

**PELICAN BAY SERVICES DIVISION BOARD REGULAR SESSION MEETING MINUTES  
JUNE 2, 2010**

**LET IT BE REMEMBERED**, the **Pelican Bay Services Division Board** met in **Regular Session, June 2, 2010 at 1 p.m.**, at the Community Center at Pelican Bay, 8960 Hammock Oak Drive. The following members were present:

**Pelican Bay Services Division Board**

|                                   |                                |
|-----------------------------------|--------------------------------|
| Keith J. Dallas, Chairman         | John Iaizzo                    |
| Mary Anne Womble, Vice Chairwoman | Michael Levy                   |
| John P. Chandler                  | Theodore Raia, Jr.             |
| Tom Cravens                       | John Baron <i>absent</i>       |
| Johan Domenie <i>absent</i>       | Hunter H. Hansen <i>absent</i> |
| Geoffrey S. Gibson <i>absent</i>  |                                |

**Pelican Bay Services Division Staff**

|                           |                               |
|---------------------------|-------------------------------|
| W. Neil Dorrill           | Lisa Resnick                  |
| Kyle Lukasz <i>absent</i> | Mary McCaughtry <i>absent</i> |

**AGENDA**

1. Roll Call
2. Agenda Approval
3. Approval of Meeting Minutes
  - a. April 7, 2010 Pelican Bay Services Division Board Special Workshop (Sunshine Law Presentation)
  - b. April 13, 2010 Budget Subcommittee
  - c. April 14, 2010 Community Improvement Plan Workshop
  - d. April 19, 2010 Pelican Bay Services Division Board Special Workshop (Peer Review)
  - e. April 28, 2010 Pelican Bay Services Division Board Special Workshop (Peer Review, Reconvened)
  - f. April 28, 2010 Community Improvement Plan Workshop
  - g. May 5, 2010 Pelican Bay Services Division Board Regular Session
  - h. May 18, 2010 Community Improvement Plan Workshop
4. Audience Participation
5. Administrator's Report
  - a. Deepwater Horizon Oil Spill Update
  - b. Governance Update
  - c. Monthly Financial Report
6. Chairman's Report
  - a. Peer Review of PBS&J Report Update
  - b. Peer Review of Water Circulation Models Preliminary Discussion
  - c. Community Improvement Plan Prioritization and Demonstration Project Discussion
  - d. Announcements
7. Capital Projects
8. Community Issues
  - a. Clam Bay Estuary System Channel Maintenance Permit Update
9. Committee Reports and/or Requests
10. Old Business
11. New Business
  - a. Pelican Bay Foundation Smoking Ban Starting October 10, 2010 *T. Cravens*
12. Miscellaneous Correspondence
  - a. Ongoing Projects Status Sheet
13. Audience Comments
14. Adjournment

**ROLL CALL**

Seven members present. Quorum established. Mr. Domenie, Mr. Gibson, Mr. Baron, and Mr. Hansen were absent.

**AGENDA APPROVAL**

*Mr. Cravens made a motion second by Mr. Chandler, to approve the agenda as amended by Mr. Levy, combining items 6 c and 6 d, and under item 6 c, have a discussion to consider doing a demonstration project. The Board voted 7-0 to approve the motion.*

**APPROVAL OF MEETING MINUTES**

Mr. Levy amended the April 13 Budget Subcommittee minutes on page 1098 under the section, “Clam Bay Funding & Projections” to read, “Could Pelican Bay Services Division transfer...” and “...approximately \$150K to spend, using approximately \$80K from carryforward reserve.”

Vice Chairwoman Womble amended the April 14 Community Improvement Plan workshop minutes on page 100 under “The Commons” section to read, “...would not result in a significant loss of parking.” Mr. Chandler amended page 100, moving the sentence, “Mr. Lukasz said he would contact the County’s Transportation department...” to the preceding paragraph regarding installing RPM’s and striping at Gulf Park Drive and Pelican Bay Boulevard.

Mr. Chandler amended the April 28 reconvened peer review meeting minutes, page 8370, section “Additional Peer Reviews,” removing the words, “...with enthusiasm...”

Mr. Levy amended the May 5 regular session minutes, page 8377, “Audience Comments” section to read, “...the Fiscal Year 2011 proposed budget allocated one-third of healthcare costs to street lighting, dividing the cost between three funds.”

***Mr. Cravens made a motion, second by Dr. Raia, to approve as presented, the meeting minutes of April 7(3a) Sunshine Law presentation; April 19 (3d) peer review workshop; and April 28 (3f) and May 18 (3h) Community Improvement Plan workshops; and to approve as amended the meeting minutes of April 13 (3b) Budget subcommittee; April 14 (3c) Community Improvement Plan; April 28 (3e) reconvened peer review workshop; and May 5 (3g) regular session. The Board voted 7-0 to approve the motion.***

**AUDIENCE COMMENTS**

Ms. Marcia Cravens referred to the City of Naples reconsidering whether to lift the ban barring the use of copper sulfate. She alleges that copper sulfate is highly toxic. She asked if the Services Division uses it to treat water bodies in Pelican Bay, and if so, when, where, how much used over the past couple years and how they are testing for it. The Services Division should address any copper sulfate issues as soon as possible and offered Ms. Jennifer Hecker of the Conservancy’s assistance. She alleged that the “peer review direction” document is a misrepresentation created by Coastal Zone management staff and not a product of the Clam Bay Estuary subcommittee as it states.

Mr. Dorrill said copper sulfate is the least expensive and easiest method to use to treat algae blooms and he would be surprised if the Services Division is not using it. Mr. Lukasz could address Ms. Cravens’ questions and provide report. He expressed interest in learning about alternatives.

Mr. Cravens said the City of Naples banned the use of copper sulfate due to the high levels in Naples Bay. Now they are attempting to rescind that order and reestablish the use of copper sulfate into water bodies that do not drain into Naples Bay. The issue at hand is that the locations under consideration, Moorings and Venetian Bays could affect Clam Bay.

**ADMINISTRATOR'S REPORT**  
**DEEPWATER HORIZON OIL SPILL UPDATE**

Humiston and Moore prepared a proposal to apply for a permit with the Florida Department of Environmental Protection and Army Corp. of Engineers to close Clam Pass should Deepwater Horizon oil spill conditions warrant. The permit application requires Board of County Commissioners' approval and the Services Division would place it on the next Commission agenda. The scope of work includes two alternatives to close the pass, the first with sand, the second with sheet pile. The cost is not to exceed \$10,400. If the County were to default, the Foundation guarantees payment. If they can get on the June 8 Commissioners' agenda, the application would be ready to submit in approximately two weeks.

Mr. Cravens asked what the potential problems are.

Mr. Dorrill said the "unified central command" has been wavering in how they will address containing the oil, whether with booms, or sand, but is confident they would have a permit in hand ready when necessary.

**GOVERNANCE UPDATE**

The County Attorney engaged the firm of Nabors, Giblin and Nickerson as co-counsel to develop an independent district program for Pelican Bay. The Foundation retained counsel, the van Assenderp firm. A teleconference is on June 11 with the County Attorney and Chairman Dallas to discuss a schedule and preliminary aspects of the "business deal" to explore developing a draft bill to bring to the Legislative Delegation session of 2011 at the earliest, or at the latest in 2012, and to hold a community workshop this fall.

Mr. Levy asked if changing to an independent form of government would raise, lower or be tax neutral.

Mr. Dorrill said it is too early in the process, but believes taxes would increase slightly. Currently, they pay the County \$150K in overhead charges, i.e., risk management and human resources services; as well as an existing ad valorem tax for other constitutional officers' services. They need to look at how they will continue services currently covered by overhead, i.e., insurance, and accounting services, as well as acknowledge how they would receive funds for County depreciable assets that they take over, i.e., maintaining roadways and other public works. The focus should be on being able to make independent decisions for major public works assets.

**MONTHLY FINANCIAL REPORT**

Mr. Dorrill said the general fund gen has approximately \$1.8 million available with \$5,700 in payables. The year to date is in line with the budget. Monthly expenses have been approximately \$200K out of the \$220K budgeted. They have received approximately \$2.5 million in assessment revenue. Generally, the budget is in line with expectations.

Mr. Chandler suggested they format the budget as a twelve month or calendar budget and volunteered to assist. Mr. Lukasz has knowledge of Services Division spending, and could review the budget line-by-line and make notations.

Mr. Levy said on page 4 of the monthly financial report under non-operating revenue and expenditures, there is reserves of \$140K and suggested putting this under “revenue reserves” because the amount is going to negate what is shown under operating revenues for special assessments of water management and right of way beautification at the top of page 2. It would show the total variance and describe better what this number really means, that people pay the assessment early to take advantage of the discount.

Mr. Dorrill said that he would apply suggestions to the July statement.

***Mr. Cravens made a motion second by Mr. Levy to accept the May 2010 monthly financial report into the record. The Board voted 7-0 to approve the motion.***

#### **CHAIRMAN’S REPORT**

##### **PEER REVIEW OF PBS&J REPORT UPDATE**

Chairman Dallas apologized and referred to the “Peer review direction as approved by the Clam Bay subcommittee of the Coastal Advisory Committee at the May 20 meeting” he received from Mr. McAlpin. He had wanted the Board to review the document prior to the meeting however, the County’s email system malfunctioned and prevented this. He suggested the Board respond to Mr. McAlpin. Member concerns included the June 15 deadline to have a “proposal on the street,” the Clam Bay Estuary boundaries, the refocusing of the review to emphasize water quality, the Impaired Waters Rule or IWR, Total Maximum Daily Loads or TMDL, and the impacts and standards for dissolved oxygen and chlorophyll, and that a water quality expert perform the peer review. Members understood this project to be a peer review of the PBS&J report, so the “direction” was confusing.

Ms. Kathy Worley agreed. She said a peer review of the PBS&J report would be comprehensive to include water quality, benthic, topographic, tidal data measurements and sediment analyses. She disagrees with the PBS&J report findings for many reasons including methods used to collect data, take measurements, and calibrate equipment. A peer review of this report is important because in the first phase, PBS&J collected current tidal measurements that they plan to use to calibrate their model in the next phase. She does not have confidence in the data and believes it does not provide a solid base. The Florida Department of Environmental Protection or FDEP reviews water quality data in STORET regardless, to determine impaired waters and make TMDL recommendations. In October 2009, Clam Bay was listed impaired for mercury levels alone, due to fish, and is typical in this region. A comprehensive peer review of the PBS&J report be done otherwise it does not give the whole picture.

Mr. Chandler said the statement that has impact is that they propose to take the Services Division scope of work and add back in the “stipulation that water quality expertise will be the primary qualification in selecting a peer review professional for this portion of work.”

Vice Chairwoman Womble referred to the statement that Chairman Dallas would work with Mr. McAlpin to develop a request for proposals with Purchasing. She suggested that Chairman Dallas work with his counterpart, Mr. Tony Pires, Chairman of the Clam Bay Estuary subcommittee, not Mr. McAlpin who is staff.

Mr. Cravens agreed and suggested they include Mr. Pires in the working group.

Ms. Linda Roth endorsed Ms. Worley's argument and urged the Services Division to clarify the scope of work is a comprehensive review of the PBS&J report, and no emphasis placed solely on water quality. She submitted her comments.

Mr. Cravens suggested the Services Division's response state that this Board does not accept the "stipulation that water quality expertise will be the primary qualification in selecting a peer review professional."

Vice Chairwoman Womble said a peer review of the report is just that and Mr. McAlpin is asking for a review of only one section of the report.

Dr. Raia cited the Florida protocol used to determine impaired waters and said they should proceed with caution.

Mr. Cravens pointed out that the Clam Bay Estuary subcommittee was not supportive of the FDEP evaluating the PBS&J report to determine if the conclusions are valid.

Ms. Worley agreed, adding that FDEP evaluates the data in STORET regardless.

Mr. Hall confirmed current Services Division Clam Bay water quality data is eligible, but not entered into STORET.

Mr. Chandler reviewed the subcommittee's recommendations. The Board concurred with merging the lists of proposed consultants. The Board disagreed with revising the scope of work with the stipulation that water quality expertise as the primary qualification used to select a peer review professional. The Board suggested adding counterparts to the working group to determine the request for proposals to include Mr. Dorrill and Mr. Pires. Lastly, the Board determined that June 15 is not a feasible deadline, but they would work to conclude as timely as possible.

Mr. Moffatt referred to the purchasing policy and compared the peer review professional selection process similar to the process they used to hire Mr. Dorrill.

Ms. Worley said in order to get a non-biased peer review they should not interact with the peer reviewer. They could provide reference material, but be wary of direction to get a desired result.

***Mr. Cravens made a motion second by Mr. Iazzo for the Pelican Bay Services Division Board to provide a response to the Coastal Advisory Committee Clam Bay Subcommittee's recommendations for the peer review. The Board concurred that the Pelican Bay Services Division list of proposed peer review professionals should merge with Coastal Zone Management's list of proposed peer review professionals. The Board voted 7-0 to approve the motion.***

***Mr. Cravens made a motion second by Mr. Iazzo that the peer review of the PBS&J report and historical data should be a comprehensive peer review and the scope not focus on the stipulation that water quality expertise be the primary qualification used to select a peer review professional. The Board voted 7-0 to approve the motion.***

*Mr. Cravens made a motion second by Mr. Chandler that the workgroup to develop the request for proposals document should include Mr. Dorrill, Mr. Dallas, Mr. Pires, Mr. McAlpin and a representative from the Purchasing department, and upon completion the document be provided to each respective Board for approval. The Board voted 7-0 to approve the motion.*

*Mr. Cravens made a motion second by Mr. Chandler that June 15 is not a practical deadline” for this activity to be complete and a proposal on the street.” The Board voted 7-0 to approve the motion.*

#### **PEER REVIEW OF WATER CIRCULATION MODELS PRELIMINARY DISCUSSION**

Because the Services Division Board proposal for a peer review was focused on the PBS&J report and historical data, at the May 20 Coastal Advisory Committee Clam Bay Estuary subcommittee meeting, Chairman Dallas was asked by Mr. McAlpin whether the Services Division would consider doing a peer review of a water circulation modeling study. The Board addressed this and several other issues in their May 6 letter to Mr. McAlpin. The letter states that the Services Division cannot make a commitment to perform a second peer review of a water circulation modeling study prior to completing an initial peer review of the PBS&J report and historical data.

Ms. Worley clarified that a peer review of the PBS&J report considers water circulation, but that a modeling study, although related, is a separate report. Coastal Zone Management would base a modeling study on data collected for the PBS&J report. If the data is suspect, it will not produce an accurate model, hence the importance of performing an initial peer review of the original PBS&J report and historical data.

There was no motion made. Board consensus was that Coastal Zone Management would likely move forward with a modeling study regardless, however the Board should voice their concerns in writing “peer to peer,” from Chairman Dallas to the Coastal Advisory Committee Chairman Sorey, and copy Clam Bay Estuary subcommittee Chairman Pires, County Manager, Mr. Ochs, and Mr. McAlpin. The Board had several concerns. The Clam Bay Estuary subcommittee defined the geographic area of the Clam Bay Estuary to extend to Doctor's Pass, which is inaccurate. They stressed the importance of performing an initial peer review of the PBS&J report and historical data prior to developing a water circulation model because the PBS&J report's data is suspect, been criticized as being bogus, and without validation, they might produce a poor water circulation model. The Board wanted to question Mr. McAlpin as to how he planned to improve the water quality in the Clam Bay Estuary as they defined it, extending to Doctor's Pass without harming Clam Bay as the Services Division defines it. Lastly, the Services Division does not rule out performing a peer review of a water circulation modeling study in the future, however at this time cannot commit, prior to completion of an initial peer review of the PBS&J report and historical data.

#### **COMMUNITY IMPROVEMENT PLAN PRIORITIZATION & DEMONSTRATION PROJECT**

Chairman Dallas said Wilson Miller's part in Community Improvement Plan project is wrapping up and the next step will be for the Services Division Board to set priorities for projects that it is responsible. The Foundation would do the same

separately. The Board then plans to write a summary describing projects, costs, and proposed timeline for implementation. This summary will provide the basis for a special issue of the Pelican Bay Post and present proposed plans to the community. This is just a preliminary step, and no decisions made until a public meeting, discussion, and vote. The Foundation is revising the Community Improvement Plan project list with estimated costs and show which entity is responsible. Some projects are mutual. Once received, Chairman Dallas requested members number projects in order of importance and the Board meet and give an idea of what they are thinking as a group.

Mr. Chandler attempted to send an email to Ms. Resnick that she did not receive. It contained a spreadsheet with the methodology dealing with rankings. After they receive the revised project list and members rank them individually, then Ms. Resnick could revise the spreadsheet with each member's rankings and based on individual responses, they would be able to determine Board consensus as to which project is number one, number two, and so forth. He suggested they show the cumulative cost, as well, i.e., if first project costs \$200K and second project costs \$300K, the cumulative total is \$500K.

Chairman Dallas said the priority list document would give residents a general idea of who is responsible for what projects, and the cost, as well as priorities. Once they receive the revised project list, members would rank projects and they would review at a special meeting. Estimated timeline is four to six weeks.

Mr. Iaizzo was concerned with how they would receive community feedback. He suggested a mailing with identified improvements and costs, asking residents for a response.

Mr. Levy suggested they consider a demonstration project, such as bollard lighting and crosswalk at St. Raphael, and widen pathways, install LED lighting, new poles with arms, and landscaping at the North tram station. They could share the cost with the Foundation. The community would then have something to see.

Mr. Chandler suggested using Wilson Miller's drawings in Pelican Bay Post, rather than do demonstration project.

Chairman Dallas suggested they complete the project list and determine priorities first, and then they could decide what the next step is. Once he receives it, he will distribute.

Mr. Moffatt said they should also include the objective for the project, i.e., safety. Regarding the demonstration project, Wilson Miller has identified projects that tie everything together.

### **ANNOUNCEMENTS**

Chairman Dallas said the next Services Division meeting is July 7. He cancelled the June 8 budget subcommittee meeting and scheduled the next meeting for July 8. The Coastal Advisory Committee meets June 10, Clam Bay Estuary Subcommittee meets, and the Foundation Board meets June 25 at 8:30 a.m.

**CAPITAL PROJECTS** None

**COMMUNITY ISSUES**

**CLAM BAY ESTUARY SYSTEM CHANNEL MAINTENANCE PERMIT UPDATE**

Mr. Dorrill did not have authorization to sign the Clam Bay channel maintenance permit application and that it required the Board of County Commissioners' Chairman signature. Once the Services Division receives the permit, they would be able to address the channels that Mr. Hall determined needed maintenance.

Mr. Cravens said Ms. Worley and the Conservancy would soon begin a benthic study of Clam Bay. The Mangrove Action Group, Pelican Bay Property Owners Association, and Foundation are funding the project.

**NEW BUSINESS**

**PELICAN BAY FOUNDATION SMOKING BAN STARTING OCTOBER 10, 2010**

Mr. Cravens said the Foundation passed a smoking ban to be enforced on all Foundation owned property, including bars, restaurants, beaches, and buildings to begin on October 10, 2010. It will not be enforced on non-Foundation property.

Mr. Moffatt suggested designating a section for smokers on the beach.

Mr. Cravens said the Foundation is offering smoking cessation training for staff employees.

**MISCELLANEOUS CORRESPONDENCE**

**ONGOING PROJECTS STATUS SHEET**

No discussion.

**AUDIENCE COMMENTS**

None

**ADJOURNMENT**

***Mr. Cravens made a motion, second by Mr. Chandler, to adjourn and the Board voted 7-0 to adjourn at 3:39 p.m.***

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Keith J. Dallas, Chairman

Minutes by Lisa Resnick

6/14/2010 10:11:00 AM