

**MINUTES
PIRATE HARBOR WATERWAY
MUNICIPAL SERVICE BENEFIT UNIT (MSBU)**

**ADVISORY BOARD REGULAR MEETING
THURSDAY, APRIL 28, 2022**

**10:03 a.m. – 11:21 a.m.
Punta Gorda Charlotte Library
401 Shreve Street, Punta Gorda, Florida**

Members Present: Robert DiMuzio, Chair
Charles Falesch, Vice-Chair
Lynn McCulloch
Jeffrey Nilsson

Members Absent: None

County Staff: Karlene McDonald, Community Liaison
Janina Stamoulis, Executive Assistant

Guests: See attached sign-in sheet

Call to Order / Roll Call:

The meeting was called to order at 10:03 a.m. A roll call was taken, and a quorum was present.

Changes to the Agenda / Motion to Approve Changes:

None

Citizen Input on Agenda Items (3 Minute Limit):

- Mr. Tift commented on the marker relocations, expressed concern for the new location of Marker 7.
- Mr. Smallwood noted the marker relocations were discussed at the last Advisory Board meeting to create a narrower, straight channel. He stated there is still a dog leg within the channel and only 3 markers were relocated. He commented on the ordering of the markers and the distance between marker 4A and 8.
- Mr. Smith believes marker 7 is now in the center of the channel and believes it will cause sand to push into the channel.

Ms. McCulloch motioned to open Advisory Board discussion under citizen input, seconded by Mr. Nilsson and unanimously approved. Mr. DiMuzio requested clarification on whether citizens wanted additional markers.

- Mr. Wolf commented on boaters not familiar with the area using the seagrass buoys as navigational aids.
- Mr. Myer also commented on the location of the buoys and stated it could be confusing since they are in the area of the original marker locations.

Approval of Minutes:

The draft minutes from February 10, 2022, were unanimously approved as submitted.

Unfinished Business:

- a. Update: Interior Dredge Project: Mr. DiMuzio reviewed a portion of the FY21 annual seagrass mitigation monitoring report and the February 10, 2022, action item information. Conversation followed regarding the financial burdens of the MSBU if the seagrass mitigation is not successful, the possibility of alternative restoration projects and funding assistance through the water quality management program, MAC (Marine Advisory

Committee) and grants. Mr. Falesch motioned to open citizen input, seconded by Ms. McCulloch and the motion was adopted.

- Mr. Smallwood suggested the Water Quality Manager be involved in discussions for alternative restoration projects.
Discussion ensued regarding current MAC grants for other waterways and how one would qualify for funding.
- b. Update: Marine Marker Relocation: Conversation followed regarding navigational markers. Ms. McDonald stated MAC funding for additional markers is not guaranteed and could cost the MSBU approximately \$2,500 for materials and installation per marker. Additional markers or relocation would require a permit from FWC (Florida Fish and Wildlife Conservation) and is not automatically guaranteed. Mr. Nilsson motioned to open citizen input, second by Mr. Falesch and the motion was adopted.
 - Mr. Smallwood suggested relocating marker 7, 30-50FT north from its current location and possibly relocating Marker 4A to the east.
Mr. Nilsson motioned to move day marker 7, 50Ft north of its current location, seconded by Mr. Falesch and the Chair opened the floor for discussion. Mr. Nilsson clarified that the Advisory Board would re-evaluate the situation after Marker 7 is relocated to determine if additional markers are necessary. The Chair called for a vote on the question, and it was unanimously adopted.

New Business:

- a. Financial Reports: The FY22 second quarter financial reports were reviewed. Mr. DiMuzio inquired about funding for the interior dredge project, the current assessment rate and the FY22 pre-storm survey.

Citizen Input on MSBU Items (3 Minute Limit):

None

Advisory Board Open Discussion:

Mr. Nilsson and Mr. DiMuzio commented on citizen attendance and discussion ensued regarding areas with line-of-sight concerns.

Meeting Schedule / Items for Next Agenda:

Future meetings are scheduled at 10:00 a.m. at the Punta Gorda Charlotte Library as follows:

- August 24, 2022
- November 30, 2022

The meeting adjourned at 11:21 a.m.

Submitted by: Karlene McDonald
Public Works Department



Chair Signature



Date

**AGENDA
PIRATE HARBOR WATERWAY
MUNICIPAL SERVICE BENEFIT UNIT (MSBU)**

**ADVISORY BOARD REGULAR MEETING
THURSDAY, APRIL 28, 2022**

**10:00 a.m. Punta Gorda Charlotte Library
401 Shreve Street, Punta Gorda, Florida**

BOARD MEMBERS: Robert DiMuzio, Chair
Chuck Falesch, Vice-Chair
Lynn McCulloch
Jeffrey Nilsson

COUNTY STAFF: Karlene McDonald, Community Liaison

PURPOSE: Regular Meeting

1. Call to Order / Roll Call
2. Changes to the Agenda / Motion to Approve Changes
3. Citizen Input on Agenda Items (3-Minute Limit)
4. Approval of Minutes: February 10, 2022
5. Unfinished Business
 - a. Update: Interior Dredge Project
 - b. Update: Marine Marker Relocation
6. New Business
 - a. Financial Reports
7. Citizen Input on MSBU Items (3-Minute Limit)
8. Advisory Board Open Discussion
9. Meeting Schedule / Items for Next Agenda
10. Motion to Adjourn



**Pirate Harbor Waterway
Municipal Service Benefit Unit**

Advisory Board Meeting Attendance
Thursday, April 28, 2022

Location: 401 Shreve Street, Punta Gorda, Florida
Charlotte Harbor Event Center

**INFORMATION SUPPLIED ON THIS FORM
BECOMES PUBLIC RECORD**

NAME (please print)	Email Address	Phone Number
Karlene McDonald	Karlene.McDonald@charlottecountyfl.gov	941.575.3627
NINA STAMOULLIS	ON FILE	ON FILE
Carmen A. Godinez	cgmonte8313@gmail.com	941-456-3390
Jeanette Meyer	Sanibeljm@verizon.net	on file
Smith David		
Phillip Smallwood		
David TIEFT	24223 PIRATE HARBOR	239 9005050
Andy WOLF	Andywolf5173@gmail.com	7421800
Lynn McCulloch	LynnM.McCulloch@yahoo.com	941-505-1672
Charles FALLESCH	Charles.Fallesch@gmail.com	269-985-825
BOB DiMuzio	THEBOBBERG9@GMAIL.COM	941-456-1630
Jeff Wilson	jeffwilson@comcast.net	610 858 5830

Monthly MSBU Activity Report

START DATE: 12/1/2021 END DATE: 2/28/2022

Project Number	WO Description	Equipment Code	Equipment Description	Location	Date Worked	Labor Hours	Labor Cost	Parts Cost	Equipment Cost	Contract or Cost	Work Accompl.	UOM	Total Cost
Pirate Harbor WW Unit													
1220409	PW-PHWWMM Pirate Harbor Waterway MS DR Annual Work Order	PW-PHWWMM	Pirate Harbor WW Unit	10-9866 MS DR	12/02/2021	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
					12/29/2021	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					01/03/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					01/05/2022	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
					01/10/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					01/12/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					01/18/2022	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
					01/20/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					01/25/2022	1.00	91.39	0.00	0.00	0.00	1.00	LHR	91.39
					01/26/2022	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
					01/27/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					02/03/2022	0.75	68.54	0.00	0.00	0.00	0.75	LHR	68.54
					02/07/2022	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
					02/09/2022	1.00	91.39	0.00	0.00	0.00	1.00	LHR	91.39
					02/10/2022	3.25	297.02	0.00	0.00	0.00	3.25	LHR	297.02
					02/14/2022	1.25	114.24	0.00	0.00	0.00	1.25	LHR	114.24
					02/15/2022	0.50	45.70	0.00	0.00	0.00	0.50	LHR	45.70
					02/16/2022	0.25	22.85	0.00	0.00	0.00	0.25	LHR	22.85
						12.25	1,119.53	0.00	0.00	0.00	12.25	LHR	1,119.53
						12.25	1,119.53	0.00	0.00	0.00	12.25	LHR	1,119.53
MSDR Total													
Total WO Number: 1220409													
Pirate Harbor WW Unit													
1793134	PW-MSBU Pirate Harbor Dredge FY23 cmd2202	PW-PHWWMM	Pirate Harbor WW Unit	93-9357D Project Management	12/09/2021	2.00	213.58	0.00	0.00	0.00	2.00	LHR	213.58
					01/27/2022	1.00	106.79	0.00	0.00	0.00	1.00	LHR	106.79
					01/28/2022	2.00	213.58	0.00	0.00	0.00	2.00	LHR	213.58
					02/02/2022	0.50	53.40	0.00	0.00	0.00	0.50	LHR	53.40
					02/03/2022	2.00	213.58	0.00	0.00	0.00	2.00	LHR	213.58
					02/04/2022	2.00	213.58	0.00	0.00	0.00	2.00	LHR	213.58
					02/09/2022	1.00	106.79	0.00	0.00	0.00	1.00	LHR	106.79
					02/10/2022	2.50	266.98	0.00	0.00	0.00	2.50	LHR	266.98
					02/11/2022	4.00	427.16	0.00	0.00	0.00	4.00	LHR	427.16
					02/15/2022	2.00	213.58	0.00	0.00	0.00	2.00	LHR	213.58
					02/23/2022	0.50	53.40	0.00	0.00	0.00	0.50	LHR	53.40
						19.50	2,082.41	0.00	0.00	0.00	19.50	LHR	2,082.41
						2.50	266.98	0.00	0.00	0.00	2.50	LHR	266.98
						2.50	266.98	0.00	0.00	0.00	2.50	LHR	266.98
						22.00	2,349.38	0.00	0.00	0.00	22.00	LHR	2,349.38
						34.25	3,468.91	0.00	0.00	0.00	34.25	LHR	3,468.91
Project Management Total													
93-9351D Meetings													
Meetings Total													
Total WO Number: 1793134													
Total MSBU: PW-PHWWMM													

Pirate Harbor Waterway MSBU

Fund Financial Report

Oct. 1, 2021 - Mar. 31, 2022

	Actual FY2021	Adopted Budget FY2022	YTD Actual FY2022	Projected FY2022
Beginning Balance	\$183,929	\$156,049	\$174,598	\$174,598
Revenues				
Assessments & Earnings	63,815	104,642	98,145	104,642
Grant & Subsidy Revenue	-	-	-	-
Loans & Borrowing	-	-	-	-
Total Revenue	\$63,815	\$104,642	\$98,145	\$104,642
Expenditures				
Contract Services	-	-	-	-
Survey	30,510	25,000	-	25,000
Navigational Trimming	-	-	-	-
Public Works Services	6,616	9,517	5,104	9,517
Internal Charges	1,801	5,477	5,477	5,477
Purchased Services	1,703	16,145	10,191	16,145
Materials and Supplies	-	-	-	-
Capital Outlay	-	-	-	-
Debt Services	-	-	-	-
Project Costs				
Pirate Harbor Dredging FY23	32,516	100,000	3,861	98,930
Total Expenditures	\$73,146	\$156,139	\$24,633	\$155,069
Reserves (Ending Fund Balance)	\$174,598	\$104,552	\$248,111	\$124,171
<i>Reserve %</i>	70.5%	40.1%	91.0%	44.5%

Date Prepared: 4/3/2022

**PIRATE HARBOR WATERWAY
Municipal Service Benefit Unit (MSBU)
FY21 Annual Report – Executive Summary
October 1, 2020 – September 30, 2021**

Ordinance 2015-045 adopts a countywide Uniform Standard for Municipal Service Benefit Unit (MSBU) And Municipal Service Taxing Unit (MSTU) Advisory Boards;

Sec. 4-1-18. Duties/Responsibilities

The advisory board shall make recommendations to the Board of County Commissioners and staff, limited to the scope and purpose of the Unit which includes, but is not limited to, the following:

1. To make recommendations to the County for expenditure of the funds within the budget in accordance with the law and Board of County Commissioners approved purchasing guidelines and;
2. To make recommendations to the Board of County Commissioners regarding the annual proposed budget for the Unit.

Purpose

Code of Laws and Ordinances, ARTICLE XVIII. - PIRATE HARBOR WATERWAY UNIT Sec. 4-7-363. - Purpose.

The purpose of the unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Pirate Harbor waterway system. The purpose of this unit shall not include the maintenance of seawalls.

Summary

Current Rate: \$200.00

Max Rate: \$828.25

The FY21 completed work program included all internal maintenance and administrative costs and contracted services for seagrass mitigation site monitoring and an interior bathymetric survey.

The current fiscal year work program includes all internal maintenance and administrative costs. The Advisory Board approved an assessment rate increase with a 5-year loan for an interior dredge project. Professional services include design and permitting of an interior dredge project and contracted services for seagrass mitigation site monitoring and a pre-storm bathymetric survey.

For FY23, the Advisory Board recommends budgeting for all internal maintenance and administrative costs and contracted services for a pre-storm bathymetric survey, aquatic weed mitigation monitoring, and dredging.

Pirate Harbor Waterway 2.10.2022 Action Items

Questions

Is the permit for the limits of the last access channel dredge active?

What authorization is required for current project is it exempt?

Can we or is it feasible to straighten out the channel that has a bend near north canal

The MSBU doesn't want to fund seagrass mitigation in future because it didn't work well?

Do we need dredging or do the marine markers in the last dredged section of the access channel need moved or have they been moved/ added?

If dredging is needed in the last dredged section of the access channel can the required new survey be added to the current project post dredge survey or the FY23 pre-storm survey be added tot he post dredge survey?

Answers

The ACOE permit is active till 2028. The FDEP permit expires next Jan. But is now considered a maintenance area and should only require a maintenance exemption for future dredge events through FDEP; exemptions are quicker and easier to obtain than permits. ACOE will require a new permit in the future after the current expires in 6 years.

The county wide exemption covers everything east of the meander line; 95% or more of the proposed project is west of the governing meander line which is consider part of the preserve and requires a permit. We are going to try to obtain a 10yr permit for the entire area so we can get additional maintenance dredge events in the future quicker and with ease. We are working to finalize/satisfy the current permit for the seagrass mitigation before applying for new permits. Once the marine marker work is completed and the as-built documents are sent in, it should clear up any immediate outlaying requirements for that seagrass work. New permitting is hard to put a number to, but yes we are best guess looking at a least a year before a permit is issued. We are applying for a 10yr to cover the proposed project area, so basically the entire system would be permitted for one more maintenance dredge cycle.

It would be considered a New Dredge and would require hiring a consultant to perform an environmental study/ inspection, to determine if there are environmental resources like seagrass for example. Then it would take some planning and ultimately permitting. It is an estimated 4 to 5 year period to obtain authorization For example the last project in the access channel was initiated in 2014 and was not permitted till 2018, with conditions of seagrass mitigation.

It is confirmed it did not work well, but there was some limited success. The requirements for the current permit have been established and must be fulfilled moving forward. We can have our consultants request alternatives in the future. FDEP will likely allow a certain amount of trade of environmental resource work. So if we remove seagrass they may accept mangrove in percentage somewhere. However I'm told that ACOE is much more stern when it comes to this and if we remove 1ac of seagrass, they expect same amount of that resource somewhere else. We could always ask if we can plant it in another area as the current area did not work. Or at that time we can ask for an alternative option in lieu of and hope they agree.

Per Matt Logan, he believes all of the seagrass signage is complete. He is working on finding out if the channel markers have been moved and if marker 4A was added he is assuming this work has not been completed and or is partially complete and there is no need for dredging. It's believed this work is incomplete and mariners may be running a little outside the channel. He is working with James of the county signing department to find out.

Yes it can. Depending on the limits for it, it can be added to one of the post dredge surveys for a couple thousand dollars give or take. That data can be provide with, but separate to the current project data.

As stated above the timing of this will likely be near or after the FDEP permit expires covering that area of the access channel, and a new exemption will be required to preform future dredging. That could be obtained by hiring a consultant at that time for a new project.

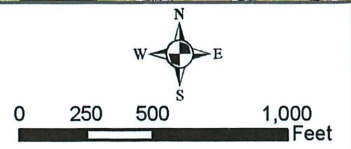
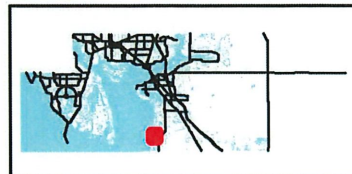
Pirate Harbor

FY22/23 Maintenance Dredge Project



Stateplane Projection
Datum: NAD83
Units: Feet
Source: Public Works
Metadata available upon request

Legend
 Canals



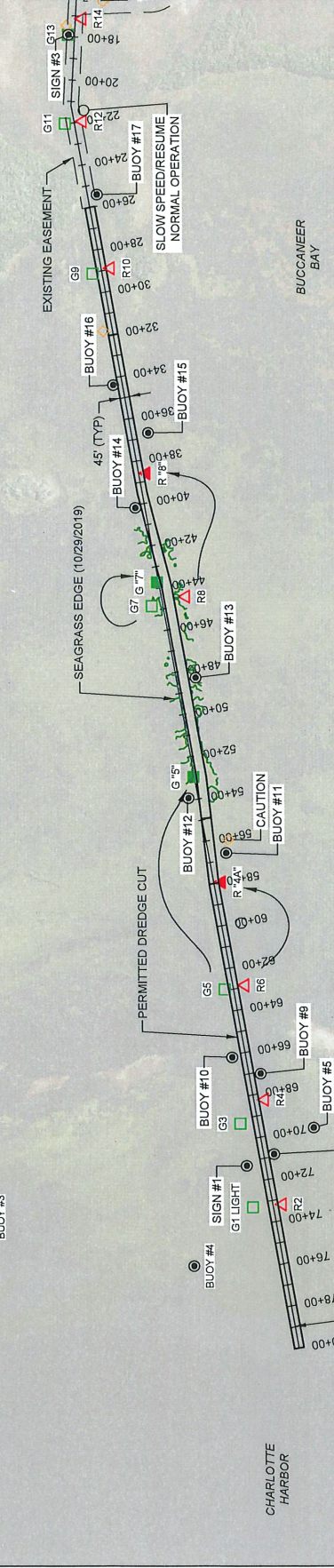
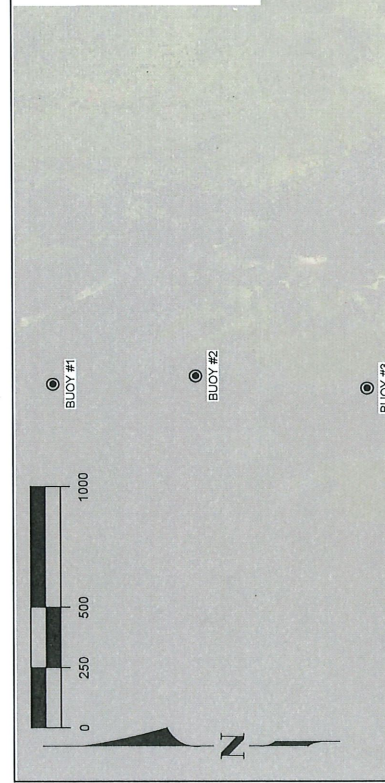
This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantee, implied or otherwise, to the accuracy, or completeness. This is not a survey or is to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

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Updated: 11/02/2021 7:58:07 AM by: D Jorge
M:\publicworks\ArcProjects\10Zech\PirateHarbor.mxd

NOTES:

- PUBLISHED TIDAL INFORMATION:**
- TIDAL DATUMS AT PUNTA GORDA, CHARLOTTE COUNTY, FL ARE BASED ON FLORIDA 872 5744 TIDE STATION, PUBLISHED #1/14/2015
- = 8 MONTHS
 - = JULY 1977 - FEB 1978
 - = 1983 - 2001
 - = NAPLES (872.5110)
 - = +0.06 FT NAVD
 - = -1.20 FT NAVD
 - = -1.85 FT NAVD
 - 0 NAVD = +1.15 NGVD
- LENGTH OF SERIES**
- TIME PERIOD**
- TIDAL EPOCH**
- CONTROL TIDE STATION**
- ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988.**
- MEAN HIGH WATER (MHW)**
- MEAN LOW WATER (MLW)**
- MEAN LOWER LOW WATER (MLLW)**
- 0 NAVD = +1.15 NGVD**

CHANNEL MARKERS LOCATED BY COASTAL ENGINEERING CONSULTANTS, INC. (CEC), ON 2/7/2018. CHANNEL SEAGRASS SURVEY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC. ON 10/29/2019. SEAGRASS MITIGATION SITE SURVEY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC. ON 11/13/2019. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83). INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME. AERIAL PHOTOGRAPHY OBTAINED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, DATED 2017. ELEVATIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88. BENCHMARKS: S800, PID DQ6198, EL: 1.92 FT NAVD88, N: 897,372.9, E: 642,463.2 AND R800, PID DQ6197, EL: 11.16 FT NAVD88, N: 897,422.1, E: 644,818.9.



DATE: 11/16/2019 SCALE: AS NOTED
 DRAWN: GVT
 CHECKED: MTP
 SEC: RND
 REF. NO. 18.132
 18.132C.20191116CHANNEL MARKER EXHIBIT #4

CLIENT: CHARLOTTE COUNTY
 TITLE: PIRATE HARBOR CHANNEL MARKER AND REGULATORY SIGN EXHIBIT
 COASTAL & MARINE ENGINEERING, SURVEY AND MAPPING, ENVIRONMENTAL & GEOLOGICAL SERVICES, SURVEYING, LP 2464
 PHONE: (239)462-2324
 FAX: (239)634-1163
 WWW.COASTALENGINEERING.COM
 E-Mail: info@cecfla.com

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 MAPES, FLORIDA 34104
 COASTAL ENGINEERING CONSULTANTS, INC.
 A FIDELITY COMPANY
 Serving Florida Since 1977

SHEET 1
 OF 10
 PREP. BY: JLS

