

**SUMMARY MINUTES
PELICAN BAY SERVICES DIVISION BOARD REGULAR SESSION
JANUARY 6, 2010**

LET IT BE REMEMBERED that the **Pelican Bay Services Division Board**, in and for the County of Collier, having conducted business herein, met on **Wednesday, January 6, 2010 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	Michael Levy
Keith Dallas, Vice Chairman	Gerald Moffatt
Tom Cravens	Hunter Hansen
Geoffrey Gibson	Theodore Raia
John Iaizzo	

Pelican Bay Services Division Staff

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

Community Improvements Plan Update Presentation

Kevin Mangan, Principal & Landscape Architect, Wilson Miller

AGENDA

1. Roll Call
2. Wilson Miller Community Improvements Plan Update
3. Agenda Approval
4. Approval of Summary Meeting Minutes
 - a. November 17, 2009 Community Improvements Plan Joint Workshop
 - b. November 19, 2009 Community Improvements Plan Community Educational Meeting Session One
 - c. November 19, 2009 Community Improvements Plan Community Educational Meeting Session Two
 - d. November 30, 2009 Community Improvements Plan Joint Workshop
 - e. December 2, 2009 Regular Session
5. Audience Participation
6. Administrator's Report
 - a. Independent Expert PBS & J Clam Bay Analysis Peer Review Update
 - b. North Tram Station Pedestrian Safety Issues Update
 - c. Monthly Financial Report
7. Chairwoman's Report
 - a. Pelican Bay Services Division Board Applications Discussion & Recommendations
 - b. Community Improvements Plan Update (by Vice Chairman Dallas)
 - c. Notice of Upcoming Meetings
8. Capital Projects
 - a. Lake Bank Enhancements
 - b. South Berm Reconstruction
9. Community Issues
10. Committee Reports and/or Requests
11. Old Business
12. New Business
13. Miscellaneous Correspondence
 - a. Ongoing Projects Status Sheet
14. Audience Comments
15. Adjournment

ROLL CALL

All Board members were present and quorum established.

WILSON MILLER COMMUNITY IMPROVEMENTS PLAN UPDATE

Mr. Kevin Mangan said Mr. Steve Sammons was here today, as well as Mr. Wayne Hart to answer transportation-related technical questions. He announced the January 11 Community Improvements Plan town hall meetings. At the December town hall meetings, Wilson Miller explained the Community Improvements Plan process. At this meeting, the audience is encouraged to participate in the design review process and provide input. They met with the County's transportation department December 21 regarding the North tram station crosswalk interim and long-term solutions. The County will assist with the interim solution by bringing to crosswalk to current standards with high visibility striping; a stop bar as close to crosswalk as possible, or twenty feet, and replace signage.

Madam Chair Womble asked what the time line is.

Mr. Mangan said it should take several weeks for the County to complete the designs and then a few weeks more to install. He and Mr. Lukasz determined it would cost approximately \$4,000 to bring the crosswalk to current traffic standards. It will provide a higher visibility to drivers.

Madam Chair Womble asked if they could use the same designs for improvements in the future for consistency.

Mr. Mangan said yes. There may be some modifications made as necessary, but the striping and signage meets current traffic standards.

Mr. Dallas said he thought this was a temporary solution for this crosswalk and they were going to hold off on other areas until they come up with long-term solutions.

Mr. Mangan said there might be some areas done in advance utilizing intermediary solutions and those areas will meet current 2010 standards. They will introduce long-term solutions later.

Mr. Gibson asked Mr. Mangan to describe a stop bar and if it is similar to a speed bump with high friction surface.

Mr. Mangan said no, a stop bar is not like a speed bump. The high friction surface is a different color from the roadway, is made of crushed material, and applied as an epoxy to the asphalt. It makes a tactile noise as one drives over it.

Mr. Moffatt asked if the \$4,000 estimate includes providing electricity and flashing lights like the design shows.

Mr. Mangan said the yellow flashing lights, estimated to cost \$9,000 for lighting and wiring is supplemental to standard signage and striping.

Mr. Cravens asked if the flashing light is activated or continuous.

Mr. Mangan said continuous flashing is under consideration. Activated lighting is something they are looking into for the future.

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Mr. Cravens said his concern is that drivers would become accustomed to a continuous flashing light, whereas if pedestrians activate the lights, it would be more effective.

Mr. Mangan said activation is something they are looking into in the future. Right now, they are focusing on current standards for signage and striping.

Madam Chair Womble thanked Wilson Miller for addressing this community issue so quickly and efficiently.

Dr. Raia asked if solar power could offset the cost of wiring electricity.

Mr. Lukasz said the cost considers solar power.

Mr. Iaizzo asked if he could make a motion to move ahead on this project.

Madam Chair Womble said they have already approved moving forward and waiting for final plans to approve.

Mr. Mangan said the County's transportation department is working on the final plans. He provided the Collier County Sheriff's office incident report to Ms. Resnick to distribute electronically.

Mr. Gibson asked if Board members should attend the January 11 town hall meetings.

Mr. Mangan encouraged the Board members to attend.

Mr. Moffatt referred to the designs for crosswalks at other locations and asked if those projects are moving forward.

Mr. Mangan said no. They are midblock crosswalks identified to improve in the future.

Mr. Hoppensteadt said there is a change order received from Wilson Miller for three roads not included in the original scope: Crayton Road, Myra Janco Daniels Boulevard, South Ridgewood Drive and southern edge of Vanderbilt Beach Road. Total cost is \$5,880. Breakdown is \$1,560 for the Foundation and \$2,320 for the Services Division and the Board needs to approve it.

Mr. Dallas made a motion to approve the Community Improvements Plan change order received from Wilson Miller adding Crayton Road, Myra Janco Daniels Boulevard, South Ridgewood Drive and the southern edge of Vanderbilt Beach Road not included in the original scope. Total cost is \$5,880. Breakdown is \$1,560 for the Foundation and \$2,320 for the Services Division and the Board. Mr. Cravens seconded. The Board voted unanimously to approve the motion.

Mr. Moffatt asked does the County need to approve the change order.

Mr. Dorrill said he believes the Services Division was delegated that authority. A budget amendment however, would require Board of County Commissioners approval. He will verify and report.

AGENDA APPROVAL

Dr. Raia requested an add-on agenda item to provide and discuss information regarding installing navigational markers in Clam Pass.

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Madam Chair Womble asked if the information being given is of concern and under the Services Division's purview, or educational in nature.

Dr. Raia said he respects the Board of County Commissioner decision to remove responsibilities for Clam Bay and Clam Pass from the Services Division however, the Services Division's Board is responsible for advising the Commissioners of the community's concerns. He believes to strike a balance between the two, under no circumstances should they expend funds toward Clam Bay, but he shares his constituency's concerns and believes those concerns should be brought before the Commission.

Madam Chair Womble recognized Dr. Raia's agenda item as educational in nature.

Mr. Dorrill said he normally would consider this to be new business, however, "let me give you my standard disclaimer. Dr. Raia and I have had this conversation before and with all due respect, to Dr. Raia, a more appropriate forum and manner to address his specific concerns would be the Foundation in their capacity as master homeowners association. If the Board continues to involve itself periodically in issues where we have neither a property interest or a rule or policy, or restrictive covenant, you are going to run the risk and incur the ire and at some point the wrath of the County Commission. I think they have made it abundantly clear that this advisory board has wide responsibilities to the community but they do not include the issue and dispute between the Foundation and the County with respect to navigational markers. If we are going to have this sort of discussion every month, I just want the Board to understand my professional concern is that we are headed down the wrong path and one that you are going to find yourself increasingly in conflict with people in the County we are trying to work with." He said he does not know if the Foundation encourages or solicits public comment at their Board meetings, but I am just concerned if we continue to bang this drum we are going to find ourselves in unnecessary conflict."

Dr. Raia said this Board really has not had a chance to discuss this issue because every attempt was intercepted. Some of it was by Mr. Dorrill's comments, which he does understand his position considering Mr. Dorrill works for the County.

Madam Chair Womble interrupted Dr. Raia and asked him if he was interested in discussing this on the agenda. She agrees with Mr. Dorrill, however, if he has something educational to provide, it is his right, but they need to move on and put the item on the agenda as number twelve, new business.

Mr. Cravens made a motion to approve today's January 6, 2010 agenda as amended. Mr. Dallas seconded. The Board voted unanimously to approve the January 6, 2010 agenda as amended.

APPROVAL OF SUMMARY MEETING MINUTES

NOVEMBER 17, 2009 COMMUNITY IMPROVEMENTS PLAN JOINT WORKSHOP

Mr. Levy made a motion to approve the November 17, 2009 Community Improvements Plan Joint Workshop summary minutes. Mr. Hansen seconded. The Board voted and approved unanimously the November 17, 2009 Community Improvements Plan Joint Workshop summary minutes.

NOVEMBER 19, 2009 COMMUNITY IMPROVEMENTS PLAN EDUCATIONAL MEETING SESSION ONE

Mr. Moffatt made a motion to approve the November 19, 2009 Session One Community Improvements Plan Educational meeting summary minutes. Mr. Cravens seconded. The Board voted and approved unanimously the November 19, 2009 Session One Community Improvements Plan Educational meeting summary minutes.

NOVEMBER 19, 2009 COMMUNITY IMPROVEMENTS PLAN EDUCATIONAL MEETING SESSION TWO

Mr. Moffatt made a motion to approve the November 19, 2009 Session Two Community Improvements Plan Educational meeting summary minutes. Mr. Dallas seconded. The Board voted and approved unanimously the November 19, 2009 Session Two Community Improvements Plan Educational meeting summary minutes.

NOVEMBER 30, 2009 COMMUNITY IMPROVEMENTS PLAN JOINT WORKSHOP

Madam Chair Womble amended page 32 to read, "... they should put meeting and site walk notification cards on the tram."

Mr. Levy made a motion to approve, as amended, the November 30, 2009 Community Improvements Plan Joint Workshop summary minutes. Mr. Dallas seconded the motion. The Board voted and the motion approved unanimously to approve the November 30, 2009 Community Improvements Plan Joint Workshop summary minutes.

APPROVAL OF SUMMARY MEETING MINUTES OF DECEMBER 2, 2009 REGULAR SESSION

Mr. Levy amended page 8259. He said he voted in favor of the motion, not against it.

Mr. Dallas made a motion to approve as amended the December 2, 2009 Pelican Bay Services Division Regular Session summary minutes. The motion was seconded. The Board voted and approved unanimously as amended, the November 30, 2009 Community Improvements Plan Joint Workshop summary minutes.

AUDIENCE PARTICIPATION

Mr. Steve Seidel, resident of San Marino at Pelican Bay referred to the pathways south of St. Raphael from Pelican Bay Boulevard to the berm. He believes it is County property and has received several complaints from residents concerned about safety and they requested better lighting along the pathway.

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Mr. Hoppensteadt said the pathway is Gulf Bay property and the Foundation is aware and working with Gulf Bay properties for their approval to begin the electrical work.

Ms. Mary Johnson, Mangrove Action Group, said they must restore transparency and accountability to the County's plans to manage Clam Bay and Clam Pass. She distributed comments she said she originally provided to the Board of County Commissioners on 12/15/09 regarding the reasons why a strong neutral peer review should take place before this issue moves forward. She has concerns about Clam Bay studies done recently and work being proposed.

Mrs. Marcia Cravens, President, Mangrove Action Group stated their mission to monitor the entire Pelican Bay Conservation Area and ecosystem. She referred to the County's Growth Management Plan and policy 1.1.4 that states the appropriate County agency should continue to work with private organizations such as the Mangrove Action Group. She presented the Mangrove Action Group's commissioned and paid for Independent Peer Review by Harold R. Wanless, University of Miami. She requested this Board accept the Harold R. Wanless peer review under agenda item 6 A and vote to recommend it as the Services Division's choice of review of the Post Buckley, Schuh, & Jernigan or PBS&J Clam Bay Analysis, and not address any additional funding on this issue.

Ms. Linda Roth agrees with Mrs. Cravens' recommendation. The County's recommendations for peer review that include Dr. Dean, University of Florida are not neutral. She recommended Dr. Joseph Donaghue, Florida State University. She distributed information regarding the peer reviewers.

Mr. John Domenie said he was a former member of the Services Division Board for seven years, but resigned because he does not agree with the County's approach to many issues. Considering the new mangrove growth west of the berm, he questions the study stating water impairment. He does not believe the PBS&J study is factual. He disagrees with Mr. Dorrill statement made at the December 2009 meeting and quoted, "A political decision has been made and that this Board should discontinue involving itself in issues that are not under its jurisdiction." The decisions made by this board are sacrificing the health of the mangroves for political reasons. Political decisions can be reversed, dead mangroves cannot.

ADMINISTRATOR'S REPORT

INDEPENDENT EXPERT PEER REVIEW OF PBS & J CLAMBAY ANALYSIS UPDATE

Mr. Dorrill said the County Commission approved an executive summary in December 2009 with respect to Clam Bay that took into account the Chairwoman's requested modifications to perform an independent peer review. He believes the County Manager went "above and beyond" to ensure that they address this Board's concerns. It is somewhat unusual for two County Divisions to be competing against one another, but the County quickly grasped the idea for an outside peer

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review. He explained there was implied criticism in the way the Pelican Bay Services Division conducted historical water quality sampling. This Board decided in December to as early as next meeting, review, short list, and vote to recommend one individual or maybe the top three individuals to the County Manager to move forward an independent peer review of Pelican Bay Services Division work done historically and work intended this year and the future, and PBS & J report. Mr. McAlpin's Coastal Zone Management is a department within the Public Services Division and Mr. Dorrill intends to speak with Marla Ramsey, Administrator of Public Services for how to solicit resumes of qualified individuals independently.

Mr. Iaizzo made a motion that this Board support the Mangrove Action Group's recommendation to accept the H.R. Wanless Peer Review.

Mr. Moffatt said, "We are talking about doing a peer review with a jointly selected expert. How does that relate to the report you are suggesting we endorse? It seems to me this report is the same kind of report. Does it then take precedence over our own selected expert in doing a peer review? I'm just confused as to why we would we support a report by some other group when we already have in process."

Mr. Iaizzo said the Mangrove Action Group is an independent group and this Board can use their peer review to determine the selection.

Madam Chair Womble said, "So this would be in support."

Mr. Iaizzo said, "Yes and hope it would have some weight as well."

Mr. Dallas said, "Reading it quickly, I like what they are saying but is in direct contradiction to what we are trying to do; we went to this peer review to get politics out of it, as soon as we approve this in any shape or manner, we are right back into politics."

Madam Chair Womble clarified that the Mangrove Action Group paid for and received a peer review by H. R. Wanless and thought his professional status comparable or better than anyone else they could come up with

Mrs. Cravens said the H.R. Wanless review addresses the controversial PBS&J report and Mr. Ochs requested that Mr. Dorrill place the issue on the agenda to attempt to get this Board to agree to find an independent individual to do a peer review. She does not know how that request apparently was expanded into something else because it really wasn't discussed at the last Services Division meeting. She recalled this Board discussed addressing the PBS & J report, which has been so contentious and so problematic for our community. The Mangrove Action Group's mission is to advocate for the Clam Bay System. At Mary Anne Womble's request, the group submitted peer reviewer recommendations. In addition, the group had already agreed to fund an independent peer review and the H.R. Wanless report was presented to this Board, not as a support

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document, but as an independent peer review. Dr. Wanless meets every established and agreed upon criteria. He has no stake in this and the review comes strictly from his background and experience. She has shared the PBS&J report with others not involved with doing business with the County and independent consultants see the report is a problem. Kathy Worley of the Conservancy has written a seventeen-page critique. Mrs. Cravens believes Mr. McAlpin tried to rebut Ms. Worley's critique in order to "shore up" the PBS&J report. Mr. McAlpin identified Dr. Dean to perform the peer review more than six months ago and "I assure you the research that Linda Roth has done indicates how problematic that would be. You have it in your power to accept this review and not expend any more money from the people of Pelican Bay. I guarantee you that if you do not accept this report then Mr. McAlpin will find a way to end up hiring Dr. Dean.

Madam Chair Womble said the peer reviewer selection is to be a cooperative situation. If Mr. McAlpin chooses Dr. Dean without this Board's approval, then the cooperative agreement would be off the table. That is not likely to happen right now because it now is not a good time to pull such a political stunt. The report is certainly very positive, but at this time, we need to continue in the format we voted on at the last meeting with Mr. McAlpin and jointly decide upon a peer reviewer. I do appreciate the Mangrove Action Group's proactive actions intensely, but I also appreciate the situation that we are in politically and I would like to continue at this time with the positive attitude that we will find someone together."

Dr. Raia said, "I would like to amend Mr. Iaizzo's motion in that this Board's suggestions to the County include Dr. Wanless' peer review."

Madam Chair Womble said Dr. Wanless could certainly be on the list.

Dr. Raia said as far as Dr. Wanless' completed report, "we can accept that separately and the County can look into it if they want to. It has nothing to do with offering Dr. Wanless as our peer review person."

Mr. Moffatt said, "What I don't understand is why the Mangrove Action Group did not submit the report directly to the County Commission."

Mrs. Cravens said, "We will."

Mr. Moffatt said, "Under separate business."

Dr. Raia said, "Because the County won't listen to" the Mangrove Action Group.

Mrs. Cravens said, "It is not a separate issue though. This review will go to every entity that has any decision-making powers over Pelican Bay and the Clam Bay Natural Resources Protection Act area or NRPA. I feel you are missing an opportunity here to be proactive toward your community. I don't think the residents of Pelican Bay will appreciate that you are spending more of our non-ad valorem assessment for an additional peer review."

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Madam Chair Womble said, "We did agree to a certain process and we are going to have to go through that process. Can we put this person on our short list? Of course. If you are going to submit this report to the County, they will have the information, but at this time, I do not think we can actually vote on a motion. We need to go through the process that we already voted on and agreed to, which is to find a peer reviewer jointly with Gary McAlpin and Coastal Zone Management department.

Dr. Raia said, "I thought that we are going to participate in that process."

Madam Chair Womble said, "We are."

Dr. Raia said, "So, we are offering Dr. Wanless as our person."

Madam Chair Womble said, "That's not what the motion was."

Dr. Raia said, "I amended the motion. John do you accept the amendment?"

Mrs. Cravens said, "Can I point out that I started out my public speech here by referencing Collier County's Growth Management Plan? County agencies will work with private natural resource and environmental organizations to do this kind of thing. I am asking you to support the Growth Management Plan and I cited the policy for it. You absolutely have it in your power to do this. Thank you."

Mr. Moffatt said, "I guess all that does is confuse the issue quite frankly. I would like to make one correction of what was just said. I believe that from what I heard at the last meeting, Mr. Dorrill went to Mr. Ochs and proposed a peer review of a jointly selected consultant to try to bring about a resolution. To submit a different report out of left field, whether it is 100% accurate or not, just clouds the issue again. We have to get some kind of agreement between Mr. McAlpin's group and our group to move this thing forward. They have a management plan that is going to come down from the Coastal Advisory Committee to manage Clam Bay. We want to be with the people that do that and we are not getting any closer by continuing to throw stones. We have got to find a way to work together, demonstrate our responsibility, and convince them that yes, we can continue the good work we have done for the past ten years."

Mr. Cravens said, "I'm somewhat concerned over procedural matters. The term jointly select can be interpreted to mean a number of different things. Jointly select, as I understand it means that both parties agree on whoever is selected to do the peer review. If we submit a list as opposed to one individual does this mean we in turn receive a list from Mr. McAlpin with the same number of individuals and then negotiate? The procedures involved here have not been explicitly set out before us. Mr. Dorrill talked about a name and then he said maybe a short list. I do not think that whatever agreement was reached

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really specified the procedure. Should we come up with one individual? If we should, I see no reason why Dr. Wanless would not be a good recommendation, but if we are to provide a list, do we know what the procedure is, or is it even set?"

Mr. Dorrill said, "They are not. As I explained at the beginning of this, the procedure will be determined in the discussion with my counterpart in the Public Services Division, Marla Ramsey, before the end of the week. Mr. McAlpin works for Ms. Ramsey and Coastal Zone Management is a department within the Public Services Division.

Mr. Cravens said, "Well this to me seems like a very poor agreement. We entered into the agreement and no procedure was specified and now the procedures are going to be specified by a meeting of administrators and this Board is not going to have any control over it. We are going to be told what we have to do after we have already voted to do something. I think it is very poor planning.

Mr. Dorrill said, "That certainly wasn't the intention. I think this Board made it clear by unanimous vote at the last month's meeting that you will select our number one, or number one, two, or third ranked firm, not staff. The staff is going to work out the parameters for how we are going to solicit interest and forward that to you and I consider that to be routine staff work, not a policy decision by an advisory board."

Dr. Raia said, "If I understand correctly, the staff is going to present the slate and then we are stuck with picking one of that slate, is that what you are telling me

Mr. Dorrill said no.

Dr. Raia said, "Then why can't we just go ahead and accept Dr. Wanless. If the County accepts him then there are no more problems. If they turn him down then we have to find someone else.

Mr. Dallas said, "I don't know about you guys, but I don't feel I'm anywhere near in a position to vote on anybody today. I would like to come up with some names and, distribute them through the office so we will not break any Sunshine laws. We should get some background on people like this, Mr. Donaghue or whomever, so we can be chewing on it this month and when we come back next month, we can actually come up with a list and decide whom we want to recommend. We do not have enough information to make any recommendations at this point.

Mr. Iaizzo said, "The work has been done by the Mangrove Action Group."

Mr. Dallas said, "The County sees them as a biased group."

Mr. Iaizzo said, "The Mangrove Action Group has put in a lot of effort and what we failed to pick up on is we're not doing our job either."

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Madam Chair Womble said, "John I don't think we are failing to pick up on it. I think everyone is more than thrilled with the report, however we have a process in motion, we voted to go with it, and I do not believe we are going to have people crammed down our throats. I will not allow that to happen, but what I will do is work with the process that we agreed to. We voted unanimously to go with having staff talk with staff and discuss how to go forward. When Mr. Dorrill comes back to us at the next meeting or if desired, maybe we can set up another meeting before February."

Mr. Cravens said, "Madam Chair I respectfully disagree. The motion we voted on did not specify that we would allow staff to determine a procedure to make a recommendation. That was not part of the motion."

Madam Chair Womble said, "We are supposed to be working together on names and I think what they would be expected to do is figure a way for us to go forward. If you're not happy with it, Tom, we can change it as part the process."

Mr. Cravens said, "I'm not sure that we can if Mr. Dorrill comes back with a procedure he agreed to with Marla Ramsey. I'm not sure we're in a position to say we don't want to do that."

Mr. Dorrill said, "I think the procedure in general is going to be very similar to if not identical to the way you selected our firm. Within the County's purchasing ordinance and procurement rules, there are procedures in place pertaining to the selection of a consultant and that is in essence what is going to take place here. There will be some type of request for proposals. Everybody and anybody, including Dr. Wanless, by law, have an opportunity to submit their interest for consideration. Then you are going to be provided with information about all who expressed an interest. In turn, someone within the County Manager's agency will come up with a set of individuals and at some point this Board and Mr. McAlpin's department will negotiate who the reviewer is. The County Commissioners would arbitrate the decision if a mutual one cannot be reached.

Mr. Cravens said, "With all due respect Mr. Dorrill, I voted for you as our management. I thought your presentation was outstanding. We were provided, the Board, with the choice between yourself and Mr. Petty and to me that was not very much of a choice. You far exceeded Mr. Petty's qualifications in my feeling, but I would have liked to have seen a whole lot more, but I did not."

Madam Chair Womble said, "Tom, your point?"

Mr. Cravens said, "My point is the Board should be involved in this process in determining procedure and we are not. We voted unanimously to jointly select but we weren't told the procedure would be determined at a later point in time and then given back to us."

Madam Chair Womble said, "Do you have a suggestion on how to go forward?"

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Mr. Cravens said yes. "I have a suggestion on how to go forward. If we need to do it next month, that's fine, but let's only submit one individual and let this Board be given a bunch of individuals from whom to select and let this Board make the decision."

Madam Chair Womble said, "I believe that's what Keith just said to do."

Mr. Dallas said, "I don't know if it was one or two, but I'd like to see some information from whomever is suggested, see their backgrounds, what they've done, and be able to think about it, and next month, hash it out."

Mr. Gibson said, "If we go with this report, we have had no involvement in the decision-making process and I want some involvement, not selecting someone else's project, albeit well respected and well assembled. I think we owe that to the community. We need to make our own minds up. I do anyway."

Mrs. Cravens said, "Can I just comment here. Quite frankly when you are dealing with Gary McAlpin and Coastal Zone Management department, you give him a month, you are going to be hamstrung. I want to point out that the purchasing policy that was cited to you is not correct. A project must cost \$50,000 before competitive bidding is required. You can choose anyone you want."

Mr. Dorrill said, "I think what I said was in all probability the process would follow the same type of purchasing process which means there will be a public request for qualifications. In this case, anybody and everybody are free to submit their name for consideration based on the qualifications that they have and you then are entitled to see all of them. , including the two individuals mentioned, who are unfortunately now tainted for two entirely different reasons, And to make your decision accordingly and hike that ball over to the County or fumble that ball over to the County and see if anybody picks that up and runs with it."

Mr. Cravens said, "Madam Chair I'd like to call for a question on the motion."

Madam Chair Womble asked, "Would you like to expound on what you are calling for?"

Mr. Cravens said, "I want to vote on the motion that Mr. Iaizzo made and Dr. Raia amended. I think that the motion will probably fail, but I think that we have spent enough time on this issue and we are not going to resolve it and I would like to get it off the floor. I would be supportive of it, I don't think it's going to pass but I'd like to get it off the floor and move on."

Dr. Raia said, "At this point I would consider withdrawing the motion. I have worked with the Mangrove Action Group for a long time and have the utmost faith in their recommendation, so I could easily vote for it. I appreciate the concerns by other members of this Board who may not have the experience, and if they feel they would like to have more

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personal knowledge I would go along with Mr. Dallas. That said, let's put this on the agenda, we already stated the purpose of it. We will have a slate of candidates and anybody can contribute to that slate and they will be discussed here and then we will come up with a recommendation."

Mr. Dallas said, "I suggest we get it early, so we have some time, Let's not do it just before the meeting, so we don't have time to react, but if we could get the materials with some time to think about it."

Mr. Cravens suggested at least two weeks prior.

Mr. Gibson said, "You may want to have a special meeting of some kind, if in fact what Marcia is saying is accurate and I believe she is right. Some kind of an expedited."

Mr. Cravens said, "Ted, you really can't withdraw the motion, you made the second. John made the motion and John, you have to approve the withdrawal."

Mr. Iaizzo said, "I withdraw the last motion I made, however, the Mangrove Action Group has done one hell of a job and if we can't accept what they are saying in providing this Board with the information that we need to move ahead on the mangroves and Clam Bay, then we've got our heads you know where."

Madam Chair Womble said, "John I think I have to agree that we need a little more time to peruse this and maybe take a look at some of the other things that he has done. I agree the Mangrove Action Group is extremely professional actually in the way that they handle things. I'm sorry Marcia at this point, I can't give you any more time. John, Are we withdrawing that motion? Okay thank you."

Mr. Iaizzo said he withdrew the motion.

Dr. Raia said there was a comment made that needs clarification. "Mr. Moffatt, you said the Coastal Advisory Committee is coming down with a management plan and if we don't cooperate with them we may not be included in administering that plan, is that correct?"

Mr. Moffatt said, "Almost. I didn't say cooperate with them. I said they will come up with the plan and someone will be appointed to manage Clam Bay. That's what the Clam Bay Advisory Committee was going to do. Since it sunset, the Coastal Advisory Committee will now do it. I said we need to demonstrate to whoever makes the decision that we are responsible individuals who are capable of continuing to manage Clam Bay. And right now, the Commissioners will tell you we are not, so we need to change our behaviors."

Dr. Raia said, "The Commissioners will tell you we are not cooperating with them the way they want to do it. We have already demonstrated our ability to manage Clam Bay. I don't want anybody to accept de facto that Coastal Advisory

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Committee is going to prepare the management plan that may include dredging and opening up waters and flushing and everything else. That is the issue. We want to be there to make the plan.

Mrs. Cravens said, "May I just point out there will be a Coastal Advisory Committee meeting between now and the next time you meet and you can bet your bottom dollar that Mr. McAlpin will use that meeting to try to further his agenda, including his desire to use Dr. Dean. So, I'm sorry."

Madam Chair Womble said, "If we are not in agreement with Dr. Dean it does not happen. If it does happen, then there's a political situation on the floor at that point and I think that's going to be a different situation all together. At this point I feel that we need to go ahead and do the positive with the process. Mr. Dorrill I don't see anything awry with you discussing with Marla Ramsey." She directed Mr. Dorrill to report to the Board immediately following his meeting and inform how it looks like they might be proceeding. If the Board members have concerns, they can express them at that time. She asked Mr. Dorrill if his meeting with Ms. Ramsey is scheduled.

Mr. Dorrill said no. "I plan to have that scheduled by the end of the week."

Madam Chair Womble said, "If you could get that taken care of and then get back to us with what you have come up with then we can make suggestions if we have concerns."

Mr. Cravens said, "Mr. Dorrill I have a question. From what Mary Anne was just saying, it appears that she feels this Board has a right to veto any selection made by Mr. McAlpin that we don't approve of, is that correct?"

Mr. Dorrill said no.

Mr. Cravens said, "Does Mr. McAlpin have a right of veto over anyone that we might select?"

Mr. Dorrill said no. "As I indicated, in the event that we cannot even jointly determine who would be an appropriate individual, then I presume then we would go back to the County Commission who delegated to us that responsibility to us jointly and let them try to arbitrate that matter. As are most things within the authority that we have, the County Commissioners are the end authority."

Mr. Cravens said, "Okay. Thank you."

ADMINISTRATOR'S REPORT

MONTHLY FINANCIAL REPORT

Mr. Dorrill said, "You will see attached the monthly financial statement in its improved format coming directly from the County information that is maintained by the Clerk who is the County's chief fiscal officer. A couple of quick observations where at the end of the first quarter of the fiscal year in the month ending December, on the good side, there is

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\$2.5 million dollars in cash and short term investments and equivalent instruments where the Clerk puts your money in; Against only \$133,000 in payables for that particular monthly cycle. Turning to the income, there is one thing that caught my eye that I thought was interesting to note. I would have hoped that by the end of the calendar year that we would have seen a little more money in those non ad valorem special assessments. You can see that there is about \$500,000 budgeted receipts that were not paid by the first quarter. What that means to me is that people are not going to be able to claim that on their personal income tax return as a deductible. That's a little higher than I would have thought, but that may be a reflection of commercial properties, or for whatever reason, not wanting to take advantage of the discount or individuals for whatever reason chose not to pay their tax bill before the end of the calendar year. They have until April, as you know to pay it before they are delinquent. I found one and there are other misclassifications. He asked Mr. Lukasz to provide the Board with details. "If you turn over to the last page of the income statement, I'll show the one that I found. Because Kyle looks at this every day, I want him on the record to tell you a couple of the others that we will be working on to make sure they are reclassified. If you look under capital improvements, and specifically right of way beautification that subtitle there under automobiles and trucks you'll see that we budgeted \$26,000 for the year but in that second column, in the year to date column, you'll see that we actually spent \$41,000. That's because they also misclassified a purchase, put it under vehicles, when that particular purchase should have occurred under the next item, which is other machinery and equipment. If you add those two together we would still be under budget. That's because somebody in bookkeeping inside of the County administration, simply misclassified that purchase order against the vehicle line item as opposed to the equipment line item. That's why that particular item would show as \$15,000 over budget. We will be working over the course of the next month to correct that one and there are at least two other mistakes that we found. And again I think the good thing about it in our new format on the income statement side, we are able to quickly see where mistakes have been made, or where our actual spending and our revenue receipts are occurring on a much better basis than the sort of historical information that you have been given. Kyle if you could touch on the other two and then we'll see if they have any questions."

Mr. Lukasz said the other two lines were under community beautification, right of way beautification category and one was under fertilizer and herbicides. You can see there was \$58,500 budgeted and to date the expenditure is \$46,000. That is about \$15,000 posting that needs to be entered under water management. In addition the number looks a little high, for instance we did two fertilizations of the ornamentals and we've already done one of them, so 50% of the product, we already purchased as well as the initial turf fertilization is done. Once the posting is changed, taking into account the fertilization that takes place in October that number will be in line. The other one was under tree trimming are actual

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expenditures for trimming the Sabal palms done in October, the beginning of the fiscal year. We contract out the portion of Sabal palms that we are not able to do in-house. The trees where someone has to climb or we don't have the equipment to reach some of those areas. It is the same with the invasive vines and sea grape trimming that took place on the U.S. 41 berm.

Mr. Levy asked Mr. Lukasz if he said part of the tree trimming should go to another category.

Mr. Lukasz said, no, not the tree trimming, that was under fertilization and herbicides.

Mr. Levy asked if the tree trimming work for the year was complete and if that category is \$6,000 over budget.

Mr. Lukasz said yes. Some of the work, the Sabal palms, the trees, invasive vines, which has to be done otherwise it becomes a bigger job.

Mr. Levy asked overall how they are doing.

Mr. Lukasz said the other line items are in line with expectations.

Mr. Dorrill said they are doing very good overall. He believes this report to be good because it is the end of the first quarter, which is a busy quarter on the landscape side of what the staff does here. He is very pleased as the manager with the new format and that the Clerk is working with us, no one else in the County and they spend a billion dollars down there, looks at an income statement. It's astounding. The County's system is good for budget recording but "I can tell you, you have more financial knowledge and presentation than the Board of County Commissioners or any County division," They have made some progress and he thanked the Clerk's Finance Director, Crystal Kinzel for providing.

Mr. Levy asked Mr. Dorrill if they frontload the charge, under indirect cost reimbursement, water management because the budget is \$117,600, actual is \$101, 122.

Mr. Dorrill said yes.

Mr. Lukasz said they take it out upfront and he is not sure why the number is less than the budgeted \$117,600.

Mr. Levy said they might under run that category.

Mr. Lukasz said the Information Technology (IT) category indirect charges would be taken out quarterly.

Mr. Levy asked if the Board would receive a financial report for the street lighting category.

Mr. Dorrill said the Clerk is providing this preferred format financial statement of the primary operating fund by exception, but he is happy to request the report for the street lighting fund.

Mr. Levy said the Budget Subcommittee could discuss financial reporting at their February 10 meeting.

Mr. Dorrill asked if there were questions and there were none. He requested the Board vote to accept the unaudited financial statement as presented.

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Mr. Dallas made a motion to accept the financial report as presented.

Mr. Gibson seconded.

Madam Chair Womble referred to the Budget Subcommittee members to accept the report as presented and the consensus was affirmative.

The Board voted on the motion and approved unanimously.

Mr. Dallas made a motion to accept the financial report as presented. Mr. Gibson seconded. Madam Chair Womble deferred to the Budget Subcommittee members as to whether they accept the report as presented. The consensus was affirmative. The Board voted on the motion and approved unanimously.

ADMINISTRATOR'S REPORT: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION COMPLAINT

Mr. Dorrill said there is a Services Division employee that filed an Equal Employment Opportunity Commission (EEOC) discrimination complaint. The employee is a groundskeeper and the nature of his concerns are he is being harassed by other employees of his same culture, questions the County's job verifying employees' immigration status, and safety concerns with vests and a safety issue regarding a seat on a lawnmower that he uses routinely. The employee met with Mr. Dorrill, some issues were address, but the employee did not file a formal grievance with Mr. Dorrill or with the Services Division/County. The EEOC complaint is pending review for probable cause and he will keep the Board apprised.

CHAIRWOMAN'S REPORT

Madam Chair Womble said there are four vacancies for seats on the Services Division Board. There are two sitting applicants, Mr. Moffatt and Mr. Hansen and she affirmed both current members are interested in reapplying.

Mr. Cravens said the community would determine new members in the election and found the discussion and making a recommendation inappropriate.

Mr. Dallas agreed.

Mr. Hansen agreed. He asked, "Why did we initially approve the agenda, and when we get to an agenda item, we disapprove of it?"

Mr. Cravens said that maybe there was some aspect they were not aware.

Mr. Hansen said, "It says right there."

Madam Chair Womble explained historically the Board has approved discussed applicants and made recommendations to the Commissioners, however, the process is in the straw vote phase, and no vote has been taken.

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Mr. Cravens said if memory serves, historically, the recommendations made by the Services Division Board were for appointments to the Board that did not involve the voting process.

Mr. Levy said he agreed the discussion is inappropriate.

Mr. Hansen said, "I agree with that, but in my opinion, in some cases this Board is willy nilly on everything we do. We approve an agenda on the third item, and then we get down to number six or seven and 'whoops, and by the way, this shouldn't be on the agenda' so I just think it's kind of funny that we do that."

Madam Chair Womble said at this point, the Board should recognize there are Board vacancies and people are interested in becoming members. She asked if any applicants were at today's meeting and acknowledged Mr. John Domenie and Ms. Linda Roth.

Ms. Linda Roth was in the audience and announced she has withdrawn her application.

Madam Chair Womble said other applicants who were not in attendance, Dr. James Halikas and Mr. John Baron, General Manager of Waterside Shops. When she called his name, Mr. John Chandler stood up.

Mr. Chandler acknowledged being a candidate and said, "My application is still active."

Madam Chair Womble acknowledged Mr. Moffatt and Mr. Hansen. No recommendations were made and there was no further discussion about Board applicants.

She added the Board should be more careful reading the agenda before they decide to approve it.

Mr. Cravens said the Board could congratulate Mr. Hansen. Being there two commercial vacancies and only two commercial candidates, no election would take place.

Madam Chair Womble announced property owners would be receiving a ballot by mail, to vote and mail back the ballot. She explained the vote is more of a straw vote, and they will receive a ranking of applicants by who received the greatest number of votes. Then, the Commissioners will determine who is appointed, but historically the Commissioners have considered the community's electoral process to make their decision.

Mr. Levy agreed.

Mr. Iaizzo said, "Except when it goes back to the list, they will choose from the list, meaning that if we don't have a contender, they will go to the list and make a selection."

Mr. Levy said he believes the Commissioners have always taken into consideration what this Board recommends first.

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Mr. Cravens said they have always followed the process that if a vacancy occurs, they appoint in succession of who came in next on the list.

Madam Chair Womble asked when the Pelican Bay Property Owners Association is holding their "Meet the Candidates" night.

The consensus was accurate and January 19 at 7 p.m.

Mr. Cravens said the only requirement to vote was being a property owner in Pelican Bay.

Mr. Moffatt asked Madam Chair Womble for the appointment process timeline and who administers tallying. Considering the strained County budget, would they still go through the process, adding that the County let go another dozen employees yesterday, January 5.

Madam Chair Womble asked Ms. McCaughtry to explain the process.

Ms. McCaughtry said today the names of applicants were submitted to the Clerk of Courts by Ms. Sue Filson, the Executive Manager to the Board of County Commissioners. The Clerk will prepare the straw ballot and provide the date they are mailed. An executive summary with the date the ballots were mailed will be presented to the Board of County Commissioners. Ballots have to be returned before thirty days and the Clerk will tally.

Madam Chair Womble asked if the ballots are sent before the term expiration date of March 31.

Ms. McCaughtry said yes. To her knowledge, the Clerk will mail the ballots before the end of January. The Board of County Commissioners expect to appoint Services Division Board members at their February 23 meeting.

Madam Chair Womble expressed concerned about the tight schedule.

Ms. McCaughtry said the Clerk could be ready to mail in two weeks.

Mr. Moffatt asked if the Clerk mails a list of names.

Ms. McCaughtry said yes, there is a list of names with instructions of how many names to mark, mailed back to the Clerk and they compile the numbers.

Madam Chair asked if the candidate list is complete.

Ms. McCaughtry said yes.

Mr. Cravens asked what the candidate withdrawal deadline is.

Ms. McCaughtry said there is an application deadline and there have been instances where a candidate has withdrawn after the ballots were printed but there is no withdrawal deadline.

Dr. Raia said he is certain the ballots have not gone to print, and Ms. Roth's name will not be on the ballot.

COMMUNITY IMPROVEMENTS PLAN UPDATE BY VICE CHAIRMAN DALLAS

Madam Chair Womble deferred to Mr. Dallas because she was unable to attend the December 21 Community Improvements Plan workshop.

Mr. Dallas said briefly they discussed short-term crosswalk solutions, which was the same information provided by Mr. Mangan at the beginning of today's meeting. They discussed long-term crosswalk solutions for the North tram station eight, which included moving the turnaround to opposite the driveway instead of the middle of the street, put in pavers, and other elements that would bring a higher visibility to the crosswalk. They talked about main drag roadways and various lane widths and configurations, i.e., lanes are currently twelve feet wide and if a bike lane is considered the car lanes would reduce to ten feet wide with a four-foot wide bicycle lane. They discussed pathway widening from five to eight feet and the understanding that not all would be widened, not all done at the same time, and in some instances, there would be physical restraints allowing only the possibility to widen pathways on one side of the street. They discussed intersection structure to be more friendly to people and pedestrians with landscaping and markings. Suggestions were made to install a roundabout at Gulf Park Drive and Pelican Bay Boulevard. Lots of discussion of whether the ideas are good or bad ones. There will be more discussion about traffic and pedestrian safety concerns, as well as possibilities in the space available. They discussed widening the berm without causing problems with people falling off the edges and possible outlook areas or platforms where water passes through or ugly areas. Discussion of entryway signage and ways to make subtle improvements, including paving entranceway lanes.

Mr. Gibson said he believes they are doing a good job conveying Community Improvements Plan information to the community, but asked if there was any way they could prevent a revolt.

Mr. Dallas said he agrees they are communicating well because he has attended several Men's Coffee meetings recently and has spoken with people he did not know and they seem to be somewhat aware of what is going on and reaction is positive generally. People in the community are asking the same types of questions that most everyone here is.

Mr. Mangan said they are informing the community through many communication channels.

Mr. Iaizzo said every effort has been made to communicate. The response has been poor.

Mr. Gibson agreed.

Mr. Cravens agreed, but added he did not expect it to be much better. They will have to "do" something to get a response.

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Mr. Iaizzo asked if they aren't getting a response, then how they will get feedback. Would they develop a survey or referendum.

Mr. Cravens said when the ideas are final with costs attached, they should solicit a response by survey or vote.

Mr. Moffatt agreed that one a cost is associated, the community will respond.

Mr. Iaizzo suggested a personal mailing "and if they don't respond at that point it's over."

NOTICE OF UPCOMING MEETINGS

Madam Chair Womble announced upcoming Community Improvements Plan meetings, including the January 11 town hall or educational meeting to the community at 2 p.m. and 7 p.m.; January 26 at 2 p.m. – 4 p.m. is a joint Board and Strategic Planning Committee workshop to discuss the 90% Design review and stressed this meeting's importance. On Thursday January 14 at 8:30 a.m. there will be a site walk with the community from the north tram station to the sandpiper tram station.

Mr. Dorrill said due to the difficulty of recording and transcribing the community site walk it is not a publicly noticed meeting. He cautioned that if more than one Board member attends, they should not lead or hold a discussion about anything that may come before this Board at a future meeting.

Madam Chair Womble asked Ms. Resnick to post the meeting information on the Services Division web site and added, "which by the way is absolutely coming along beautifully. Thank you very much."

Mr. Cravens said, "Excellent job."

Ms. Resnick acknowledged and affirmed.

Madam Chair Womble announced the Pelican Bay Property Owners Association's candidate forum, January 19 at 7 p.m., and most likely held at the Community Center here in this room. She encouraged the audience to tell their friends and neighbors about the January 11 town hall meetings, at 2 p.m. or 7 p.m. where the Wilson Miller Community Improvements team will present their ideas and allow for an exchange of idea. "They like to hear from us, too. Thank you."

CAPITAL PROJECTS

Mr. Dorrill introduced capital projects. He said the Oakmont lake bank enhancements project is complete. They have solicited a proposal from Hole Montes civil engineering firm to evaluate the south berm for necessary repairs and reconstruction.

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Mr. Lukasz said Hole Montes is performing an initial evaluation of the south berm for reconstruction. The area being evaluated begins at the Commons and ends at the Registry. They have done the survey work, collected data, and taken core bore samples of the berm itself. Field evaluation and testing is in process and be complete in the next thirty days.

Mr. Cravens asked Mr. Lukasz who came up with the idea that the south berm was in need of evaluation and reconstruction. From his observations, no evaluation or reconstruction is necessary. He walks the berm frequently and has talked to others who do the same and no problem “jumps out at you.”

Mr. Lukasz said along the south berm it looks like there are speed bumps at the weir structures in areas where the culvert pipes go across the berm. It appears that there may be some settling of the berm itself. In the initial ride through and from his observations, the Hole Montes engineer does not believe it will be that significant, but will not know for sure until they complete the analysis.

Mr. Iaizzo asked if this pending work was ever brought before this Board for approval.

Mr. Cravens said he understands the project was approved, but repeated his question. Who decided there were problems on the south berm and that money needs to be spent to fix it.

Madam Chair Womble asked Mr. Lukasz if weir structures are what need repairing, more than the berm itself.

Mr. Lukasz said it appears that the culvert pipes are not settling beneath the surface of the berm where there should be sufficient compression, and that the berm has some slide settling. Initial observations from the engineer are that it is not that significant.

Mr. Dorrill asked if the culvert is galvanized or PVC.

Mr. Lukasz said no, they are concrete.

Mr. Gibson said from his observations, the north end of the berm, the ditches on either side are in considerably deeper water. The south end of the berm is quite shallow. It is almost if the berm has subsided over the years to where it is not nearly as raised to where the water level should be, but that is something that an engineer should determine, not this Board by making casual observations.

Mr. Lukasz agreed and said they are also surveying the swales adjacent to the berm itself for efficiency and the evaluation will be telling.

Madam Chair Womble said this is a proactive situation. Doing something small now will prevent a larger problem later.

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Mr. John Chandler, resident of St. Lucia and Board candidate said he rollerblades the entire length of the berm every few days and from his observations, the surface area of the south berm has deteriorated. If compared to the north berm, there are cracks along the surface edges and suggested resurfacing.

Mr. Moffatt addressed Mr. Cravens and said participating in any activity with wheels, such as rollerblades or golf carts, dips are noticeable.

COMMUNITY ISSUES

Dr. Raia suggested placing his item under community issues rather than new business because the top is a community issue.

Madam Chair Womble said she agreed, but because they approved the agenda item under “New Business” it should be heard when they get to that point.

COMMITTEE REPORTS AND/OR REQUESTS

Madam Chair Womble asked Mr. Dorrill if the budget subcommittee scheduled a workshop in February. She would like the entire Board to meet, so everyone has an opportunity to provide input about new budgeting procedures and reporting, before the committee meets alone.

Mr. Dorrill said that he understands there several Board subcommittees, each with several members, but he needed direction regarding how the budget subcommittee has met historically in order to provide advice. If two or more members will be present at any time, whether it be a workshop or meeting, it must be noticed properly as a public meeting. It is the Chair’s discretion as whether to hold a workshop in advance or following a budget subcommittee meeting.

Madam Chair Womble queried the budget committee members. Mr. Levy and Mr. Moffatt are Co-Vice Chairs, Mr. Dallas, Mr. Gibson, and Mr. Iaizzo.

Mr. Levy said they are starting to meet as a subcommittee a month later than last year and he recommends they have a working meeting and get going. Mr. Dorrill needs to be there, too.

Madam Chair Womble asked Ms. McCaughtry if a budget subcommittee meeting was scheduled and location.

Ms. McCaughtry said yes, the Budget subcommittee will meet on February 10 at 1 p.m. here at the Community Center in this room or one upstairs and it will be an advertised public meeting, so if any Board members would like to attend they can.

Mr. Moffatt said they have monthly budget subcommittee meetings scheduled.

Madam Chair Womble asked if there was any other committee reports or requests and there were none.

OLD BUSINESS

Madam Chair Womble followed up on some items discussed at the December meeting. First item was crosswalk signage at the North tram station, which the Board discussed earlier today with Mr. Mangan. The second item was removal of invasive plants and deferred to Mr. Lukasz for an update.

Mr. Lukasz said on the south side of the berm near Naples Grande, they began maintenance on exotic invasive plants. More exotic-invasive plants are located at the north end of the berm by the Ritz Carlton and the field crew will be addressing the area next.

Madam Chair Womble asked Mr. Lukasz to identify the types of exotic invasive plants along the north and south sides of the berm.

Mr. Lukasz said Brazilian Pepper.

Madam Chair Womble said, "Get rid of it quick, thank you."

Madam Chair Womble asked Mr. Lukasz if he knew the status of Mr. Hall's water sampling protocol.

Mr. Lukasz said the draft was distributed to the Board today.

Considering the draft was distributed to the Board today, no one has had a chance to review.

Madam Chair Womble showed the draft "Surface Water Sampling & Monitoring Protocol" to the audience and explained the Board will be reviewing the updated and standard protocol that Mr. Tim Hall of Turrell Hall and Associates developed.

Mr. Cravens said water quality data collected by Turrell Hall & Associates received criticism for not meeting state standards and not submitted to the state agency. "The criticism that the data was not submitted to the state is correct, however, the data itself was for the most part very valid. The purpose of the draft is to enable data collected can be transmit to the state.

Mr. Lukasz said the draft addresses standard protocol for data collection, equipment calibration, record keeping and Department of Environmental Protection training and certification. Currently, three Services Division field employees have the required state certification.

NEW BUSINESS

COLLIER COUNTY & INSTALLATION OF AIDS TO NAVIGATION IN CLAM BAY DISCUSSION

Add-on requested by T. Raia

Madam Chair Womble gave the floor to Dr. Raia to discuss his add on item.

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Dr. Raia attended the Board of County Commissioners December 15 meeting and observed Mr. Gary McAlpin, Mr. David Tomasko, and Mr. John Arceri were allotted unlimited speaking time to report to the Commission. He said Mr. Arceri was very abusive. He said the Commissioners are being fed information by the staff and “our three minute sound bite is not enough to upset that.” Dr. Raia is concerned that the Commissioners believe they are acting in good faith, but the information they receive to act on in good faith is being provided by “a body that for some reason or another has a vested interest in an agenda that I do not understand.” He submitted for the public record a statement describing this Board’s responsibilities by Ordinance, which “until recently” included the maintenance of Clam Bay. The ten-year Clam Pass maintenance permit noted sea grass might be impacted after five years and should be reevaluated. “Leaders in the Seagate community claimed the sea grass was being destroyed.” The County engaged a consultant to analyze the sea grass which reported positively that sea grass was healthy and water quality good. The consultant expanded Clam Bay to include Venetian Bay, Moorings Bay, and other water bodies and recommend additional water quality studies. The Services Division began preparation to apply for a new ten-year permit. A dispute ensued regarding the requirements to close out the permit. Contradictory information spread regarding Clam Pass being navigable or non-navigable and requirements unclear in regards to installation of lateral navigational markers, informational signs, or just repair existing markers. The County created a new committee to handle Clam Bay issues, effectively taking away the Services Division’s Clam Bay responsibilities. The County engaged consultants to reevaluate Clam Bay’s water quality. The report was critical of the Services Division’s historical water quality data, results found the water impaired and recommended further analysis. Until recently, the County was authorized to install aids to navigation in Clam Bay, however the Florida Fish and Wildlife Commission or FFWC rescinded on November 20. He claimed the FFWC information is not part of the public record. It was reported the Florida Department of Environmental Protection ruled any authorization to install aids to navigation and regulatory markers are invalid because Clam Bay is too shallow being less than four feet deep and the 1998 permit would be closed. The Board of County Commissioners will discuss on January 26. He said the County’s actions raise legitimate concerns. He recommended the full Board provide support and submit questions to the County. His statement outlines four questions for the County. The first question is to define clearly what the problem is and propose a solution. The second questions is to explain why the County insists on installing lateral aids to navigation in a non-navigable waterway and Natural Resource Protected Area or NRPA. The third question is does the County plan to use Outer Clam Bay for power boating and perpetual dredging. The fourth and final question asks if Clam Bay north of Seagate is being considered as a solution to clean up the polluted waters south of Seagate. County staff has told the Commissioners the Coast Guard is requiring the lateral navigation signs. This is untrue. The Coast

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Guard is not requiring markers; the Coast Guard regulations state that if markers of any type are going to be installed, they must meet Coast Guard standards. Red and green navigational markers determine safe passage and must maintain safe passage otherwise not in compliance with Coast Guard standards. The assumption is that the County will install signs that define safe passage, the assumption is safe passage, and the County will maintain safe passage however, “anyone that is familiar with Clam Pass knows that they are going to have to dredge that Pass almost every month” because it is a shoal area in constant flux. “This is serious business because legally, the Coast Guard is not liable. The County is liable, and if something happens and the County is sued, the County will use that for an excuse to dredge.” His purpose for presenting this information is because he believes the County does not have it. He has never heard them comment on it. Dr. Raia made a motion the Board write a letter to the County Commissioners and County Manager, incorporating the comments made in his statement.

Mr. Levy said in May 2008, staff told the Commissioners that aids to navigation needed to be installed in order to close out the ten-year permit. At the same meeting, they created the new Clam Bay Advisory Committee. He pointed out it was not known until June 2009 that the Army Corp. of Engineers did not require installation of navigational markers. It was over a year before the Commissioners were given accurate information, acknowledging it was because Dr. Raia received in writing from the Army Corp of Engineers stating closing of the permit, did not require installation of navigational markers.

Dr. Raia agreed. “It took over a year and threat of a Congressional to get the response I have, but I believe the staff knew that the reference in the permit to signs was for regulatory and informational signs, not red and green navigation signs. They told the Commissioners that the permit was referring to red and green signs, which was so ridiculous because the NOAA charts claim those waters are non-navigable and if anybody ever used those waters, they are just not navigable, just common sense.” It took a year to get the official reading.

Mr. Levy said everything that Dr. Raia discussed was already being handled by the Foundation.

Dr. Raia agreed, but the Foundation’s approach would lead to a costly legal battle with the County. He said this could have been circumvented a long time ago if “we who represent the people out there concerned about this, had brought this information before the Commissioners.”

Madam Chair Womble interceded to address the motion on the floor.

Mr. Dallas said he agrees with the facts and Dr. Raia’s concerns, however he disagrees with the statement that because the Pelican Bay Services Division acts as an advisory board to the Board of County Commissioners about the concerns of residents in Pelican Bay. He said, “Residents have concerns about offshore drilling, but I don’t think it’s our job

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to do it. I think this falls in the same category. The County has told us we are not responsible for it. If we start writing letters to them, all we are going to do is infuriate people and ultimately we will end up with less control over Pelican Bay than had we kept our mouth shut. I'd say leave it to the Foundation."

Madam Chair Womble said, "Ted, what you have done is exactly what you said you were upset with the Commissioners for. We have all this time to discuss and you only have three minutes for audience participation, which is typical to what we do at the meetings they have. You have presented your side, you have told us how things came down the pike, and we're all sitting here agreeing with you I'm pretty sure, but this is not the correct forum. I think that is what people have been trying to point out to you. We can't without being very impolitic do more than we are doing right now.

Dr. Raia said, "I'm getting as much out of this meeting as I get out of the three minutes when I go before the County Commission, but let me address Keith's comment. My comment about addressing concerns of the Pelican Bay residents comes directly from the [prior] County Attorney," David Weigel. He said that this is one of the purposes and would be an opportunity to express concern. You want to bring up offshore drilling. I do not want to trivialize the problems we are having with Clam Bay. Can you tell me why they want to put navigation signs in Clam Bay? It does not concern you? Are you going to do anything about it?"

Mr. Dallas said it is a concern, but this is not the proper forum to react to it.

Dr. Raia queried the audience and received a positive response. He said the residents elected him and he felt obligated to listen and respond to their concerns. "Maybe some of you were appointed and that may be the problem because when you are appointed by Commissioner Halas, you may not feel the ties to the people who elected you and expect you to respond to them because they elected you."

Mr. Moffatt said, "Ted, I object to that categorization. I think it is totally inappropriate. Tom does, Keith does, and Geoff does too."

Madam Chair Womble agreed with Mr. Moffatt and the others.

Dr. Raia said, "Wait wait, what is the objection?"

Mr. Moffatt said, "That we do not feel an obligation to the residents of Pelican Bay, what you just said."

Madam Chair said, "We are spending a lot of time trying to do what we can to help."

Dr. Raia said, "Well what are you doing about it by telling me that this is not the forum. This is not the place. You can't do anything about it."

Madam Chair Womble said, "Ted, we met with the County Manager several times."

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Dr. Raia interrupted and said, "That is a waste of time."

Madam Chair Womble disagreed.

Dr. Raia said, "I want to go before the Commissioners and let them know what these people are concerned about."

Madam Chair Womble said, "Ted, you asked for an educational situation."

Dr. Raia said, "Wait a minute, let's call a vote, let each person express their position on this issue, just go down the line. If you feel that this is not business of this Board, then just express it. As far as I'm concerned, this is definitely the meat of what we're here for. This is probably more important than anything else because we don't have any representative government."

Madam Chair Womble asked Dr. Raia to repeat his motion.

Dr. Raia said the motion is for the "Pelican Bay Services Division write an official letter to the Board of County Commissioners and the County Manager, incorporating the comments made" in his statement.. "It can be a very nice letter, a very respectful letter, but my comments are facts."

Madam Chair Womble said from her understanding, the motion was that "we are to do that in support" of Dr. Raia's statement and, "make it clear that the Board agrees with your statement."

Dr. Raia said his statement would be rewritten in letter form to the County Commissioners with information he feels they have not been receiving and let them come forward to decide whether they will do anything about it or not. "The reason escapes me. Providing all this information, why do they insist on doing what they are doing?"

Madam Chair Womble said there is a motion on the floor that was seconded.

Mr. Iaizzo said, "Before we go, maybe John [Domenie] wants to say something?"

Madam Chair Womble said, "Well actually John cannot at this point. This is not a time for audience participation."

Mr. Iaizzo said, "He might be able to add something to that."

Madam Chair Womble said, "I know he can," but now is not the time.

Mr. Cravens said , "I want to make a comment and this may not draw much favor from anyone. I agree with most everything that Ted says in the letter. One major contention that I disagree with and that is that the County Commissioners do not understand what is going on, and they are just following the recommendations made by staff. I think that staff is giving them the types of recommendations that they want to receive. Writing them this letter is not going to change in any way the direction the County is going. They know exactly what they are doing. Mr. McAlpin and the County Manager's staff, all the

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way to the top, are doing what the County Commissioners want, otherwise they would be directed by Commissioners to change what they are doing.”

Mr. Levy said, “I also feel very strongly against installing the red and green markers, and from what I have been reading the Foundation has that totally under control and that those red and green markers are going nowhere, so why do we want to do this? It sounds to me like the Foundation has got them stymied and they cannot move forward on those red and green markers and that they have been shut off” by the Florida Department of Environmental Protection or FDEP, and the Florida Fish and Wildlife Commission or FFWC. He added if the County agency gets approval, they still need permission from the Foundation. He doesn’t see the red and green markers project going forward.

Dr. Raia said the agencies did rescind the County’s authorization to install red and green markers, but they can always reapply. “Everyone seems to be missing the point: Why are they doing that?”

Madam Chair Womble suggested Dr. Raia might find out by talking quietly to the Commissioners and asking them point-blank. She believes that is a better venue than this Board.

Dr. Raia said he had spoken with one Commissioner, not Commissioner Halas, but said he did not receive an adequate answer as to why. “There must be a reason why they want to do this. I think putting the signs there is just an incidental part of it. If they circumvent the signs, they will go ahead and do it for some other reason. I think we are entitled to know why they want to play with our Clam Bay. The residents should know our position on this.” He urged the Board to vote on the motion.

Madam Chair Womble said, “The residents should know that this Board has been stripped of its involvement with Clam Bay and keep that in mind as a political situation.” She called for a vote on the motion.

Mr. Iaizzo said, “I’m not finished discussing this. We are an arm of the County, and the County does listen to us. They don’t have to agree with us, but they do listen. I think this is information they should have on their desk to read and understand what we’re saying about navigational aids. All we are saying is give them this information. Let them battle with the Foundation, but before they do that battle, and that’s going to go on for some time.”

Madam Chair Womble said, “John, I believe Ted has already given them this information, am I correct, Ted?”

Dr. Raia said, “No. The Commissioners know my position on this.. I have the written them several letters and I get responses like sour grapes, but I want it at a meeting by an official body, so they have to address it. They ignore me.” At the last [Services Division] meeting, you suggested, well, we really support what you are doing, but why don’t you try it as a private citizen. I am not on this Board as a private citizen. You want to know politics. It doesn’t get done that way.”

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Mr. Moffatt said he questioned part of Dr. Raia's statement, "This will be presented and discussed at the January 26 BCC meeting. I'm not sure what report that is that follows the discussion that it is not four feet deep and therefore the signs cannot be put in."

Dr. Raia said the Commissioner would discuss the problem with the FDEP rescinding authorization.

Mr. Moffatt said, "If that is going to be reported and discussed at the meeting, what more can we add to it?"

Dr. Raia said, "Mr. McAlpin, probably John Arceri, or someone will have 15-20 minutes to brief the Commissioners" on another way to circumvent the denial and "we will have three minutes to try to rebut. The Commissioners will look at us as not cooperating, and I know you like to cooperate with them, but I want to accomplish something with my time because when I look at these things, I just don't understand it. My scientific training tells me to question this."

Madam Chair Womble said she questioned what they can do positively along these lines for the citizens of Pelican Bay. She explained that this Board is an advisory board to the Board of County Commissioners and placed in this position by Ordinance. Another ordinance created the Clam Bay advisory committee to advise exclusively the Commissioners on Clam Bay "minus us." No members of this Board were placed on that committee. Now that the Clam Bay advisory committee has sunset, the Coastal Zone Development committee is going to take over the Clam Bay advisory role. She believes this Board should do what the Commissioners have asked of them and at this point in time, "for what you are requesting, Ted, this is the wrong forum. As was brought up, the Foundation is properly going forward. They have the right to do so. We do not. As you said, we are an arm of the County, so we are able to advise in whatever way we would like to, but that doesn't mean we are going to take up their time happily with situations they have asked us not delve into." She asked the Board to vote on the motion. The vote was unclear, so the Board voted again.

Dr. Raia, Mr. Iaizzo and Mr. Cravens voted in favor of the motion.

Madam Chair Womble, Mr. Moffatt, Mr. Gibson, and Mr. Levy voted against the motion.

Dr. Raia withdrew the second part of his motion.

Madam Chair Womble said, "Ted, I really do think the proper forum is the Foundation."

Dr. Raia said, "Let's just drop it. As far as I'm concerned, you are abrogating your responsibility" as are the other members of this Board, "but I respect your opinion."

Madam Chair Womble disagreed adding she was doing what she could to help everyone.

There was no further discussion and no further new business.

Dr. Raia made a motion for the Pelican Bay Services Division Board to compose an official letter to the Board of County Commissioners and the County Manager, providing information that incorporates his statement regarding the County's rescinded authorization to install aids to navigation in Clam Bay. The motion was seconded and a vote taken. Dr. Raia, Mr. Iazzo and Mr. Cravens voted in favor of the motion. Madam Chair Womble, Mr. Moffatt, Mr. Gibson, and Mr. Levy voted against the motion. The motion failed by Board vote of 4 - 3.

MISCELLANEOUS CORRESPONDENCE

Mr. Dorrill said the Project Status list is a routine document to track and show the status of Board assignments to staff. There is no need for discussion.

AUDIENCE COMMENTS

Mr. Steve Seidel, San Marino at Pelican Bay resident, asked Mr. Dorrill what the Commissioners' agenda is.

Mr. Dorrill answered, "I wouldn't have any idea. I played that game for eighteen years, but that was twelve years ago. I don't have any idea of what ulterior agendas may be in place."

Mr. Bob Naegele, spoke as a resident of Pelican Bay, not as Chairman of the Foundation. He thanked the Services Division for their past work in solving the mangrove situation. He said they were stripped from what was their primary responsibility because "no good deed goes unpunished. The Foundation was handed the next round. We would prefer not to do it, but what choice do we have if we are the last fastening on the fence. I guess we'll have to play that role. I agree with Tom mentioning Mr. McAlpin is not driving this; it is the County Commissioners. McAlpin may be part of the problem, but he gets his marching orders from the Commission. The obvious as we go upstream is we have to change the Commission. We need three votes on that Commission and that has to be the objective of everyone in Pelican Bay. In District 2, we know we have had somebody that has fought against us, the present County Commissioner, at every turn. We can't have that in the next term. We're going to have to pull together as a team to elect the right person, not a Frank Halas surrogate. That will be our task between now and August 24. He said Jim Hoppensteadt, Stephen Feldhaus and he, met with then County Manager Jim Mudd and Leo Ochs on January 27, 2009. He said what was so aggravating is when they applied for Water Resources Development Act or WRDA funding to the tune of \$250,000 to study water quality, they used the term, "alarming nutrient loading" which impugned everything the Services Division has done and the integrity of the stewardship of the residents of Pelican Bay. They asked the County to correct the terminology and they were assured the language would be changed. Apparently the language was changed slightly to improve Pelican Bay's position, but is still not adequate. The WRDA application is before Congress in February. If some accommodations are not made, any citizen can go to Washington and testify, "we are being jammed into a secondary position, starting with the Pelican Bay Services Division being dismissed

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from what was a primary responsibility and now having to fight the County on a number of different fronts. So, could that be an issue? I know the County has applied for a \$250,000 grant.” He thanked the Services Division again, “I know you are all there for the right reasons.”

Dr. Raia said, “Bob, are you telling me we are being sold out for \$250,000?”

Mr. Naegele said he believes it is more than that they don’t know about, but the application is for \$250,000. “I think we are all aware there is a water problem, but to impugn what we have done in Clam Bay and try to group us together with the sewer in the north and the sewer in the south is a travesty. It is an injustice from what the original developer did and how we have carried the stewardship on.”

Madam Chair Womble recognized Ms. Kathy Worley approaching the podium. She said, “Before you say a word, thank you very much from the bottom of my heart and probably from those sitting at this Board, whether they know it or not, you have done an incredible job for us and you have tried over and over again, never given up the good fight, so thank you very much.”

The audience applauded.

Ms. Worley, representing the Conservancy made an announcement about an event sponsored by the Estuarine Conservation Association regarding Red Tide. One of the panelists is from Mote Marine. It will be held on Thursday, January 7 at La Playa at 7 p.m. Regarding Clam Bay, working for the Conservancy, she knows a little about fighting for the environment. She cautioned without substantial backing from the County Commission, even when lawsuits are won, they issues always comes back in a different format and this is something to keep in mind. She suggested that it helps if “everyone, and I mean everyone, comes to the County Commission and just stand up there and say you don’t agree with this. You have to put your foot where your mouth is. Do it as an individual citizen, not as a Board,” not as a representative of an independent organization because it does help and “sometimes you can win.”

Mrs. Marcia Cravens, Mangrove Action Group said the WRDA application for \$250,000 is for a hydrological study in line with the PBS & J modeling effort.. She believes it will reimburse the County for money already spent on the PBS & J study that she said is a feasibility study for construction. The WRDA proposal includes “the study may lead to a need for construction, which is likely to be in the millions of dollars. That is the benefit to Collier County. It’s not \$250,000. It’s a great deal more. Ted, I’m sorry that your motion failed. The Mangrove Action Group absolutely agrees with this and it is unfortunate that some of the members of the Pelican Bay Services Division seem to think they have been stripped of the responsibility for Clam Bay and I can assure you, you are operating under the Ordinance of 2006-05. It includes Clam Bay.

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You have not had that ordinance rescinded, or changed in any way shape, or form. You are still operating under 2006-05 and it states that your responsibility includes Clam Bay, so I don't understand why you are allowing this to be taken from you. The residents of Pelican Bay certainly have not voiced their desire for you to abrogate your actions for Clam Bay. If you allow the Coastal Advisory Committee to step in and create a management plan, you are actually violating your ordinance. I just want you to think on that. You can shake your head to that, but it's true. Your ordinance is 2006-05 and it states you have a responsibility for the maintenance of Clam Bay. It has not been rescinded. It is your responsibility."

Ms. Mary Johnson referred to the Pelican Bay Services Division website. She said the website states the non ad valorem assessment for this year and the amount is close to \$3 million and among the responsibilities of the Services Division is maintenance and conservation of preserve areas. Acquiescing to what the County wants for political reasons is not in the best interests of the taxpayers of Pelican Bay.

Ms. Linda Roth as a resident of Pelican Bay said from what she understands, an advisory board is supposed to represent the community and then advise the County. She doesn't understand why this Board is not representing the community and seems to be making decisions based on their own feelings or fear of the County. "The County is incrementally accomplishing their agenda, step-by-step and with each step, we fear if we don't agree with them, they will limit our participation, so eventually you don't have any participation. They accomplish their agenda. What is the fear? Being threatened by government officials or bureaucrats really bothers me."

Madam Chair Womble said, "Do I look threatened? I'm not."

Ms. Roth said no, "but you keep saying we want to make decisions so the County will let us participate in the ten year plan or whatever, if we don't do what they say or keep antagonizing. We are not agreeing with what they say. We have facts and evidence and we should base our judgment objectively. They have their own agenda that they are pushing through. I don't know what their agenda is, but I have my suspicions that it is to improve water quality in Venetian Bay and Moorings Bay." That is why they applied for the WRDA grant. Seagate will benefit by deep water dredging for boating access. Meanwhile the NRPA is destroyed. "I really fear what is coming. They are declaring our water verifiably impaired. Once it is declared verifiably impaired, the County can plan its own program to do whatever they want in that area. If that's the case, I'd rather have FDEP come down and do the testing and have them declare the water impaired. FDEP will require the County clean up the water and it will be costly. If we do have that problem, we don't mind having the water cleaned up, but they are not going to allow dredging and all these other things. They are making the City of Naples remove all the drainage pipes to the Gulf and that is costing millions. I can see it coming. They have PBS&J with two little samples and declare our

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water impaired. I'd rather have FDEP come and test and declare Moorings Bay impaired. We were never presented with any data from Moorings Bay."

Madam Chair Womble referred to Ms. Worley's comment regarding having many people come as individuals to the County Commission meeting, stand up and tell the Commissioners how they feel. She thinks that is the best course of action to get them to pay attention. She wishes it were different.

Mr. Gibson said, "I am one of the quieter members on this Board and feel obliged to ask for a clarification. I am a voter, I understand markers, I'm very protective of Clam Bay in my own mind and the main reason I signed up for this Board. However, I joined the Board after I was told very explicitly that we had been given a major haircut. We had lost political responsibility for Clam Bay. We have the responsibility for maintaining the clarity of the water and mangroves, but we have been stripped of that responsibility. I agree with everything you said, Ted, but I feel obliged to speak up that it is the Foundation's responsibility now. The Chairman is here, the president is here. One of the confusing parts of living in Pelican Bay is we have the Property Owner's association, the Services Division, the Foundation, we have so many different Boards of people trying to improve this great community and we can't lose sight of how great it is. I don't understand what the County is trying to do either, but we have to support whether we have responsibility for it or we don't. They can't have two generals fighting the same war from different fronts. I am under the impression that the Foundation has that responsibility and we do not, That's the reason I cast my vote no and I feel obliged to tell people that.

Mr. Cravens said, "Geoff, may I make a comment regarding that? There is an ordinance passed by the County Commissioners in 2006 that gave us that direction. That ordinance is on the books. It has not been rescinded. We may have been told to back down by County staff, but the County Commissioners has not told us that.

Madam Chair Womble believes there is a recent ordinance regarding who is responsible for handling Clam Bay.

Dr. Raia asked, "Does that mean we can't express our concerns to the Board of County Commissioners? That's the point. I'm not denying the authority of the Commission."

Mr. Gibson said, "We've tried that in the past, and I don't disagree with anything that you've said, but as I saw it, and well said by our chairperson, that it's not our battle at this point."

Dr. Raia said, "Let me get a better understanding of your position. You do not feel you have any responsibility to express your concern or the concern of your constituency to the Commissioners about what they are doing. I know we can't do anything about it, but I'm concerned that you can express your concern, let them know that we as an organization are concerned about what they are doing."

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Mr. Gibson said, "I think we've done that in spades."

Dr. Raia said, "How? We have not been able to get anything out by this Board."

Mr. Gibson said his purpose for bringing this up is not to rehash the issue. We either have the responsibility or we don't and I was told very explicitly we do not have that responsibility; Responsibility was passed on to the Foundation."

Dr. Raia said, "I hope it's an issue during election time."

Mrs. Cravens referred to her comments and Mr. Cravens' comments regarding the Board operating under ordinance 2006-05 and suggested the Board members read it. The ordinance states Clam Bay is this Board's responsibility and is violating the ordinance by not following their responsibility. Commissioner Henning suggested a year ago for the Board to form an inter-local agreement between the Services Division and the City of Naples, which was never done. She said the City of Naples is driving this effort and putting pressure on the Commissioners because they have major water quality problems. The only reason the Services Division is not engaging in any issues involving Clam Bay is because "they have allowed themselves to be intimidated by County staff. In April 2008, the Commissioners voted for the Services Division to prepare, sign, and submit a permit application for mangrove maintenance and the hydrology of the system. Through political maneuvering, that was never done, "because County staff stepped on you and prevented you from doing it and you allowed it to happen. You are disappointing your community, abrogating your responsibility. You operate under Ordinance 2006-05. Please re-read it. You are not doing what you were elected to do otherwise."

Madam Chair Womble said they were doing as instructed and more recent ordinances lay out responsibility.

Dr. Raia said, "The marching orders came from Jim Mudd to John Petty. John Petty told us we have to stop what we are doing because they are not going to authorize any payments for Clam Bay, so don't commit yourselves."

Mr. Cravens said the Commissioners should rescind the 2006 ordinance.

Mr. Levy said why do they want to do that? "It could still come back to us. Why shut the door completely? We're taking care of the mangroves."

Mrs. Cravens said the mangroves are stressed and the Mangrove Action Group monitors the mangroves, no one else.

Mr. Levy said, "I thought we hired Tim Hall to monitor the mangroves."

Madam Chair Womble said Mr. Levy is correct.

Mrs. Cravens said the contract is not adequate to address maintenance needed.

Mr. Levy said, "It's too bad Tim is not here to comment." He asked Mr. Lukasz if they were monitoring mangroves.

Mr. Lukasz said they are continuing hydrographic monitoring and field observations with Turrell Hall & Associates.

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Mr. Levy said Madam Chair Womble agreed they were directed to maintain the mangroves and are doing so.

Mrs. Cravens said, "You have approved a \$330,000 budget for a number of years for a number of projects that you and Tim Hall were prevented from doing regarding mangrove maintenance" and perhaps they could respect Kay Potter's work and comments regarding stressed mangroves..

Madam Chair Womble said the stressed mangroves have been addressed and are being monitored. She went to Kay Potter's with Mr. Lukasz and Mr. Hall, made observations. At the last meeting she asked Mr. Hall if he still believes the mangroves are stressed from the last round of hurricanes. He is monitoring it. Referring to Mrs. Cravens she said, You were here when Mr. Hall said he didn't feel it to be very concerning, but he is keeping an eye on it. Yes, Ms. Potter did bring that to our attention back in May and that is when we went" to her apartment and observed the mangroves from above. She is well aware of what is happening and the mangroves are being monitored. She told Mrs. Cravens her public speaking time was up.

Mr. Cravens said she had one more item to address. The ordinance that Madam Chair Womble referred to establishing the Clam Bay Advisory Committee was in conflict with ordinance 2006-05 but no one addressed the conflict and severability and feels "if push came to shove" 2006-05 would be supported by the State.

Dr. Raia asked if they had permission to replace the canoe signs that are in disrepair.

Consensus was the signs were in the Services Division's possession, were paid for, but not installed because of Mr. McAlpin's direction to Mr. Hall not to proceed with installation. There was no further discussion.

ADJOURNMENT

Mr. Cravens made a motion to adjourn. Mr. Dallas seconded the motion. The Board voted unanimously in favor of the motion and the meeting adjourned at 4:12 p.m..

Mary Anne Womble, Chairwoman

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