

**BURNT STORE ISLES  
CANAL ADVISORY COMMITTEE  
MEETING  
MAY 14, 2019**

**MEMBERS PRESENT:** Sean Harrigan, Chairman  
Norman Ashworth, John Forr,  
Bill Hughes, Mike McIntosh

**OTHERS PRESENT:** Cathy Miller, Canal Maintenance Supervisor  
Gary Disher, Mapping, Permitting and Compliance Manager  
Bob Nikula, Project Manager  
Bob Simmons, Pamela Bevak, Rich Bevak

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. June 11, 2019

**CITIZEN COMMENTS ON AGENDA ITEMS ONLY**

- There were none.

**APPROVAL OF MINUTES**

- A. April 9, 2019
- Mr. Hughes MOVED, Mr. McIntosh SECONDED approval of the April 9, 2019 minutes.  
MOTION CARRIED UNANIMOUSLY.

**REPORTS**

- A. Finance Reports - April 2019
- Ms. Cathy Miller, Canal Maintenance Supervisor, drew members' attention to the April 2019 reports included in the agenda material, confirming there were no questions.
- B. Budget Utilization Report - April 2019
- Ms. Miller offered to answer any questions regarding the April 2019 report from the agenda material, confirming there were none.
- C. Seawall Replacement Status Reports - April 2019
- Ms. Miller drew members' attention to the April 2019 report denoted in the agenda material, stating all but one Hurricane Irma-related seawall repair projects were complete.
- D. Permits Authorized by City Staff - April 2019
- Ms. Miller drew members' attention to the April 2019 report from the agenda material, confirming there were no questions.

- E. BSI Capital Improvement Status - Update
  - Mr. Gary Disher, Mapping, Permitting and Compliance Manager, reported Taylor Engineering, Inc. was awarded consulting services for the Seawall Alternative Materials project and had commenced work on May 3, 2019. He stated the Burnt Store Isles (BSI) Inlet Widening project was over budget, questioning whether members desired to fund the additional costs in order to proceed with engineering and permitting.
  - Discussion ensued regarding the project's scope and funding, with members requesting staff provide a recommendation regarding funding the project within the current budget at the June 11, 2019 meeting.
- F. Irma 17 - Production Levels 2019
  - Mr. Disher reported the Hurricane Irma-related seawall repairs were almost complete, noting 87% of the canal system's original seawalls would still require replacement following the project's conclusion.
  - Mr. Harrigan confirmed staff was working to obtain permitting for the rip-rap mitigation project.

#### **PUBLIC HEARINGS**

- Recording Secretary Pues swore in all participants.
- A. CCSP-04-19 - Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code to install a four (4) piling boat lift exceeding ten (10) feet waterward on a waterway less than one hundred (100) feet in width, which is prohibited by Section 6-6(c)4, Punta Gorda Code, at Lot 111, Block 235, Section 15, aka 3310 Tripoli Blvd., Punta Gorda, Florida 33950.  
Owner/Petitioner: Victor Capodanno  
Charlotte County Parcel ID: 412319402004
  - Mr. Bob Nikula, Project Manager, displayed photographs of the subject property and proposed construction drawings from the agenda material, explaining Mr. Victor Capodanno desired to extend an existing dock thirty feet to the south and to install a four-piling boat lift which would extend approximately twenty feet waterward. He reviewed the six criteria which must be met in order for a Canal Construction Special Permit to be approved as well as staff's findings, concluding staff recommended approval.
  - Mr. Harrigan called for public comment on CCSP-04-19.
  - Mr. Ashworth MOVED, Mr. McIntosh SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. McIntosh MOVED, Mr. Ashworth SECONDED to approve CCSP-04-19. MOTION CARRIED UNANIMOUSLY.

## **NEW BUSINESS**

- A. Boats Anchoring in the Rim Canal - M. McIntosh
- Mr. McIntosh reported Mr. Rich Bevak and his neighbors were concerned boaters anchoring to pilings at Mayor's Cut presented a navigational and safety hazard. He inquired if signage could be installed to prohibit boaters from anchoring to the pilings.
  - Ms. Miller reported the Florida Department of Environmental Protection (FDEP) had denied the City's request to post signage on the pilings, adding installation of a sign on a channel marker would require a permit from FDEP and cost approximately \$2,000. She noted the consent order related to removal of the lock doors dictated the number and location of pilings in the canal system.
  - Discussion ensued regarding installation of signage in the canal system or on private property.
  - Mr. Joe Trufan, Punta Gorda Police Officer, advised no federal or State law or City ordinance prohibited boaters from anchoring at the subject location. He noted a Coast Guard rule stated anchoring could not interfere with navigation in a heavily navigated channel; however, Florida Wildlife Conservation Commission Law Enforcement Officers had advised this channel did not qualify as such. He stated an ordinance prohibiting anchoring or mooring in the canal system would be required in order for officers to issue citations.
  - Mr. Bob Simmons confirmed the pilings denoted in the agenda material were outside the canal system and beyond the City's jurisdiction.
  - Ms. Pamela Bevak voiced concern regarding unsafe navigation conditions near Mayor's Cut, suggesting installation or removal of pilings or clarification of deed restrictions might improve navigation in the area. She asserted State law prohibited operating a vessel in a way that interfered with safe navigation, questioning why same could not be enforced.
  - Mr. Harrigan responded installing or removing pilings was not a feasible solution, noting installation of pilings had exacerbated navigational safety in the past. He spoke in favor of addressing this issue during the rewrite of Chapter 6, Punta Gorda Code.
  - Mr. Trufan inquired as to the history of the pilings at Mayor's Cut.
  - Mr. Disher replied installation of the pilings was part of the consent order related to the removal of the lock.
  - Mr. Bevak questioned why Mayor's Cut could not be closed to boaters. He spoke in favor of the Boards' ideas, expressing optimism a solution would be found to improve navigation near Mayor's Cut.

**CITIZENS' COMMENTS**

- There were none.

**ADJOURNMENT**

- Meeting Adjourned: 2:26 p.m.

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Sean Harrigan, Chairman

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Leah Pues, Recording Secretary