
- Ms. Miller replied repairs were slightly behind schedule overall, explaining performance varied by contractor.

**ADJOURNMENT**

- Meeting Adjourned: 2:11 p.m.

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Bill Hughes, Chairman

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Sara Welch, Recording Secretary