

**SUMMARY MINUTES
PELICAN BAY SERVICES DIVISION ADVISORY BOARD REGULAR SESSION
NOVEMBER 4, 2009**

LET IT BE REMEMBERED that the **Pelican Bay Services Division Advisory Board**, in and for the County of Collier, having conducted business herein, met on **Wednesday, November 4, 2009 at 1:00 PM in Regular Session** at the **Community Center at Pelican Bay**, 8960 Hammock Oak Drive, Naples with the following members present:

Pelican Bay Services Division Advisory Board Members

Mary Anne Womble, Chairwoman	Theodore Raia
Tom Cravens	Keith Dallas, Vice Chairman (excused absence)
Geoffrey Gibson	Hunter Hansen (excused absence)
John Iaizzo	Jill Kobe (excused absence)
Michael Levy	Ted Gravenhorst (resigned, effective 11/3/09)
Gerald Moffatt	

Pelican Bay Services Division Staff

Neil Dorrill, Administrator
Kyle Lukasz, Field Operations Manager
Mary McCaughtry, Recording Secretary
Lisa Resnick, Administrative Assistant

Participants & Public Speakers (*in order of appearance*)

Adiel J. Eshkenazi, Producer and Director, Blue Sky Media, Inc.
Jennifer Rosenthal, Assistant to the Producer, Blue Sky Media, Inc.
Tim Hall, Turrell, Hall & Associates
Steve Sammons, Sr. Associate and Landscape Architect, Wilson Miller
Sabrina McCabe, Land Planner, Wilson Miller
Robert Naegele, Jr., Pelican Bay at Vizcaya resident & Chairman, Pelican Bay Foundation
James Hoppensteadt, President, Pelican Bay Foundation
Marcia Cravens, Pelican Bay Resident & President, Mangrove Action Group
Sarah Wu, Seagate resident
Linda Roth, Pelican Bay at Montenero resident
Cathy Stenza, Pelican Bay at Pebble Creek resident
Joe Stenza, Pelican Bay at Pebble Creek resident
Dr. Henry "Hank" DiVincent, Pelican Bay at Pebble Creek resident
Steve Seidel, Pelican Bay at San Marino resident

AGENDA

1. Roll Call
2. Approval of October 7, 2009 Pelican Bay Services Division Advisory Board Summary Meeting Minutes
3. Blue Sky Media, Inc. Educational Video Presentation
4. Audience Participation
5. Administrator's Report
 - a) Capital Funds Internal Audit Report
 - b) Recent Clam Bay Reports by Humiston & Moore and PBS & J Discussion
 - c) Monthly Financial Report
6. Chairwoman's Report
 - a) Strategic Planning Update
7. Capital Projects
 - a) Crosswalk and Intersections Thermoplastic Restriping Update
 - b) Lake Bank Enhancements Update
8. Community Issues
9. Committee Reports and/or Requests
10. Old Business
11. New Business
12. Miscellaneous Correspondence
 - a) Ongoing Projects Status Sheet
13. Audience Comments
14. Adjournment

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

ROLL CALL

All Board members were present with the exception of Mr. Hunter Hansen (excused,) Ms. Jill Kobe (excused) and Mr. Keith Dallas (excused.) Mr. Ted Gravenhorst resigned from the Board, effective 11/3/09.

APPROVAL OF OCTOBER 7, 2009 SUMMARY MEETING MINUTES

Mr. Cravens made a motion to approve the October 7, 2009 summary meeting minutes.

Mr. Levy seconded.

A Board vote approved unanimously the October 7, 2009 summary meeting minutes.

Mr. Cravens motioned to approve the October 7, 2009 summary meeting minutes. Mr. Levy seconded. A Board vote approved unanimously the October 7, 2009 summary meeting minutes.

BLUE SKY MEDIA, INC. EDUCATIONAL VIDEO PRESENTATION

Mr. Adiel J. Eshkenazi, Producer and Director, Blue Sky Media, Inc., and Ms. Jennifer Rosenthal, Assistant to the Producer, Blue Sky Media, Inc., presented the Pelican Bay Services Division's educational video entitled, "Water Runs Through It." Applause followed the presentation.

Madam Chair Womble asked the audience for comments.

No one in the audience chose to participate.

Madam Chair Womble said to Mr. Eshkenazi and Ms. Rosenthal, "It was a very beautiful presentation of exactly what happens with the water." As a teacher, she is hopeful the video will help to educate people about water and made a suggestion to contact schools Seagate and Pine Ridge areas, so students can watch and learn. Other suggestions made were to provide the video to local colleges, the County, the Foundation's channel 95, the Club at Pelican Bay, Ladies Group, and Men's Coffee. Anyone interested in watching the video should contact the office.

Mr. Dorrill informed the Board that staff is exploring possibilities of showing the videos "Water Runs Through It" and the "Jewel of Pelican Bay" on the County's government access channel. He added the purpose of the video was to fulfill a requirement of the ten-year Clam Bay Restoration & Management Plan permit. "The video speaks to the value added and little bit of the mystique as to why Pelican Bay is such a special place."

Dr. Raia and Mr. Iaizzo both expressed the video should be made available to realtors and prospective buyers because it demonstrates the community's value.

Mr. Cravens suggested looking into the possibility of mass production of the DVD for distribution to all residents. He added it is very inexpensive and costs less than \$1 per DVD.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Madam Chair Womble assigned the Budget Committee to examine the budget for the possibility of video mass production. She added both the Services Division and Foundation Boards should perform a needs assessment first.

Ms McCaughtry said one-hundred (100) DVDs are on order and should be ready in two weeks.

There was a general concern over copyright issues. The video was paid for with public funds and therefore available in the public domain.

Madam Chair Womble thanked Mr. Eshkenazi and Ms. Rosenthal. There was no further discussion.

AUDIENCE PARTICIPATION

Madam Chair Womble opened up the floor to audience participation.

Mr. Robert Naegele, resident, and Chairman, Pelican Bay Foundation asked if he and others can make public comments could after the Board hears an agenda item, referring specifically to agenda item 5 b, Recent Clam Bay Reports by Humiston & Moore and PBS & J. He added that this item is an important and sensitive issue in the Pelican Bay community.

Mr. Dorrill said the Board should decide whether to hear public comments following an agenda item.

There were no Board comments or concerns regarding Mr. Naegele's request and Madam Chair Womble expressed the Board consensus that the Board shall hear public comments following an agenda item.

ADMINISTRATOR'S REPORT

RECENT CLAM BAY REPORTS BY HUMISTON & MOORE AND PBS & J

Mr. Dorrill began his Administrator's Report with item 5 b) Recent Clam Bay Reports by Humiston & Moore and PBS & J Discussion. The Humiston & Moore report entitled Clam Pass Restoration & Management Plan Tidal Analysis Report No. 10 is the primary reason for this agenda item The purpose of the report is to advise the Board on matters related to mangrove management and restoration and to fulfill a requirement of the ten-year Clam Bay Restoration & Management Plan permit. Currently, the report is part of the continuing program that monitors water quality and tidal velocities in the Estuary system. The PBS & J Clam Bay System report was going before the Board of County Commissioners on November 10 originally; however, now it is scheduled for December 15. The Clam Bay Advisory Committee will sunset on December 31, 2009 unless the enabling ordinance extends the committee's authority and duties. He acknowledged the PBS& J report raised concerns in the community regarding the way the Services Division collected water quality monitoring data historically. The Services Division's data is reliable scientifically, if for no other reason than a certified County lab actually performed the testing. There were questions raised as to whether the technicians performing the collection are state certified. Historically the answer is no, however, currently, technicians can enroll in a certification course and there are three staff certified technicians. The State of Florida's Storage and Retrieval database or STORET is an electronic database for water quality data

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

that meets standards. Historically, the Services Division has not reported water quality data to the State because from what he understands, the data's intent is for local use. The data collected may or may not be eligible to report to the State's electronic clearinghouse for general water quality standards, but if it is eligible, the Board should consider forwarding it. In July, when he commenced employment as Administrator of the Services Division, the Board informed him they were not in receipt of fiscal year 2009 Fund 111 money. He worked with County staff and the Services Division did receive a portion. He is monitoring receipt of fiscal year 2010 Fund 111 money that goes toward capital Clam Bay Fund 320. The County's Coastal Zone Management department and Commissioners intend to extend the authority of the Clam Bay Advisory Committee, so there is the potential that they may also request funding to develop a Clam Bay management plan. He is monitoring the situation and if they make the request, he will do what he can to ensure the Services Division does not lose the budgeted fiscal year 2010 Fund 111 money.

Mr. Hall said the Services Division's water quality data is not eligible for STORET. The reason the data is not eligible for STORET because at the time of collection, the protocols to follow did not exist. Currently, the State certification requirement regarding equipment and data collection, or moreover a quality assurance, quality control (QAQC) protocol must be followed in order for data to be eligible for STORET and to determine whether a water body is impaired. When the new protocol started, the Services Division did not change its procedure because the Clam Bay Restoration & Management Plan permit did not require it and was more costly. The Humiston & Moore Tidal report No. 10 data shows the tidal prism, the difference between high and low tides and the tidal lag, the amount of time it is low tide in the Gulf versus the amount of time it is low tide in the basin. The system's tidal prism is better than it was before the permit program started in 1998. This data and visual observation determines whether or not to maintenance dredge to open up the Pass. The data for this year shows the tidal prism and phase lag is within the original permit ranges, so maintenance dredging is not necessary. There is a decrease of water movement in upper Clam Bay, but is not believed to be associated with the Pass, but with a small shoal area that was dredged originally and is reforming. The area is under monitoring, so it does not get to the point where it is blocks water completely from upper Clam Bay.

Mr. Cravens asked if the total water volume coming in and out is higher and if that is what Mr. Hall means when he says "better."

Mr. Hall said the flushing capacity is better, so there is more turnover. The water coming in is moving more. This does not necessarily indicate a higher volume of water coming in and out, although in this case it does. Growth and progression of mangrove plots continue to be monitored, and documented.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Madam Chair Womble asked Mr. Hall about the mangrove areas that seemed to be dying and if he still believed this was a natural die-off resulting from several hurricanes in 2005.

Mr. Hall said he is still inclined to say it is a natural die-off and is monitoring the area to make sure some of the chlorate growth, or yellowing of leaves does not get any worse.

Mr. Cravens said he walked the public boardwalk in Clam Pass Park recently. He used to guide nature walks there for the Conservancy 3 - 4 years ago and since then he has not visited the boardwalk in Clam Pass Park. There is a large volume of Brazilian Pepper growing in the mangroves. Noting the Services Division controls exotic invasive plant growth in Pelican Bay, he asked Mr. Hall if there was a County program for control of exotic invasive plants in Clam Pass Park.

Mr. Hall responded the County did not have such a program. He said he removes small exotic invasive plants as he sees them when he is on site. Larger invasive plants and pockets of growth, they try to locate on a handheld GPS or aerial photograph and then he informs Mr. Lukasz that those areas need treatment. He added this issue has come up before. There were exotic invasive plants by the roadway of the Ritz Carlton that the Transportation department removed eventually. He said he would find out who is responsible and inform the Board.

Mr. Moffatt asked Mr. Cravens if the County were responsible would that make the Services Division responsible because, "We are the County."

Mr. Cravens said he did not believe the Services Division was responsible for any maintenance of the County's public boardwalk in Clam Pass Park.

Mr. Dorrill said the Services Division could be responsible, but is not.

Mr. Lukasz asked Mr. Cravens how much and where did he find the Brazilian Pepper growth.

Mr. Cravens said there is extensive exotic invasive Brazilian Pepper all along the first half of County's public boardwalk and the amount diminishes closer to the beach area.

Mr. Lukasz said the County's Parks and Recreation department would be responsible for the area within the park, but he would find out and resolve.

Mr. Dorrill referred to Humiston & Moore's No. 10 report. He said the Board paid for the report as a requirement of the Clam Bay Permit. It is important that the Board acknowledge the report, especially because of the current Clam Bay issues. He asked Mr. Hall to explain what the layperson's perspective should be.

Mr. Hall explained Humiston & Moore reported the hydrologic annual monitoring required of the Clam Bay permit. In the past, Turrell, Hall and Associates provided an annual report and presentation, however this year it is not a requirement

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

and they do not have plans to do so. In summary, the report shows the system is working well and no maintenance dredging needed. He can invite someone from Humiston & Moore to the next meeting to answer technical questions.

Mr. Moffatt read number one of the executive summary of the PBS & J report that states, “While there are numerous water quality monitoring programs throughout the Clam and Moorings Bays systems, the water quality data from efforts in Clam Bay is not being placed into the State of Florida’s Storage and Retrieval (STORET) database. This is inconsistent with guidance given to local governments through Florida Administrative Code and Florida Statutes. Data collected by the City of Naples for Moorings Bay is being placed into STORET.” He asked Mr. Hall if the statement was true and whether the Services Division take any action.

Mr. Hall said Florida Statute require local, county, and state governments, and water management districts to enter appropriate water quality data into STORET. The term “appropriate” meets quality assurance and quality control guidelines. This data clarifies whether a water body is impaired. Anyone can submit data to STORET, but that does not mean the data is accepted. About five or six years ago, they discussed it and because not a permit requirement and the protocol would incur additional cost, it was not pursued.

Mr. Cravens said he feels this report has cast a shadow on work the Services Division has done. He fears people will refute Pelican Bay’s claim of water quality that existed in the past, does not exist because the data was not entered into STORET.

Mr. Hall said some people have said that already. The lab that analyzed the data is a certified lab. It is more of a matter of protocol followed, or in this case not followed, to collect the data and equipment calibration before and after collection. This could make the data susceptible. Since Turrell Hall & Associates took over the study, they did collect data that they considered abnormal and inconsistent, but have always documented it and is why they believe it to be suspect.

Mr. Iaizzo asked Mr. Hall if because the data was not entered into STORET did that “hurt us.” He also asked if the reason the data is not in STORET is due to the technician not being State certified.

Mr. Hall said part of the reason the data is not in STORET is due to uncertified technicians. The main reason it is not in STORET is there was no protocol in existence to follow. When the protocol was first introduced, it was not a permit requirement and expensive, so it was not implemented. Just because there is not any paperwork to show all of that, it does not mean the data is not verifiable data. The issues raised have to do with two parameters. One is dissolved oxygen. The state has a mandated standard that dissolved oxygen levels cannot go below four and on a 24-hour period should average 5 or higher. They collect a “one-time grab” sample, not several over a 24-hour period. It levels depend on the time of day and time of year. The downside of not entering data into STORET is that the State could mandate their own water quality

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

collection and testing study and based on their data determine the water body impaired. It is possible that the water body is pristine in its natural state without dissolved oxygen levels above 5, but without coordinating the water body data to be site specific, then the risk is there that the water body could be declared impaired and the State would then impose restrictions and requirements to resolve the impairment. The second parameter is chlorophyll-a. Mr. Hall said he is not too concerned about chlorophyll-a, because the average data collected exceeds the standard. He said there might be some inaccuracies with some of the data and in prior annual reports, is documented as parameters to monitor.

Mr. Moffatt made a suggestion for the Services Division to develop a water quality collection and testing procedure manual.

Mr. Hall said the manual could be modified to reflect site-specific conditions and before and after field calibrations.

Mr. Cravens asked Mr. Hall how the different time of day reflects in the results.

Mr. Hall said the time of day and temperature make a difference. Generally, warmer waters and warmer temperatures result in lower dissolved oxygen. Different levels will result by taking a sample in the shade versus sunshine.

Chairwoman Womble asked what work is involved to revise the water quality collection and testing manual to be site-specific.

Mr. Hall said he recommends revising the water quality collection and testing manual in the new Clam Bay management plan. It would take about a week to review and rewrite, then to be safe, have their quality assurance and quality control consultants review it for accuracy. He added that if it is the Services Division's intent to keep taking water quality samples, yes, it is a good idea. If it were the County's intent to delegate authority elsewhere and incorporate water quality testing into their monitoring program, then it would be a waste of time and duplication of services.

Mr. Dorrill said this year's budget includes the assumption the Services Division would maintain control of the water quality monitoring in Clam Bay.

Mr. Iaizzo asked if the technicians are certified, otherwise the data is useless.

Mr. Hall said there are three certified technicians.

Mr. Iaizzo asked if there was already a duplication of effort with both the Services Division and the County testing water quality.

Mr. Hall said not yet.

Mr. Moffatt said the point he is trying to make is the Services Division may be able to preclude the County from delegating the task of water quality collection and testing elsewhere, the Board can show the County they have certified technicians to collect water quality data.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Mr. Dorrill suggested a Board motion and vote.

Mr. Moffatt made a motion to direct Turrell Hall & Associates to develop a revised and site-specific water quality collection and testing protocol that is quality assurance quality control (QAQC) approved for the technicians on site to follow and when complete, implement the protocol.

Mr. Cravens seconded the motion.

Dr. Raia asked what does chlorophyll-a measure.

Mr. Hall said chlorophyll-a measures the amount of chlorophyll or green plant material and algae growth.

Mr. Cravens asked if nitrogen affects chlorophyll-a growth.

Mr. Hall said in systems in Southwest Florida, it is both nitrogen and phosphorus, but probably more phosphorus-limited than nitrogen-limited

Mr. Moffatt asked if the data would be eligible for STORET if there is an implementation of a revised water quality data collection and testing protocol. His intention is to prevent another negative report, like the PBS & J one.

Mr. Hall said yes.

Mr. Cravens added to the motion. The Services Division will submit data collected to the appropriate state agency.

Chairwoman Womble added the data collected is to be commensurate with agency standards.

Dr. Raia referred to chlorophyll-a. He explained algae and sediment deprive the environment of sunlight and dissolved oxygen. He was trying to ascertain where the die-off is and what has precipitated the need for the many tests that are expensive because he does not see a die-off of anything. The only thing seen to die-off was the mangroves about 10-12 years ago, and the Pelican Bay community discovered what the cause was, fixed and paid for it. For some reason, the County has pursued additional testing. He asked the Chair to discuss the PBS & J report on the agenda because he felt the wording in the report is extremely critical of Pelican Bay. It is not fair. Staff worked very hard to solve the problem and be congratulated. Instead, the PBS & J report states the water collected by the Pelican Bay Services Division contains obvious errors. PBS & J also compares Clam Bay with Moorings Bay and finds Moorings Bay to be a better water body. The report is unprofessional and clear misuse of information. He distributed to the Board a 1981 Moorings Bay report by the Florida Department of Environmental Regulation (FDER.) The report offers suggestions to improve the water quality, circulation, and to lower the water depth in Moorings Bay by filling it in with sediment. The PBS & J report states Moorings Bay is too shallow and to improve water quality and circulation, Clam Pass be dredged to widen the connection between Moorings Bay and upper Clam Bay. The PBS & J report findings contradict the FDER report findings.

Madam Chair Womble said, "But the report is from 1981."

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Mr. Cravens asked Dr. Raia to clarify whether he was in favor of or opposed to the motion on the floor.

Dr. Raia said he was contributing information leading up to that. He acknowledged Mr. Moffatt's comment "we are the County." Clam Bay is County property and therefore County responsibility. Westinghouse gave the property to the County because the Army Corp. of Engineers determined that Westinghouse would not be a good custodian to preserve its natural state, and therefore a governmental entity should take over. 10-12 years ago, when the mangroves were dying off and needed fixing, the County Commissioners, even though the County owned the property, would not appropriate any money because they believed Pelican Bay to be a rich community. The County Commissioners gave Pelican Bay a green light to pay for and fix the problem themselves. The Pelican Bay community spent their own \$1,000,000 to fix the problem. He stressed that if the County wants to take over the responsibility of Clam Bay, then they should be paying in entirety. The Services Division is happy to pay for the program if the the Services Division is the custodian, to ensure Clam Bay stays pristine. If the Services Division is going to go through with a water quality program, then the County should not be duplicating services. He said according to Ross Obley in the water management video, Pelican Bay designed the water management system for the South Florida Water Management District. His referred to his second handout from the South Florida Water Management District entitled Table 2. Water management systems are based upon the amount of impervious and pervious surface land. A greater amount of impervious surface land results in runoff and pollution

Mr. Moffatt said, "What does this have to do with my motion, I'm confused."

Dr. Raia said, "I don't want to waste any money. I listened to you Jerry. I did not interrupt you. Please let me finish."

Chairwoman Womble asked Dr. Raia to, "Get to the point, Ted."

Dr. Raia continued, "Because we are talking about water and pollution and the County's responsibility." From what he understands, the water management system in Pelican Bay is designed for certain areas where there is cluster housing. Table 2 clearly states the appropriate quantity and percentages of pervious and impervious surface areas in Pelican Bay. That is how a water management system should work. The County does not define coastal development in the same way. To the County, Pelican Bay is one whole cluster without creating any additional open land because the golf course and Clam Bay have already been declared the land used for open space. Pelican Bay's water management system does not say that, so he believes there is a disconnect between the amount of water that can flow off the land into Clam Bay and what may be actually happening. If this disconnect exists, then it would be appropriate for the Services Division to ascertain whether a problem exists. "That is my point on that particular issue. Thank you."

Madam Chair Womble said, "Well that got into the record."

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Mr. Moffatt referred to the PBS & J revised executive summary. He believes it is misleading. From what he understands, the consultant for PBS & J is going to come to the Services Division's next meeting and review the report before it goes to the County Commissioners.

Mr. Dorrill said no.

Madam Chair Womble asked Mr. Moffatt from whom did he receive the information.

Mr. Moffatt said from John Arceri, Chairman of the Clam Bay Advisory Committee (CBAC.)

Mr. Dorrill said from his understanding, the Mr. Arceri intends to discuss further the PBS & J report at the next CBAC meeting on November 19.

Dr. Raia said to Mr. Moffatt that he believes the CBAC has already voted to submit the PBS & J report to the Commissioners. He wondered how they could change their vote not to submit the draft to the County Commissioners without having another meeting.

Mr. Moffatt said his understanding is the report will not go before the Commissioners until December 15.

Dr. Raia said, "So much for the Sunshine Law. Somebody decided something."

Mr. Levy asked Mr. Moffatt if he had a revised executive summary.

Mr. Dorrill said Mr. Moffatt is referring to a different executive summary, one that is a staff submitted document. He is not referring to the PBS & J report's executive summary.

Mr. Moffatt said his point is the Services Division should do everything it can to reflect more accurately the facts and avoid misinterpretation before it goes to the Commissioners.

Mr. Cravens said it was still unclear as to what report Mr. Moffatt was referring. Was it the staff executive summary or the executive summary in the PBS & J report.

Mr. Moffatt said the executive summary he was referring was the one prepared by John Arceri, Chairman of CBAC.

Mr. Dorrill said it is his understanding that the staff executive summary would have been written by Gary McAlpin. It is a preliminary document, not yet scheduled for a BCC agenda. Mr. McAlpin may want it to be on the agenda, but Mr. Dorrill discussed the Board's concerns with Michael Sheffield, Assistant County Manager, and that resulted in the item pulled from the Commissioners' November 10 meeting agenda.

Mr. Cravens said he believes the CBAC will sunset at the end of December 2009 and in order to extend the committee, the Commissioners are required to approve an extension.

Mr. Dorrill said yes, the CBAC would sunset on December 31, 2009 unless the Commissioners extended it, so he understands Mr. McAlpin's sense of urgency to get the extension before it expires.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Mr. Moffatt said at least two members of the CBAC will resign at the end of their term and their vacancies advertised. He does not believe the CBAC will finish in time and the initial six months extension will be extended.

Mr. Cravens said the CBAC reports to the Coastal Advisory Committee (CAC) and to the Commissioners.

Dr. Raia noted the PBS & J report does not say it is a draft. It states it is final.

A Board vote was taken on the motion and was approved unanimously.

Mr. Moffatt made a motion to direct Turrell Hall & Associates to develop a revised and site-specific water quality collection and testing protocol that is quality assurance quality control approved for the technicians on site to follow and when complete, implement the protocol. Data collected shall be commensurate with state agency standards and submitted accordingly. Mr. Cravens seconded the motion. A Board vote approved unanimously the motion.

AUDIENCE COMMENTS: RECENT CLAM BAY REPORTS BY HUMISTON & MOORE AND PBS & J

Mr. Bob Naegele, resident since 1994 and Chairman of the Pelican Bay Foundation, said thank you to the Pelican Bay Services Division past and present on work done because, "It is a thankless job and probably most misunderstood by Pelican Bay residents and by the County. The Services Division has established a great precedent and for a very long time was in charge of Clam Bay and the Pelican Bay water system. The Services Division became a casualty of no good deed goes unpunished and something happened." He referred to some emails going back and forth and read one, "from someone who shall remain nameless. He read, 'They have taken away the authority of the Pelican Bay Services Division to renew the ten-year permit. They have created the CBAC effectively taking control out of Pelican Bay. They have established a sunset date for this committee, moving the last voices of Pelican Bay.' Now that will extend should this December 15 meeting take place. 'They have subordinated the CBAC to the CAC making it ineffective and not to be heard from. They have created the Clam Bay Estuary, a geographical entity not supported by anything and they have averaged data for this new entity to set the stage for further action. All of this has happened in a matter of months in the Sunshine and properly accepted and approved by our government. Now it is a slap in the face for each of you who have paid the price. I see Coleman Connell sitting down there too as a former Chairman. I just wanted to congratulate you and take a moment of lament. My second piece is this. Humiston & Moore, and Turrell, Hall & Associates, have been wonderful consultants to what we have established over time. We are grateful to them and their good counsel. Then this report comes out by PBS & J. You just discussed the executive summary published as final, but we know there is going to be work as Mr. Moffatt pointed out there are serious errors in it. In the Humiston & Moore October 27, 2009 response to Mr. McAlpin, Ken Humiston defends some of the allegations made by PBS& J.'" Mr. Naegele read from the first page, "The PBS & J report disregards the circumstances under which the H&M study was conducted in describing the H&M modeling study.'" Mr. Humiston continues to rebut specific allegations made,

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

and this could not have been easy as he may still want to do business with the County, but he had to stand up and say, I raise my hand in objection. He did it respectfully and quite comprehensively.” The last page of Mr. Humiston’s letter reads that new parameters could have been added to the model framework without the need to create a new model.” This is a little misleading on several levels and the most obvious is that PBS & J is proposing to create a new model. If you are trying to create a new model, then you are trying to get a different result and that is what is most troubling because we have seen from the original David Tomasko report, now followed up to this report, that there are huge contradictions. As a resident, the thing that galls the most is that what we have done is historic and we are being compared to a sewer to the south called Venetian Bay where there are seventy -one pipes directly feeding into Venetian Bay. There are a number of boat slips with boat pump out stations and another one up in the County called Vanderbilt Lagoon, which is another sewer. We are being put in a situation that our water is impaired. Folks this is not right, this is not fair, and this is not factual. Thank you.”

Mrs. Marcia Cravens identified herself as President of the Mangrove Action Group and that she was speaking for herself as a resident, for the organization, Mangrove Action Group, and for the over 2,400 who have signed the petition in support of no action that would significantly alter the Clam Bay preserve area. She referred to information she received from County ordinances regarding recent species list and some historic pages regarding Clam Bay. She refers to several County documents including the Pelican Bay Planned Unit Development (PUD) covenants, the 1991 Collier County Coastal Zone Management plan, a 1992 Collier County Ordinance, the Collier County Growth Management Plan, and Army Corp of Engineers which all state that the area north of Clam Pass is the Pelican Bay Conservation Area. The area is maintained in perpetuity for conservation purposes, protection of natural resources, scenic beauty, and aesthetic value. Further, no building structure, facility, or other improvement shall be placed in the conservation area without written approval by grantor and grantor has a right to reject any offers. The Army Corp of Engineers permit restricts dredging of Outer, Inner or Upper Clam Bay. Motor driven vessels are restricted from the sea grass bed area. The Clam Bay system shall be posted as no wake zone. A major goal of the Growth Management Plan’s Conservation and Coastal Element is for the County to focus attention on the ways and means to protect, preserve, and conserve wildlife, and improve the natural habitat of the Clam Bay ecosystem. On behalf of the 2,400 + Mangrove Action Group petitioners and overwhelming sentiment of Pelican Bay, she asked the Services Division Board to do everything in its power to protect the Clam Bay ecosystem from being degraded, or its function misused, to keep it in its natural state so that it can serve its purpose. She added that Collier County received Federal funding as part of the Water Resources Development Act (WRDA) and said Collier County’s proposal misrepresented the Clam Pass Natural Resource Protection Area (NRPA) calling it the Clam Bay Mangrove Forest Estuary as having “recently experienced alarming increases in nutrient level loading. It is absolutely untrue and borders on fraud.” She

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

further explained that this WRDA proposal is not dead, it simply did not get any action taken in 2008 or 2009, however the House has passed a WRDA type bill and it is currently in the Senate. She requested every Board member write a letter to U.S. Senators Bill Nelson and George Lemieux indicating how they felt about this.

Ms. Sara Wu, resident of Seagate said she was nervous to be here because she thought, “you might get a little bit upset for me being here. The only reason why I’m here is because I get this feeling from emails I’ve seen out there and documents that people are looking at the PBS & J report and pointing fingers at one another, making accusations, claiming there is some conspiracy out there to dredge Clam Bay.

Chairwoman Womble assured Ms. Wu that no one was upset that she was here.

Ms. Wu asked the residents of Pelican Bay to be objective, put past conflicts aside, and work together with Seagate and the County to make Clam Bay a better place than it already is. “It is a great system, it is beautiful, but according to the report, there are some water quality issues that need to be addressed objectively and move forward.”

Chairwoman Womble affirmed what Ms. Wu said to ensure she understood. One point was for Pelican Bay residents to look at things objectively and the other was that Clam Bay could be used in a better way. She asked Ms. Wu what she meant by better way.

Ms. Wu said she did not think she said that Clam Bay can be used in a better way, but she wants water quality to be better, she wants more wildlife, “my canal to be cleaner” and “particularly the water quality in Clam Bay can improve and should improve. This is a baseline report.” She asked Mr. Hall if his water quality sampling sites were more or less than what was done by PBS & J, specifically the number of sites and if they pulled from below the boardwalk or stopped at the boardwalk.

Mr. Hall said the sampling they do is in conjunction with the development, but overall they sample more sites than PBS & J did, but in the Bay itself, less.

Ms. Wu asked how far south did they go.

Mr. Hall said they stop at the culvert that separates Seagate drive.

Dr. Raia asked Ms. Wu if she lived on one of the canals in Seagate.

Ms. Wu said yes.

Dr. Raia said it is difficult to flush those canals because they are quite a bit deeper than Clam Bay.

Ms. Wu said yes.

Dr. Raia said Pelican Bay did not build the Seagate canals.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Ms. Wu said she understood that but, “what is getting emptied into those canals has to go somewhere and I’m sure that is impacting the health of the estuary. We need to be as comprehensive as we possibly can. You guys have done a wonderful job with the mangroves. I commend you for that but that is not all there is to managing Clam Bay.”

Dr. Raia asked what she sees as the problem.

Ms. Wu said she did not know, she is not a scientist, but based on her observations she sees a problem when she is kayaking. “I do not think that silt and cloudy water is necessarily healthy water.” There is algae growth, less fish and fewer dolphins.

Mr. Moffatt said to Ms. Wu that her comments were welcome and referred to the last meeting where he said the Services Division and Pelican Bay should act responsibly or they will not have a chance to continue to manage Clam Bay. Because the odds are stacked against them, Pelican Bay Services Division must take some positive action to show good management. He referred back to his mention of the executive summary clarified he received an email from Gary McAlpin. Mr. McAlpin and staff prepared the executive summary at the direction of John Arceri, Chairman, CBAC. The CBAC will discuss the PBS & J report at the November 19 meeting and present to the County Commissioners on December 15. He hopes PBS & J will come to the Services Division’s next meeting to discuss, so the Board can provide input.

Dr. Raia asked Mr. Moffatt if there was any reason why he did not forward that email to the Board, so they could be prepared for today’s comments.

Mr. Moffatt said he has been busy, so he did not have a chance. He added the changes were not substantial.

Dr. Raia said the sediment report lists certain metals found and this does not make Pelican Bay look good. He added the metals could only come from certain entities, one being, “the Caloosa Indians were practicing some type of metallurgy there, or the reused water is not purified enough, or it could leech from the pylons that support the boardwalk. If that were the case, it would be an insurmountable cost to try to resolve. On the other hand, there is no mangrove die-out near any of the pylons and none of the wildlife is dying. Where is the problem we are trying to fix? Seagate was built in 1950 and sold the way it is today with a very shallow Clam Bay.” He wishes they could help Seagate, but “if they expect us to dredge a six foot deep channel to flush those canals it is going to be very difficult to accomplish.”

Ms. Wu said she never said anything about dredging Clam Pass.

Mrs. Cravens said the Pelican Bay Conservation Area still exists and the Natural Resource Protection Area (NRPA) is another layer to this conservation area. In 1999 a judge ordered Collier County to create two NRPAs, one for publicly owned conservation areas and one for privately owned conservation areas. The problem is the Clam Bay Advisory Committee is has re-defined the existing estuary into an extended and very large one including Seagate and Moorings Bay.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Seagate and Moorings Bay are not in the NRPA, but the CBAC is trying to incorporate those areas into the NRPA management plan, a deviation from the original plan.

Ms. Linda Roth, resident of Pelican Bay's Montenero read a section of the Naples City Council workshop minutes of May 19, 2008. Al Katz, Vice President, Save the Bays of Naples said at least eighty beach outfall pipes empty into the Moorings Bay system which carry pollutants and storm water. She showed pictures of the pipes mounted into the cement walls of the Seagate canals. All homes have pipes that empty into Moorings Bay. She referred to the PBS & J report which states the water in Moorings Bay and Seagate canal is better than Clam Bay according to the criteria of dissolved oxygen and chlorophyll-a and all graphs in the report show this. Either the study is wrong or the Naples City Council minutes are wrong. There are many more Naples City Council meetings where the minutes read that Moorings Bay pollution is due to the piping system. Referring to Ms. Wu, she said Seagate wants the water cleaned up, but according to this report, they do not have a problem in Moorings Bay, so there is something wrong here.

Chairwoman Womble said thank you and said to Ms. Roth that she received her email about grass clippings and that Mr. Lukasz can address that with her.

ADMINISTRATOR'S REPORT: CAPITAL FUNDS INTERNAL AUDIT REPORT

Mr. Dorrill said at the October meeting, the Board directed him to contact the Clerk's internal auditor and request them to prepare an analysis of beginning cash balances back to the inception of capital funds 320 & 322. He said the carry forward numbers on the report correspond with the amounts budgeted or anticipated for carry forward. There are several reasons why. Based on the actual encumbered or still in process purchase orders, sometimes it is difficult to determine how much has been or will be spent before the end of the year. The County staff has not yet resolved to his satisfaction how the County accounts for interest earnings that would accrue on the Services Division's funds and cannot co-mingle with general revenue. Thirdly, as he reported last month, there was a mistake made in the calculation of the year-end budget amendment in an advertised public notice published in the Naples Daily News. The capital funds audit report he distributed and presented is part of today's record. The bottom line is the money is there. The year-end balance of Clam Bay capital fund 320 is \$381,645 and capital fund 322 is over \$1 million. There are other reserves with surplus as well. Last year's numbers for fiscal year 2008-2009 are not final. State reporting requirements allow until spring, 2010. He thanked Ms. Crystal Kinzel, Clerk's Finance Director and Mr. Derek Johnssen, Clerk's General Account Manager for their assistance.

ADMINISTRATOR'S REPORT: MONTHLY FINANCIAL REPORT

Mr. Dorrill presented the Clerk Finance Department's newly formatted monthly financial statement. He said it is partially complete because it reflects actual revenues and expenses. The next version will include the adopted budget with a

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

variance column so the Board can see its performance. This report will be generated for all funds monthly, from a profit and loss perspective. It is Mr. Dorrill's goal to have a report with all funds available to the Board, the Friday before a scheduled Board meeting.

CHAIRWOMAN'S REPORT

STRATEGIC PLANNING UPDATE

Chairwoman Womble thanked those present at the meeting from the Strategic Planning Committee, Ronnie Bellone and Bob Uek, and Steve Sammons, Sr. Associate and Landscape Architect, Wilson Miller, and Sabrina McCabe, Land Planner, Wilson Miller, for their tremendous effort on the Community Improvements Planning study. She announced several future joint workshops and meeting. November 10, 2009 Pelican Bay Services Division (PBSD) and Pelican Bay Foundation Strategic Planning Committee (SPC) Phase I "Kickoff," joint workshop, 12:30 PM – 2:30 PM; November 17, 2009 & November 30, 2009 PBSD and SPC joint workshops, 2 PM – 4 PM; and November 19, 2009 town hall style community educational meetings, 2 PM – 4 PM and 7 PM – 9 PM. In regards to the Community Improvements Planning study, she reported SPC members would do their best to be mindful to communicate and collaborate effectively with the Services Division Board members. The entities have a common interest, both as residents and as Committee or Board members to help achieve what is best for the Pelican Bay community. Communication with the community is a high priority also.

Mr. Iaizzo thanked the Foundation for publicizing their Strategic Plan agenda in the November issue of the Pelican Bay Post, and suggested that an update and upcoming community meeting schedule published in each issue. He stressed the importance of community involvement and feedback.

Mr. Sammons confirmed the Board has the most recent Pelican Bay Community Improvements Planning study Phases I-III Proposed Schedule 2009-2010 because it includes the meeting times.

Mr. Moffatt asked for a copy of the inter-local agreement.

Chairwoman Womble asked Ms. Resnick to provide to the Board.

Ms. Resnick acknowledged and said she will provide copies for the Board.

Mr. Dorrill asked Mr. Sammons if he would explain what the Board and audience can expect at next week's November 10 joint workshop.

Mr. Sammons said based on information obtained from individual interviews with Board, Committee and staff members, and other base data, Wilson Miller will "kick-off" the Community Improvement Planning study presenting an overview of conceptual information to demonstrate where they began and where they are heading.

CAPITAL PROJECTS

LAKE BANK ENHANCEMENTS

Mr. Lukasz said work is underway on the Oakmont Lake should be complete next week.

CROSSWALK AND INTERSECTIONS THERMOPLASTIC RESTRIPING UPDATE

Mr. Lukasz said contractors have completed most of the thermoplastic re-stripping, however they missed the area on Hammock Oak to restripe the directional lane markings at the intersection. He has notified the Transportation department they are going to try to get the contractor to come back relatively soon.

Mr. Gibson said the modification of the North Tram parking lot is great, but he may want to place a “right turn only” sign at the exit, so that people are not confused and turn left resulting in an accident.

Mr. Lukasz said he would look into the modification.

AUDIENCE COMMENTS

Ms. Cathy Stenza, Pelican Bay resident of Pebble Creek said she was here with her husband and several neighbors. Regarding the North Tram station crosswalk, they are concerned because cars do not stop at the crosswalk. There have been many near misses and they requested a warning device, similar to the one at Myra Janco Daniels Boulevard with lights because the stop for pedestrians sign at the crosswalk is not working. She said when she tried to get a car to stop, “the driver flipped me the bird.”

Dr. Henry “Hank” Di Vincent, also a resident of Pelican Bay’s Pebble Creek said the difficulties that exist are from the south side there is a straightaway and from his observations, cars rarely go the 30 MPH speed limit. From the north east side it is a curve and one’s eye catches the North Tram station, not the signage at the crosswalk. He said he is a retired orthopedic surgeon and he has seen serious accidents and injuries. The time to act is now because when an emergency happens it is too late. He has seen many near misses. If someone is seriously injured or killed there, there will be a lawsuit against Pelican Bay and every property owner from A-Z. He said when he has tried to stop cars people have given him the finger, as well.

Chairwoman Womble said thank you and acknowledged Mr. Sammons taking notes, so Wilson Miller can address this safety issue in the Community Planning and traffic calming study.

Mr. Moffatt said the Board tabled a motion to address and wait until the results of the community planning study are in. He recalled installation of piano keys was the solution and asked Mr. Lukasz for a status update.

Mr. Lukasz said contractors followed the original design, restriping only, not installing piano keys.

Mr. Moffatt asked if the Board could ask Carmine to patrol the area and give it some extra attention.

**Pelican Bay Services Division Advisory Board Regular Session Summary Minutes
November 4, 2009**

Dr. Raia asked Mr. Lukasz what was the cost of the crosswalk at Myra Janco Daniels.

Mr. Lukasz said approximately \$40,000.

Mr. Cravens said the North Tram station crosswalk is one of the most heavily used in the community.

Ideas exchanged amongst Board members concluded the North Tram station crosswalk gets more use than the Myra Janco Daniels crosswalk. The Myra Janco Daniels crosswalk was designed for nighttime use.

Mr. Joe Stenza said he has seen Carmine stop drivers at this crosswalk and issue tickets.

Mr. Steve Seidel resident of Pelican Bay's San Marino said he discussed this safety issue last year with this Board. The only solution is a stop sign or traffic signal. Another consideration is most offenders are not residents of Pelican Bay.

Dr. Raia asked what is required to install a stop sign at the crosswalk.

Chairwoman Womble said the last time they looked into installing a stop sign at the crosswalk, the Department of Transportation denied it as not warranted, but they can try again.

Mr. Lukasz said he could check again with the Department of Transportation.

Mr. Seidel asked if they could install flashers before the crosswalk on each side.

Mr. Cravens said the solution is to install a crosswalk like the one at Myra Janco Daniels Boulevard.

Chairwoman Womble suggested they wait for suggestions from Wilson Miller.

Mr. Dorrill said Mr. Moffatt acknowledged the Board tabled this item to wait for the results of the community planning study. He added that maybe the Board could ask Wilson Miller to expedite a review of this crosswalk and offer preliminary and interim solutions at the next meeting on December 2. He added the Board should keep in mind that modifications must meet uniform traffic standards and associated liability issues.

Mr. Sammons said he would brief Jeff Perry of Wilson Miller about the crosswalk at the North Tram station. Mr. Perry is presenting the transportation segment on November 10. Mr. Sammons could not guarantee a solution, but at the very least, an acknowledgement.

Chairwoman Womble asked if a temporary solution to slow cars could be determined.

Mr. Sammons said a temporary solution is more probable.

Mr. Dorrill said staff would contact Carmine about patrolling the crosswalk.

Chairwoman Womble said there are no scheduled Safety Committee meetings currently, but in the future, perhaps the committee could work with Wilson Miller to come up with a solution for areas of concern. She explained to the audience and addressed the residents from Pebble Creek. She thanked the residents and acknowledged the problem at the North Tram station crosswalk and she said the Services Division would try to find a timely solution.

Mrs. Cravens said Mr. Cravens created a website called <http://clambay.net>.

Chairwoman Womble said thank you to Ms. Resnick and Mr. Cravens for their work on the new website at <http://pelicanbayservicesdivision.net>. She said it is looking more attractive and more information is forthcoming.

COMMITTEE REPORTS AND/OR REQUESTS

Mr. Cravens acknowledged there is a vacancy on the Safety Committee now that Mr. Gravenhorst resigned.

Chairwoman Womble asked for volunteers.

Mr. Gibson volunteered.

Chairwoman Womble assigned Mr. Gibson to the Safety Committee.

OLD BUSINESS None

NEW BUSINESS None

MISCELLANEOUS CORRESPONDENCE

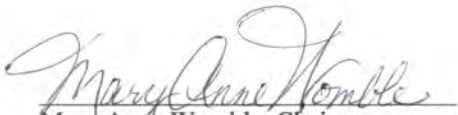
ONGOING PROJECTS STATUS SHEET

Mr. Dorrill said the project status sheet updates monthly. The last item on the list is was the Board's direction to the Administrator to request to audit capital funds statements, which is complete. There are several items to add as directed by the Board at this meeting. New items to include are the Board request to contact Carmine for traffic patrol at the North Tram Station crosswalk; Board request that Mr. Lukasz inquire with the Transportation Department about installing a stop sign or other traffic control device at the North Tram station crosswalk. The Board also requested that Mr. Lukasz get with Wilson Miller for an expeditious and temporary solution to slow down traffic at the North Tram Station crosswalk. The next regular Services Division Board meeting is December 2, 2009 at 1 p.m. in this room.

ADJOURNMENT

A motion and second was made to adjourn and the Board voted unanimously to adjourn.

A motion and second was made to adjourn and the Board voted unanimously to adjourn.


Mary Anne Womble, Chairwoman