

Naples, Florida April 5, 2000

**LET IT BE KNOWN**, that the Pelican Bay MSTBU Advisory Committee met in Regular Session on this date at 3:00 P.M. at the Foundation Center, 8269 Hammock Oak Drive, Naples, Florida 34108 with the following members present:

Mr. Lou Vlasho, Chairman (Absent) Mr. Herb Hasson (Absent)

Mr. James Carroll, Vice Chairman Mrs. Cornelia Kriegh

Mr. Joseph Bawduniak Mr. David Roellig

Mr. Thomas Brown (Absent) Dr. Alan Varley

Mr. Edward Griffith Mr. George Werner

Mr. Glen Harrell

**ALSO PRESENT:** Approximately twenty-three (23) Pelican Bay residents; Cpl. Joe Indiero, Collier County Sheriff's Office; Mr. Kyle Lukasz, Field Manager, Pelican Bay Services; Mr. James P. Ward, Department Director, Pelican Bay Services and Mrs. Barbara Smith, Recording Secretary.

#### **AGENDA**

1. Roll Call
2. Approval of the Minutes of the March 1, 2000 Meeting
3. Administrator's Report
  - Clam Bay Restoration Program
  - Interior Tidal Channels (Phase II & III)
  - Educational Canoe Trail Program
  - Cattail Removal
  - Capital Projects
  - Street Lights
  - Street Signs
  - Entrance Signs
  - Community Issues
  - Exotic Control
  - US 41 Median Landscaping

- US 41 Six Laning
  - Budget Planning for Fiscal Year 2001
1. Community Policing Report
  2. Committee Requests
    - Consultant, Dr. Read's observation of Clam Bay – David Roellig
  3. Financial Statement Review
  4. Audience Participation
  5. Adjourn

### **ROLL CALL**

Mr. Carroll, Vice Chairman, called the meeting to order and asked that the record show Messrs. Tom Brown, Herb Hasson and Lou Vlasho with an excused absence.

### **APPROVAL OF THE MINUTES OF THE MARCH 1, 2000 MEETING**

Page 3837 – next to the last word on page, "turbid" should be changed to "turbulent".

Page 3838 – Third word, second paragraph – "turbid" should be changed to "turbulent".

Throughout the Minutes, "Mr. Swart" should be changed to "Dr. Swart".

*Mr. Werner moved, seconded by Dr. Varley and approved unanimously, subject to the referenced changes, the Minutes of the March 1, 2000 meeting.*

### **ADMINISTRATOR'S REPORT**

#### **CLAM BAY RESTORATION PROGRAM**

#### **INTERIOR TIDAL CHANNELS (PHASE II & III)**

Mr. Ward reported that as you know, we are proceeding with the work on the tidal channels for Phase II and Phase III and going forward with the surveying, plans and specifications for the Phase II portion of that work. That has been completed, the survey drawings are ready and are now being bid. We do expect the proposals the last week of April. I expect to have those bids in front of the Board of County Commissioners sometime in the month of May and we will advise the Advisory Committee as to whether they came in on budget and what the proposed contract is for.

#### **EDUCATIONAL CANOE TRAIL PROGRAM**

Mr. Ward explained that the permit for the canoe trails came out from FDEP this past week and now we are putting together the pamphlets and the signs and maps depicting the locations that have been approved by the regulatory agencies. I had enclosed in your Agenda Package a copy of what the canoe trail markers will look like when they are installed and what has been approved by FDEP in those locations.

Mr. Werner asked if the proposed canoe trail marker design is cast in stone? It appears as if it is telling you not to canoe there.

Mr. Griffith stated that he thought the universal symbol was a canoe.

Mr. Ward replied that he thought it was also. The permit and size is cast in stone, but I believe the numbers and paddle were Mr. Turrell's design and I do not think there is any pride in authorship from FDEP's perspective.

Mr. Harrell stated that he would imagine that mile marker eight would look like a skull and cross-bones under the present design.

Mr. Werner stated that he would encourage you to take another look at the design.

Mr. Ward replied that was his first thought and we will have him take a look at that for you.

Dr. Varley asked what we are going to do with the pamphlets after we have them printed? Where are they going to be distributed?

Mr. Ward replied primarily I thought it would be beneficial to distribute them to the Foundation to be used as part of their programming and services that this was an available event that they could use. Since they do have canoes that can be used in Clam Bay I thought we could coordinate with the Foundation as to their canoes with this pamphlet and this program.

Dr. Varley asked if we were going to supply them to all of Collier County?

Mr. Ward replied no.

Mr. Carroll asked the schedule for the installation of these markers?

Mr. Ward replied staff has not really defined that at this point in time. I have to come up with a schedule to do that. I would suspect that they should be finished within the next four or five months and at least before the end of the summer.

Mr. Carroll asked if there would be some kind of a map showing the thirty-two markers posted some place?

Mr. Ward replied yes. As part of the pamphlet we do plan on showing the locations for all of the markers.

Mr. Harrell asked if it was possible to navigate from markers 1 through 32?

Mr. Ward replied that I am told that you are able to.

### **CATTAIL REMOVAL**

Mr. Ward explained that included in our Operating Budget this year that has been paid for by the County's Natural Resources Department, was the removal of cattails west of the berm road in what we call Systems III and IV. That is north of the Commons Park, probably about one half mile or so on the left hand side as you are heading north. We bid that project recently. It is an interesting project and is a very difficult project for a number of reasons, primarily because of the size of it and the size of those cattails. We budgeted \$50,000 in our Fiscal Year 2000 Budget for the removal of those materials. The low bidder came in at \$73,200. We have about \$6,000 in addition to the \$50,000 in our budget from reductions in prices that we received from other work. What I would recommend to you is that you go ahead and award this contract for the \$73,200. We have sufficient cash reserves in order to handle this differential. We will ask the County as a part of the Fiscal Year 2001 budget process to reflect those additional monies in the budget so we will get that back from the County in the future. In addition I will also let you know that Turrell and Associates has indicated to us that there is an opportunity for us to get some monies from a developer who they are working with for mitigation work for other projects that are occurring outside of Pelican Bay, roughly in the amount of \$15,000-\$20,000 and FDEP has signed off on this area to be used as mitigation work. We may be able to get additional monies for doing that and that becomes a mitigation project for impacts that are occurring off-site to Pelican Bay. Also in our Fiscal Year 2001 Budget planning process we will be budgeting the funds necessary to go in and replant that area. The first step is to get the existing cattails out of that area.

Dr. Varley asked what is going to happen after they have been killed? Is it just going to be dead?

Mr. Ward replied that one of the issues we grappled with is actually how you do this. This particular program is not only for killing them, but removing them and disposing of them off-site. One of the things you have to do as you kill them is that they need to be left for some period of time, probably nine months to one year, before we go in and replant them. The water is very

shallow and if you just go kill them it will be a ten-acre area of blighted brown. The concept was to top them, kill the root systems and then the material be taken off-site and disposed of at the landfill.

Dr. Varley asked if you are not going to replant anything in there?

Mr. Ward replied that in our Fiscal Year 2001 Budget we would process a request to go in there and replant that area. The thought is to take them out, let it sit, survey the elevations and come up with a replanting program and then replant it probably late next spring or summer.

Dr. Varley asked if the County would do the replanting?

Mr. Ward replied that we will bid it out and whoever the low bidder on the contract is whom we will contract with.

Dr. Varley asked who would pay for it?

Mr. Ward replied that he had planned on putting it in the operating protocol that Natural Resources would pay for in Fiscal Year 2001.

Dr. Varley stated that he does not think the people over there would be very happy with a whole bunch of dead cattails out their window.

Mr. Ward replied that I don't think so either. That is why we intend to kill them and remove them. It will look pretty good if they are removed.

Mr. Werner stated that there was earlier discussion that once we got the flushing working, the intrusion of saltwater would kill the cattails. That apparently hasn't happened has it?

Mr. Ward replied that it hasn't really killed them, but even if you do get it you still have the problem of a lot of dead cattails just standing there for a long period of time.

Mr. Werner asked if there was a way to keep them from returning?

Mr. Ward replied that is what the replanting program is intended to do.

Mr. Werner replied they obviously came from someplace. Is there something to prevent them from coming back again?

Mr. Ward replied no. They thrive in a nutrient enriched freshwater system and that is what that is at the moment. In all likelihood with the Phase II and Phase III cuts you might see a little more flushing action up there, but it is still a freshwater system at that location. If we are going to remove them we strongly need to recommend the use of a replanting program to try and prevent them from coming back. Otherwise it is just going to be a maintenance nightmare from time to time.

Dr. Varley stated that we seem to be having trouble with the mangroves. I think if anything they are not getting better, they are getting worse. To go out there and start killing more things, I have some real reservations. Are we being told to do this?

Mr. Ward replied no. It was a part of your Clam Bay Restoration Project that can be handled if you wanted to do this. It was recommended in your budget and is an item being paid for by Natural Resources through their budget process and operating procedure. Quite frankly, the regulatory agencies and certainly the County prefers the removal of cattails and the question becomes what do you replant them with, as you remove them.

Dr. Varley stated that there has been a lot of discussion that possibly that entire system is in the process of becoming something other than a mangrove forest. I would imagine cattails would be a big part of it if it is going to become a freshwater marsh. If we should be in the stage of losing mangroves and having a goal and direction of more freshwater stuff, it doesn't seem to me to make a lot of sense to go out there and start killing the freshwater material out.

Mr. Ward replied he agrees. The changeover, at least from the reports that I have read, from a saltwater to freshwater system are years and years in the making. Certainly with respect to this particular issue cattails are never a desirable species in any freshwater system. In all instances it would be recommended that cattails be removed from a freshwater system. Irrespective of

what happens we would recommend that to you. If you don't replant them even with a freshwater species, but at least get in there to remove them and replant them, it will make for a better ecosystem at the end of the day, no matter whether it is freshwater or saltwater.

Mr. Griffith asked if Dr. Varley's reservation was not to remove the cattails?

Dr. Varley replied that having done this dredging and things began to turn around and appear to be getting healthy, I would have no problem at all. I am very much concerned about that area. I don't think the system is turning around and I don't think it looks any better. I think to go out there and level another big area seems questionable in my mind.

Mr. Griffith asked if Dr. Varley felt we should wait to see the progress of the mangroves before we start taking out cattails?

Dr. Varley replied that if we didn't have to do it, I think that would be my preference. Just wait a year or so to see what happens. If the mangroves start coming back, then fine, let's get rid of them. If it turns out the only green out there is cattails, I don't think it makes a lot of sense to go killing them.

Mr. Griffith stated that the cattails are absorbing the nutrients.

Mr. Ward stated that cattails thrive in a nutrient rich freshwater system, so to the extent that you have nutrients and a shallow water body, they will thrive and grow.

Mr. Griffith stated that the reason the agencies classify cattails, as an exotic is because of the fact that they are so dominant that nothing else could survive. What would be replanted would be taken over by cattails and go to waste. Right now the cattails are not harming anything and actually are doing some good. I know there is a requirement by agencies to remove them, but I don't know if it is on going or long term.

Dr. Varley asked what you would replace them with?

Mr. Ward replied we do not know until we get them out of there and see what the elevations are and we can come up with a recommended species.

Mr. Werner asked the consequences of delaying action on this?

Mr. Ward replied the only consequence is that if you do get some saltwater intrusion up there, they would die immediately. Then you will have a ten-acre area of just plain dead cattails.

Mr. Harrell stated that if you do get saltwater in that location, that is a good thing for the mangroves, so we will know.

Mr. Ward stated that you cannot judge the success of the mangroves on whether these cattails are green or brown. They are right up against the berm in a very remote location from the tidal exchange improvements.

Dr. Varley stated that the belief was that if this dredging works we would get more saltwater flushing into that area and it was the sense that it would be a good thing if there was more saltwater in there.

Mr. Harrell stated that he understood that if the cattails die we knew the system was working.

Mr. Roellig stated that the saltwater has not gotten to them yet, but one of the risks is that there could be a storm event that causes an extremely high tide or surge and they could be killed at any time, particularly during the summer storm season.

Dr. Varley replied which would save us \$73,000.

Mr. Roellig replied that you would still have to take them out. If you don't go with this program you are under the threat that it could happen by natural forces at some unknown time.

Mr. Ward stated that the cost of this is the removal.

Mr. Bawduniak stated that it appears we can cock the pistol and not pull the trigger. I share Dr. Varley's view. We don't need

another ten acres out there looking unsightly. Couldn't we go through the budget process to have the funds in place, plus a small contingency and in a period of time if something happens to them and they go, we are ready to move in and take care of it and otherwise, let's wait and see? Can we have our cake and eat it too?

Mr. Ward replied that if it was your money I would say yes, but it is not and is coming from the County's General Fund. That is where Natural Resources are funded. Government is great, but in this particular instance to the extent that you do not spend these funds they go back into the County's General Fund Reserves and you would just have to re-appropriate that at a future point assuming the Commission is willing to do that for you.

Mr. Harrell stated that if you pull these up and replant them with something that you don't know what it is going to be until you pull them up and the water changes, it would kill the replanted species.

Mr. Ward replied I saw it when it was first dredged in mid-1980 and it looked very nice without the cattails in there. The cattails are an intrusive exotic material that takes over an area and does not allow anything else to grow. It looked like a little freshwater body out there. Why I suggested waiting for the replanting was to wait to see what happens after these Phase II cuts are finished with Mr. Lewis. Give them a year and then you will have a better feel for what kind of materials to put back in there. I don't think you are going to see it as unsightly as you think it is going to be. It will be unsightly for the construction period. You take it out and it is going to look like a freshwater body.

Mr. Harrell stated that I think we get a kick out of playing devil's advocate. Is that your recommendation to take it out and make it look like a lake?

Mr. Ward replied no. My recommendation was to take it out and replant it as was in the original concept for this particular program, knowing that exotics, if we are going to focus on the removal of exotic materials, is something you are not going to want to have in a estuary. We have gone through and the County did a great job in removing all of the Brazilian Peppers and this is one of the last remaining exotics in this particular areas other than some Brazilian Peppers in Bay Colony. As Dr. Varley said you don't have to do it. You do have the ability to choose whether you do or do not want to do it at this point.

Mr. Harrell stated that I am all for supporting the recommendation, let's go for where we have been going. I do share Dr. Varley's concern for wasting money.

Mr. Werner stated that we have spent over \$2,000,000 trying to improve the system and from everything I have learned exotics are a bad thing. It is already agreed with the County that they are going to pay the lions share of this so I see no reason to delay it.

*Mr. Werner moved, seconded by Mr. Harrell and approved on a vote of 7 for and 1 against to proceed with the cattail removal and replanting program. Dr. Varley cast the dissenting vote.*

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## **CAPITAL PROJECTS**

### **STREET LIGHTS**

Mr. Ward explained that the bids have been received for the material purchases on the replacement to the street lighting system. They came in on budget. The question had been raised by the Committee, as to whether or not there was any advantage to pricing and purchasing them all at once verses over a period of time. The way in which the bid specifications were written we indicated to the bidder that if we were going to purchase these materials all at once would there be a price break for doing that. The way the bids came back was there really isn't a price break for purchasing the materials. The price break comes in the delivery of the materials that they can put twenty poles on a truck and deliver it to you. You get more bang for your buck because they have a full load for a eighteen-wheeler. That is the way they have been priced and bid. We left the option in the bid that we could purchase these materials over a two or three-year period at our discretion and the vendor has

indicated that they would be willing to hold the prices for that period of time. Accordingly, we are currently out to bid with respect to the installation of those poles and that is scheduled to be submitted to you at your May Meeting. What I am going to recommend to you is that we proceed forward to award the bid for all of the poles and then purchase them over a period of time beginning with the purchase and installation of the twenty-foot poles which is all of the single family area. That is \$290,000 for the purchase and installation and then we will begin in your budget planning process to figure out the solutions to the replacement of the street lights on the boulevards which are anticipated to be roughly \$390,000. The low bidder was Consolidated Electric Company. There were four bidders that bid on this particular project.

Mr. Carroll asked how many poles we were talking about?

Mr. Ward replied 157 30-foot poles and 161 20-foot poles are the estimated quantities, plus the luminaries.

Mr. Werner stated that he could not find his paper on the estimated amounts and asked how the bids compared with the estimated amounts?

Mr. Ward replied they came in slightly under budget.

Mr. Carroll asked what we would be approving today, the \$290,000 bid for the first Phase?

Mr. Ward replied the authorization for us to contract with Consolidated Electric for the purchase for all of the materials themselves, both single and multi-family which we will purchase in phases over a two or three year period, depending upon how we decide during the budget planning process. Phase I would be the single-family purchases that we will handle this fiscal year. That is what you would be handling today. In May we will be back to you with the award of bid for the installation of Phase I, which is the single-family area.

Mr. Werner asked if the \$290,000 was for the poles and luminaries and not for the installation?

Mr. Ward replied no, I gave you the total cost. It is about a 50/50 split, so half of the \$290,000 is the actual installation.

Mr. Carroll asked if half of the \$290,000 was purchase and half installation?

Mr. Ward replied, right.

Mr. Carroll asked what it was that Mr. Ward would like approved today?

Mr. Ward replied that the proposed contract amount is \$314,000 with Consolidated Electric. Actually there is no need for you to approve it. As long as that is conceptually okay with all of you then we will proceed forward to award the bid with Consolidated Electric in that amount.

The Committee concurred.

### **STREET SIGNS**

Mr. Ward explained that bids are being received this afternoon on this project and assuming that those prices come in consistent with what the budget estimates were for that program, we will proceed forward through the Board of County Commissioners for it's review and approval. I will schedule that for your May Meeting and send you a copy of the bid tabulations so you can see what that pricing is that we are recommending for award. That is for both the material purchase and installation.

### **ENTRANCE SIGNS**

Mr. Ward explained that the entrance sign program is underway and I expect that to be completed in mid-May. Once we bid that program we will provide to you another copy of what the design looked like just so that it will refresh your memories as to what you had previously approved. The project will be put out to bid and awarded in another couple of months.

Dr. Varley asked if everything goes on schedule when would you anticipate completion?

Mr. Ward replied that completion should be August or September. We are trying to finish these Capital Projects that are in the current year planning before the end of September.

## **COMMUNITY ISSUES**

### **EXOTIC CONTROL**

Mr. Ward explained that the Crown Colony exotic control issue, and I use these words, "is expected to be presented", because it keeps getting deferred. Barring any more deferrals, we have been told it will appear before the Code Enforcement Board on April 27. I will be in a position to advise you what the Code Enforcement Board decided at that time. What I have said to you before is that it is probably not the end of the action, but the beginning of the process itself. We will see what happens when it gets in front of Code Enforcement.

### **US 41 MEDIAN LANDSCAPING**

Mr. Ward stated that with regard to the US 41 Median Landscaping Program, the Design Consultant, Botner and Associates has advised that they are finishing the plans which should be complete by mid-May. I think he anticipated having it done by this meeting, but with the FDOT comments coming in he has pushed that back to mid-May. As soon as he finishes those and incorporates those comments, I will provide another copy of the design plans to you for your information and review.

Mr. Werner stated that as he recalls Mr. Botner was going to apply for a State Grant and would find out about that in July. Then he would not be doing anything until next fall. Is that correct?

Mr. Ward replied in the affirmative.

Mr. Werner stated that the County has budgeted their half for the current fiscal year and they would be doing the work in a later fiscal year. Does that have any affect?

Mr. Ward replied that since it is an on-going project that is in the bid phase the way in which the County works, technically we would encumber the funds and roll the Purchase Order. We will keep the Purchase Order open for the construction of that job.

Mr. Werner stated we have also budgeted for this year.

Mr. Ward replied we would be doing the same thing. We will open the Purchase Order and roll it. Hopefully it will be started in October and finished by the end of the calendar year.

Mr. Carroll stated he thought it was going to be a four or five month project.

Mr. Ward replied I could not see how this is a five month construction project. It is probably three months tops, unless there is some major irrigation issue I don't know about, but the landscaping is not a particularly difficult installation.

### **US 41 SIX LANING**

Mr. Ward explained that questions had been raised at the last meeting, some of which were raised by me with respect to the lighting on US 41. We did take a look at the actual plans from FDOT and there are streetlights in what is called the project area on both sides of the roadway. The project area is from Gulf Park Drive north. There are no streetlights from Gulf Park Drive to Seagate Drive. We asked them verbally as to whether FDOT would include it in the plan and they said no that they would not do that. I have asked the County if they would be in a position to write a letter to FDOT asking whether or not they would add the streetlights for that section of US 41 that will be unlit in front of Pelican Bay. The lights do have house side shields on them which means that on the backside of the light there is a shield such that when the light is on it will not shine backwards into the community. They work pretty well most of the time, so hopefully that will help a lot.

Mr. Carroll stated that not having streetlights from Gulf Park to Seagate does not make a lot of sense. What is your feeling about FDOT or the County doing something about that?

Mr. Ward replied that he feels that if Collier County exerts enough pressure on FDOT they will probably add it to the plan itself. Pelican Bay Services asking FDOT to do it, they in all probability will not do it. Maybe Mr. Griffith can help on this

issue.

Mr. Griffith stated that he had a curious question because he thought State Roads in urbanized areas were required to have lights or the State was required to put lights on urbanized roads?

Mr. Ward replied that he thought they were too.

Mr. Griffith stated that it is addressed in their State Manual of lighting and signage.

Mr. Ward replied yes, I think they are. What Mr. Ripp indicated was that since this was outside of the project area, it was not in this contract and they would not be in a position to add it. That is the issue.

Mr. Griffith replied that I understand now. They do not have the funds to go back and do it today.

Dr. Varley asked if Mr. Ward would request that lights are put on both sides of the road or just on the Pelican Bay side?

Mr. Ward replied that they need to do it on both sides, exactly as they are going to do from Gulf Park Drive north.

### **BUDGET PLANNING FOR FISCAL YEAR 2001**

Mr. Ward explained that the preliminary schedule for the budget planning process for Fiscal Year 2001 is that at your May Meeting we will take you through the budget plan review. That is one of the major issues you have to deal with for Fiscal Year 2001, what you want to include in your budget. At your June Meeting I will make a preliminary presentation to you of your budget review. If everyone's schedule is okay we will schedule a workshop like we did last year that would be for June 14. Then you would have an additional opportunity to schedule an additional workshop should you deem necessary between June 14 and July 5. On July 5, I would ask for final budget approval by the Advisory Committee and then we would begin the Public Hearing Process in Pelican Bay. That would consummate with the Public Hearing scheduled for September 14, here in the community.

### **COMMUNITY POLICING REPORT**

Cpl. Joe Indiero introduced himself saying that he has been assigned to the North Naples Substation and for the most part would be replacing Deputy Proper whom will be doing special assignments.

Cpl. Indiero explained that a composite had been left at your last meeting showing an individual that we had wanted to question in regard to a burglary in Bay Colony. Since that time on the front page of our Newsletter you will see the same composite as well as a discussion regarding this incident. As the bottom of that discussion you will see listed a Sgt. Roche who is the Criminal Investigation Supervisor at North Naples as well as his phone number. I met with Sgt. Roche to discuss matters with regard to Pelican Bay and talked two issues. One is that they are working on leads regarding this case and certainly would invite any input from any resident of Pelican Bay regarding any possible suspect or suspicious activity. Sgt. Roche wanted me to bring to your attention that although this did not occur in Pelican Bay the proximity was of interest to ours as well as yours. Wiggins State Park as well as Clam Pass has recently had purses stolen from vehicles that were parked there. Unfortunately, many times without understanding the danger, these victims have taken their purse out of the car and secured it in the trunk of the vehicle. Many times these individuals have been there or have lookouts looking for an easy target. It appears that these were the cases here. I can tell you from my own experience, if I have a briefcase or someone with me that has something important in it, I will always secure it before I get there, to take away any curiosity seekers or anybody that is surveying the area.

Cpl. Indiero continued that he met with his crime analyst in North Naples regarding the reported crimes from March 1 through March 31. I was given two incidents, which occurred within the Pelican Bay jurisdiction. One was a stereo that was stolen from a vehicle in the parking lot at Waterside Shops. It appears that the individual who owns the vehicle is a construction worker and suspects that another worker had taken it. The other was at the Vanderbilt Beach Parking Lot where a car was parked and when the owner returned there was money and jewelry taken from the car.

Cpl. Indiero stated that the Newsletter contains a number of highlights. One is calling your attention to juvenile parties. It is a caution or reminder to those of us who may be going on vacation. You may recall last year where we arrived at parties where there was alcohol being served. As a result of those incidents the Sheriff's Department aggressively pursued these types of complaints.

Cpl. Indiero continued that there is a section in the Newsletter regarding courtesy notices. I recently attended a training session where we do a presentation to citizens involving the concept of a courtesy notice. It requires about one and one-half hour training. We have a form that you fill out if you observe somebody committing a serious violation. It is not the intent of the Sheriff's Office to have you complain about your neighbor. We have had a number of residents of Collier County express their concern about serious flagrant violations such as running traffic lights, serious speeding violations, school zones, etc. If anybody has an interest in that, please feel free to contact my office at the North Naples Substation and we can discuss that program further.

Cpl. Indiero stated that last week the Smart Trailer was in Pelican Bay. I did not personally see it but I was told it was here. That machine tells you the speed you are traveling as you go by. We are waiting for the results of that check to see how many cars traveled through that check and their speeds. You may be aware that we also have a patrol check form that can be filled out and turned in if you are going away for a few days or seasonal residents. This forms provides information on who might have a key for your home, any vehicles that will be there, the alarm company, etc. Many times when we answer alarms we will check as far as we can and find a key holder.

Cpl. Indiero stated that there has been some discussion about bicycles and bicycle paths in Pelican Bay. Since my assignment to Community Policing and even prior to that I have been in Pelican Bay on a number of occasions. I don't routinely work as your Pelican Bay deputy and as you know you have certain individuals assigned that exclusively patrol Pelican Bay on a regular basis. You did have bicycle lanes and they were taken out or painted over. There is a Florida Statute that pertains to bicyclists, which states they have the same rights as cars do on the road. They have to abide by the traffic rules of the road. One recent complaint I received from a lady is as she was coming down Hammock Road Drive and came around a slight curve she almost hit three cyclists that were spread across the road. I have complaints elsewhere in Collier County. I would urge everyone to use caution. If we were to observe that violation we would talk to the cyclists and advise them to be careful. If they are not maintaining the normal speed, which here is 30 mph, and unless you are a racing bicyclist most of us cannot maintain the speed limit, you are supposed to stay to the far right of the road and ride in single file. You are not permitted to ride two abreast unless you have a bicycle lane.

Cpl. Inerdio continued that with regard to crime statistics, I am not sure where we are at this point in time. We have undertaken the upgrading of our computer system and we are experiencing some problems and the only crime stats I have with me are the ones I reported. I questioned a little about that and he did tell me that there was difficulty obtaining additional stats as a result of the changes in the computer. Please when I finish, let me know your feelings about that and the information you are looking for and I will continue to pursue that.

Cpl. Indiero stated that a couple of issues observed at the last meeting were visibility of the deputies in Pelican Bay as well as some of the speeding violations. Individuals that I have talked to and I have made it a point to come in here myself more often when I can on routine patrol, is that construction and traffic back-up on the highway is causing more traffic in Pelican Bay. That is a possibility because anyone trying to avoid traffic on US 41 is going to do it. We have spoken of your concerns to Sgt. Milligan who is our Assistant Commander as well as Lt. Strickland and I do know information was passed on to our patrol units as well as our Pelican Bay deputies. Yesterday I spoke to the Pelican Bay day shift deputy, Deputy Minor regarding visibility and serious speeding. We in the Sheriff's Office all look at the seriousness of the violation to decide if we are going to issue a warning or citation. I can tell you if I catch somebody taking a short cut through Pelican Bay doing 60 mph in a 30 mph zone, I doubt very much I will give them a warning. We have asked our officers, when possible, to come through Pelican Bay. I have done that recently and some of you that know me have given waves and thumbs up and I think you are glad to see us here. I don't think that is asking too much because we can also take short cuts through Pelican Bay in different areas. So we are trying to do the same thing as some of these motorists we suspect are doing that.

Cpl. Indiero stated that Mr. Ward sends the Minutes each month. I have read them and I will try to get this Newsletter to you prior to the regular meeting so that you can read it and digest the material and perhaps call me prior to the meeting. I will keep you informed as to what is going on in North Naples as well as issues regarding Pelican Bay. I can also tell you that as far as traffic enforcement goes we have been scheduled to attend radar school. That allows us, aside from us witnessing serous violators, to conduct radar monitoring of vehicles that may seriously be violating the speed. I can tell you that the Sheriff's Office has an aggressive program of educating our people and ultimately we would like to have all of our officers trained in the operation of the radar units as well as have units available or them.

Mr. Bawduniak stated that next month we are going to be discussing bike paths again. Several of our residents have brought the issue back up. Could you at that time be prepared to give us the Sheriff's Department's view on safety, liability and issues related to delineated bikes paths such as we used to have when it comes up?

Cpl. Indiero replied that if Mr. Ward will contact me regarding the date and time and I will be glad to attend and bring whatever information I can.

Mr. Harrell stated that a long time ago we talked about defibrillators in public places in Pelican Bay such as being in Waterside Shops and hotels, etc. Has that ever come about or has it gone away? How are we on that kind of program?

Cpl. Indiero asked if Mr. Harrell was aware of the locations of the defibrillators?

Mr. Harrell replied no.

Cpl. Indiero stated that the Sheriff's Office has them and I understand that they are also in other locations within Pelican Bay. We routinely carry them and I am not certain how many, but I know the officers are trained on them. It is surprising how simple the operation is.

Mr. Harrell asked that if some defibrillators are already in place in the community or do we need to get them put in place?

Cpl. Indiero stated that I would get hold of Mr. Ward with the locations.

Dr. Varley stated that the Foundation has them in existence right now.

Mr. Kinny stated that there is one at each beach restaurant and at the Commons Office and I am not sure if we have one here at this community center. We have approximately twenty Foundation staff members that have been trained and gone through the program.

Dr. Varley asked the distribution of the Newsletter and asked if it was widely distributed in the community?

Mr. Ward replied that the Sheriff's Office prints them and we do a mass reprinting and deliver them to the Foundation's offices for distribution and I believe we also give some to the condo associations to put out for mailings and things of that nature.

Dr. Varley stated that he feels the entire community ought to get to see this on a regular basis.

Mr. Ward replied yes, I like it and think it works well.

Cpl. Indieros stated that they have recently talked to Lt. Strickland about expanding the lockbox program. I will talk with Mr. Ward further about this program. The only people that have access to this program are the Sheriff's Department and EMS. Our only concern is that if you call us and we cannot get into your building, it goes without saying minutes are wasted. I will talk with Mr. Ward about this and share with you some of the condos that do not have that program.

## **COMMITTEE REQUESTS**

### **CONSULTANT, DR READ'S OBSERVATION OF CLAM BAY – DAVID ROELLIG**

Mr. Roellig reported that at prior meetings there has been some discussion about what has happened with the mangroves. We have completed the construction, but have some additional hand digging that will be taking place. There has been some dissatisfaction expressed in the restoration of the mangroves. I took it upon myself to contact a casual acquaintance, Dr. Robert Read who is the Botanist Emeritus of the Smithsonian Institute who lives in Collier County. My feeling is that if we are having additional problems we need to look for a botanical type answer. I am confident that the hydraulics are working about as well as they are going to work. I think the pass is stabilized nicely and seems to be working well. I talked to Dr. Read and consulted with Mr. Lukasz and the three of us, including Mr. Hatcher went out to take a look at the area of the mangroves that seems to be regressing. If you go out to the Strand in Bay Colony, there is an area where there is virtually nothing alive. There is not even an understory of grass or any rejuvenation of mangroves. I provided a copy of my notes from that trip to the Advisory Committee.

Mr. Roellig stated we looked at this area with someone who had some experience in botanical matters to see if we could come up with some idea as to what the problem might be. Dr. Read was kind of surprised at the situation. About two years ago Mr. Bontemps had taken him into the area and there was considerably more growth than there is currently. The growth was working very well until a storm around October that caused some flooding and most of the juvenile mangroves died at that time. Looking at this, Dr. Read had a suggestion that after looking at where the cuts are there is flushing and the mangroves seem to be growing well and he noted a lot of fiddler crabs in his report. Away from these cuts is not the case. His comment was that what we might consider a flushing test area with seawater. What we would do is pump some water out of the channel.

This could be done with a gasoline driven pump out of a boat with some hose to flush a test area where there does not seem to be much growth. What would happen is that you do this once a month or every three weeks until the rainy season which is June, then take another look at it around December to see if there has been any growth or what the situation is with the seedlings that drop. To me it seems like a low cost avenue of investigation.

Mr. Roellig stated that he had a call into the Manager of Ding Darling on Sanibel Island. They have had mangrove die off over the years and he seems to have a similar problem in a similar area. They had about a thirty-acre area that was badly damaged during the 1995 flood just as we had. Their area, about once a month, does get flooded by seawater and seems to be coming back. I think this is a potential test that we could do that would be pretty low cost. I have talked to Mr. Lukasz and he is looking at getting together with Mr. Hatcher to go out and locate a spot where this could be done. I am comfortable with what the construction has done so far, it is hard to prove, but I think this dead area is somewhat of a basin that is not getting sea water during high tides. What you have in a situation like this is not a matter of finding other things because the ground is already pretty saline. What you do need is black mangroves that should be able to sustain themselves in this area, particularly if they can get seawater from time to time. It appears that they will thrive better if they can get fresh water from time to time. You realize once you pump the water in there, most of it will stay in place and evaporate. It will continue to be a very saline environment. Mr. Hatcher and others do take soil and water samples periodically. Dr. Read talked to Mr. Hatcher about some additional sampling he could do, particularly to check the salinity and I think Mr. Hatcher is agreeable to that.

Mr. Roellig continued that another thing the Manager at Ding Darling mentioned is that there is a grass called the Glasswort. Apparently in his area it is growing quite well on the ground and only grows about five to six inches high so it does not interfere with the young mangroves and gives a nice green carpet. It is something we might look into also with Mr. Hatcher. The other point that the Manager indicated is that Fish and Wildlife do have mangrove experts who are located in south Mississippi, but they do come to Sanibel from time to time. If we wanted to hook on with them that might be a possibility when they are visiting Sanibel. The other possibility is my experience with government employees in a situation like that is that if we wanted to talk to them or have them make a site visit it would be a matter of reimbursing them for transportation and per diem costs. Normally the government picks up the salaries, etc.

Mr. Roellig continued that my view at this point is that we might want to give this a try by filling an area with seawater to see what happens. In talking with Dr. Varley we are looking at a situation where we don't see improvement and I think we need to start looking at experts who are in the area where we are having the problem and I think in this case it is botanists. This might be part of the missing equation.

Mr. Griffith asked the projection of how long it would take to find out if there was anything positive to the pumping of water into the test area?

Mr. Roellig replied that Dr. Read's feeling was that if you did this every three or four weeks and do it until the rainy season, by December you would see what if any benefits accrue to that. As I understand the pumping we are basically talking about running it for one shift, eight hours and my understanding is that there would be no permits required.

Mr. Carroll asked how wide an area you are talking about covering?

Mr. Roellig replied that if you took a test area of five to ten acres and I am not sure how long it would take to flood that. It is pretty wet. There is water at the surface now and you would be basically filling up part of the depression with seawater.

Mr. Griffith asked if that could be filled without berming to isolate the area?

Mr. Roellig replied in the affirmative.

Mr. Griffith asked if it was successful, what would that mean? Would that mean that there is not enough channels or not in the right location?

Mr. Roellig replied that we would want to see how this works. I am not picturing an irrigation system, but it might be more channels or somewhere to get the seawater in if that proves to be something that would be beneficial in this specific area. The whole die off area is about forty acres, but I think of the forty acres there is probably about only half that I would consider really dead with nothing growing.

Dr. Varley asked if you were going to pump water out of the channels in the upper end, isn't that almost fresh water?

Mr. Roellig replied no. According to Mr. Hatcher that water is just about as saline as the Gulf.

Dr. Varley replied if that is right, then the flushing is working.

Mr. Roellig replied it is, but not necessarily getting into all of the area we might want it to. The problem is that it is so flat that it very difficult to flood the whole area. You have no gradient to help you. If you dug the channels deeper you would not get any more water back into these areas.

Mr. Werner stated that he feels we have now completed the circle. The mangroves die because they were flooded, now we are going to flood them again to save them.

Mr. Roellig replied we are going to flood them with seawater. It doesn't seem obvious to me that you would need to do that but I am not a botanist.

Dr. Varley stated we have made many circles. We were trapping water out of Venetian Bay to supplement the water that we had too much of. Has Mr. Lukasz looked at this?

Mr. Lukasz replied that it is minimal cost and would not be hard to do.

Dr. Varley stated that Mr. Roellig feels it would not require permitting.

Mr. Lukasz replied we discussed that and if we put the pump in a boat and is portable and we do it on an eight to ten hour basis it should not be a problem.

Mr. Bawduniak asked what cycle we would use, either hours once a week, once a month?

Mr. Roellig replied probably every three weeks.

Mr. Bawduniak stated that does not seem like a whole lot of water.

Mr. Roellig replied that in talking with the Manager in Sanibel his area only gets flooded once a month on the extreme high tides or during a particular storm.

Mr. Harrell stated that eight hours of pumping is not going to flood ten acres, not with a pump you can put in a boat, unless it is a giant boat.

Mr. Roellig replied we are talking about a three-inch centrifugal pump.

Mr. Lukasz stated we would identify a basin area and it would be trapped in certain areas and defined where it is to see what improvement results in that defined area. It may not need to be ten acres. Depending on the area we may have to pump it the first time to see how much we can actually flood.

Mr. Carroll asked if seawater once a month is good, is seawater twice a month better?

Mr. Roellig stated not necessarily. What you want is to let the seawater evaporate to some degree.

Mr. Werner asked if we could see if Ms. Whorley of the Conservancy has anything to say?

Ms. Kathy Whorley – The Conservancy – Actually I was out in the Bay Colony area yesterday doing a study throughout the Clam Bay system. On the Strand side it is all dead. I thought you might like to hear some numbers. We have a six meter circumference plot out there and the trees that were left that survived the 1995 die off, there were some Black Mangroves that did survive in our plot and 50% of those have died. In August of last year we had 242 propagules which were over 32 centimeters tall and as of yesterday we have only one that has survived, so for all intent and purposes you almost have a 100% die off again in our plot. What was interesting was that the Batis also has started to die, which is a very hearty plant. It is hard to kill. Most of it is attributed to the flooding. For another comparison, on the other side of Bay Colony we have a plot. It is just west of the bridge on the Strand road. It is a stand of mangroves between the buildings. It was primarily old Black Mangroves and didn't die off after the flood. They have a real thick canopy, so you are not going to get much regrowth and

propagules, but they have a total of 25 trees in that plot and one-fifth of them are showing some signs of stress, but they have been throughout the whole time we have been monitoring there. As far as Mr. Roellig's idea, I agree it is worth a shot. I was concerned when you were thinking about replanting, mainly because of the fact that everything is dying and I was afraid that it would be a moot point unless you find out why it is dying.

Mr. Carroll asked if Ms. Whorley felt the plan was worth a try?

Ms. Whorley replied that I think it is worth a try. It makes sense. The only thing I am concerned about is if you flood it too much like Mr. Roellig was saying. If you have too much you are going to kill stuff too.

Mr. Roellig stated that part of the monitoring would be testing the soil to see how the flooding is changing it.

Mr. Griffith asked Ms. Whorley if the plots that she noticed dying were in existence in 1995 during the storm event or were they planted afterwards?

Ms. Whorley replied that what happened with that one particular plot that had a 100% die off is that in 1995 it was completely dead. It is that area in Bay Colony where you see all of the dead trees. The only thing that started in the plot was a few of the Black Mangroves, which did survive that flood. In the spring of last year we had as many as 292 propagules which are little seedlings and as of yesterday they are all dead.

Mr. Griffith asked if there was a start and then it got to a certain point and then it just died off?

Ms. Whorley replied in the affirmative.

Mr. Carroll stated, Mr. Roellig it sounds like the sense of the group is that we ought to encourage you to work with Mr. Lukasz to get something done.

Mr. Roellig stated that Dr. Varley is in charge of this and I only took it over while he was out of town.

Dr. Varley stated that I have been gone for a couple of weeks and I am not as far along as I had hoped to be, but by next month I will have gotten my thoughts together. I have collected a number of things. The Conservancy has offered and sent a letter to everybody with their ideas about it. Mr. Turrell has some ideas and there are a number of ideas from a number of places and I will get that together by the next meeting.

### **VANDERBILT PARKING GARAGE**

Mr. Roellig reported that he is on the Collier County Beach Renourishment Committee and there is a meeting tomorrow morning. One of the things we will be looking at is to pass on applications for funding by the Tourist Development Tax. There are a couple of items that are of interest to Pelican Bay.

Mr. Roellig continued that the County is looking at building a parking garage at the County Parking Lot on Vanderbilt Beach Road, behind the Ritz Carlton Hotel. They are requesting \$3,800,000 to build the garage, which will have 400 parking spaces. As I understand it this garage will provide an additional 248 spaces. They are going to have something similar to the Ritz for a parking structure. There will be ground parking and two levels of above ground parking. I just bring this up as a matter of information. I assume that this will pass our Committee and then to the Tourist Development Tax Council. If they approve it the Tourist Development Tax money will be spent for that project.

Mr. Carroll asked if this was multi-floor over the existing parking lot?

Mr. Roellig replied in the affirmative.

Dr. Varley commented that we are building a parking garage for our private beach out here that has public access.

Mr. Roellig replied that is right.

Dr. Varley stated that is no more of a private beach than the man in the moon.

### **BEACH ROURNISHMENT**

Mr. Roellig stated that he does not know how many people are aware but the County has an emergency stockpile of sand and for the coming fiscal year they are looking at producing and stockpiling an additional 350,000cy of sand. This sand is being produced from an inland source with the cost being \$4.80 per cy and they are talking about \$1,700,000 to provide a stock pile of sand for basically emergency conditions. The point I am trying to make is that if we look to our future and at beach renourishment, we are more than likely going to be using a land source rather than dredging out into the Gulf. We saw all the problems that happened last time. There does not seem to be a large resource of sand to be pumped on the beach in the future, however there are large resources inland. We all know that Florida was under water throughout much of its history so there are beaches not only at the present locations, but considerably inland, so there is considerable beach quality sand in this general vicinity. We would be more likely in the future to get sand from an inland source. There is also funding requested for transporting and placing this sand on an as needed basis and are looking at using 50,000 cy of that material at a unit cost of \$8.40 per cy, which is another \$425,000. We are going to be manufacturing sand for the beach, stockpiling it and making some provision for moving it to hot spots or high erosion areas in Collier County. We have talked about beach renourishment in Pelican Bay in the past. To me this is just a heads up that somewhere down the line you might be able to tap into the soft product if you needed it.

### **FINANCIAL STATEMENT REVIEW**

Mr. Ward explained that for the five month period ending February 29, 2000, this report is to primarily indicate to you if there are any major or significant variations, either in the Revenue or Expense side for your General Funds or Capital Projects Funds. You have four General Funds that cover your Water Management, Beautification, Streetlight and Security issues in the community. We are slightly under budget in terms of Interest Income Year-to-Date and that is generally made up in the later part of the year anyway. That is when we have more of the cash available to earn interest on. I hope we will make those budget projects by the end of the Fiscal Year. In terms of the expense for your General Fund, the only one that is significantly over budget at this point is Other Contractual Services, under Field Services. That was due to the fact that we have finished the exotic removal and the exotic maintenance program, which were one-time expenditures. What we do is encumber the balance of those funds for street sweeping and the contract labor we use. By the end of the Fiscal Year that will balance itself out and we will not be over budget. That is the only major significant issue that you have in your General Fund. Your Fund Balance in your General Fund is on target with what we anticipated them to be, they are slightly over where I actually thought they would be at this point in time. Your Capital Projects Funds are in the same status. The Clam Bay System, your Capital Fund for your other assets which we call irrigation and landscaping, but covers the walls, signs, etc. is on track with what we anticipated it to be at this point. Obviously, your Uninsured Assets Fund Balance is doing very well at this point in time. Generally speaking you are on target with both Revenue and Expenditures.

Mr. Werner asked if \$1,970,000 is all we are going to take in?

Mr. Ward replied you could pay your bills through March 31, so I suspect we will take a little more in.

### **AUDIENCE PARTICIPATION**

#### **US 41 NOISE ABATEMENT**

Mr. Addison Skaggs – Oakmont – Two months ago I mentioned to you the noise level of US 41. Last month Dr. Swart brought this to your attention and I wish to inform you that I am not taking this increased noise situation lightly nor are many of our residents in Pelican Bay. I hope the MSTBU becomes deeply involved in this problem.

Mr. Skaggs continued that since your last meeting I contacted Mr. Mark Schulv of FDOT and he referred me to Ms. Cindy Thomas of Concrete Impressions of Florida. Not only did she Federal Express me a great deal of information; she also put me in contact with Mr. Joe Zachara the General Manager. Mr. Zachara called me yesterday and said that he would be most willing to come and discuss the situation, noise level and possible abatement with us if we so desired. I also went to Collier County and purchased a copy of the Collier County Noise Ordinance. The purpose of the Ordinance states "The Board of County Commissioners of Collier County Florida finds and determines that noise level emissions in excess of the requirements established in this Ordinance are potentially harmful and injurious to the public health, safety and welfare and unreasonably interfere with the enjoyment of life and property in Collier County, Florida". Under Collier County Code Enforcement Board, it says that they are designated authority charged with admission of this ordinance and enforcement in addition to enforcement by the Collier County Sheriff's Office. The last time I was here I mentioned to the Sheriff the noise of US 41 from the boom

boxes which is really excessive and he said they do nothing about it. That is the reason I brought up this sound ordinance.

Mr. Skaggs continued that he also went to the library and in the Encyclopedia Britannica under Noise Control I learned that the normal conversation is 55 decibels. That is not very loud. My lawnmower noise says that the lawnmower that I have is 103 decibels. My back door of the house is 150 feet to the berm. I took the lawnmower, turned it on and put it up on the berm and walked back. That 103 decibel sound was less than the sound from the highway, which is an additional 75 feet to the plastic fence they established, which is another 20 feet from that fence to the west side of the highway. That noise of the highway overpowered the 103 decibels. Mr. Ripp of FDOT had stated that their requirement of noise level on the highway was 65 decibels. I am just bringing to the point that I do not really think that they are within the 65-decibel limit.

Mr. Carroll asked if that County Ordinance listed different decibel levels for different activities?

Mr. Skaggs replied yes, but the only thing we are interested in is the residential. Their noise level in the residential area is 60 decibels during the day and 55 decibels at night.

Mr. Carroll asked if it dealt with roadway noise?

Mr. Skaggs replied that unfortunately they hedge through that when you read it. They give all exceptions such as airplane and automobile noise is excepted.

Mr. Skaggs read a portion of an article on sound barriers, which refers to Federal Aid Highway Act, which prohibits Federal Funding of highway projects that will result in traffic noise that exceeds Federal limits. I am not sure I know what Federal limits are, but it has to be around the 60-65 decibels. I would like to recommend that the Committee put together some sort of a special meeting where everyone from Pelican Bay can meet and have Mr. Zachara give us a talk and tell us more about noise abatement and how it works. I also found out that within two or three weeks Collier County will construct a ten-foot wall on the new Livingston Road Extension that goes into Radio Road along Briarwood. Collier County is constructing this wall to keep the traffic noise away from Briarwood. On Channel 54 the other night the County Commission was talking about noise abatement due to a Harley Davidson repair shop that is being built. This discussion went on for hours and I did not spend all that time listening, but the Board was involved in the noise abatement. I think we need to continue pressing this through.

Mr. Carroll asked if the company Mr. Zachara is with is in the business of providing noise abatement?

Mr. Skaggs replied yes, in Tampa, Florida.

Mr. Carroll asked if they build walls?

Mr. Skaggs replied they precast any kind of a wall that is determined to best suit the needs. This gentleman would be able to answer most of the questions. I am involved with abating the noise from my house. I am awakened every night at one or two o'clock in the morning by these terrible boom boxes going up the highway. The windows are vibrating and I tell you it is nerve racking and something has to be done. I am asking the Committee to work with us to see what we can do to alleviate and keep our property values up and give us a little peace and quiet.

Mr. Bawduniak stated that we understand the geometry of what you speak, but you mentioned you are awakened by a boom box. It sounds like there are single noise events that go by periodically as opposed to just a normal car going by. Could you differentiate that for us?

Mr. Skaggs replied that car noise is a continuous noise. The friction of the high speed of the wheels in the pavement and the air against the car creates noise. A boom box is just a boom, boom, boom that builds up and goes away. It is a low tone and low tones create vibrations and vibrations vibrate windows.

Mr. Bawduniak stated that what I am asking you is, if somebody asked you what is the real disturbance your reply would be the boom boxes?

Mr. Skaggs replied no. I read where the Collier County Ordinance said the Sheriff's Office was responsible for enforcing the Noise Ordinance and the Sheriff said they do not do anything about the boom boxes. That is the only relation to this.

Mr. Bawduniak stated I thought I heard you say the boom boxes wake you up.

Mr. Skaggs replied they do. That is not the focus. It is the high decibel of the traffic that is the problem. When Mr. Ripp was here last month did he say they made a test of the decibel noise of 65 decibels prior to this extension, or was this a level they used years ago?

Mr. Ward replied that he recalled that he said they did a noise study prior to the design and that the noise did not rise above that 65 decibel noise level where they do not do noise abatement.

Mr. Skaggs expressed that this widening project first originated five or six years ago. Collier County has doubled and the noise has doubled and we should really make sure it is below the 65-decibel level. I am pleading that I need your help to do something.

Dr. Varley asked if the County Road Department were the people that would get involved in noise abatement?

Mr. Ward replied that he believes County Transportation handles noise abatement.

Mr. Werner stated that it appears that they are talking one of two things. They either want us to encourage the police to perform their duty and do some noise enforcement or they want us to provide noise abatement screens.

Mr. Carroll replied it is the latter. How do we proceed to investigate this sort of thing? The 65-decibel comment that was made I can't believe either. I am familiar with decibel levels and there is no way that is 65 decibels on that highway.

Mr. Ward replied I do not disagree. Let's just take it to its' logical conclusion. Let's assume for a minute that we do all of these studies or have FDOT do the studies and they figure out that there is noise above the 65-decibel rating. Let's assume we can convince FDOT to put in some sort of noise abatement device. The question becomes, where is a State Agency going to put one of those acoustical walls that Mr. Skaggs just referenced to you? In the best of circumstances it is going to go at the right-of-way lines of US 41, which is in front of your berm. So, in front of Pelican Bay assuming we could convince the State agencies that would happen, you are going to end up with a wall in front of Pelican Bay in front of the berm. That is the only place FDOT will install it.

Mr. Carroll asked if we want to have it located at the top of the berm, not where you are saying, they won't fund it, is that it?

Mr. Ward replied no, the State agency would not fund it. You could fund it yourself or the residents could fund it.

Mr. Griffith stated that Mr. Ward is 100% right.

Mr. Ward stated that there is no way that FDOT is going to fund a wall other than at the right-of-way on US 41 which is in front of your berm?

Mr. Carroll asked who put the wall on Vanderbilt Beach Road on the south side from US 41 to Goodlette Road?

Mr. Griffith replied that wall was constructed by the Marsh District. The community directly behind that fence constructed the north side.

Mr. Werner stated that he thought the fellow from FDOT made it pretty plain that he was not going to come back here and do noise level measuring until the construction was finished.

Mr. Ward agreed. Even if he does, I am trying to point out that it is not the end solution to the problem.

Dr. Varley stated that I thought at one time that we were working on a plan where we could organize the residents and assist them to put up a sound barrier if they wanted to. Have we done anything with that?

Mr. Ward replied that we work with any resident and will show them exactly where to put up the "sound barrier". I think it has gone beyond that at this point in time in that with the widening of US 41, the additional traffic has caused a significant amount of additional noise. I think the sound barrier that the residents are looking for is probably well beyond what they have been traditionally putting in up to this point. We continually coordinate those locations any time we are requested by a resident.

Mr. Carroll asked how we could pursue this?

Mr. Ward replied there is a policy issue. Pelican Bay Services Division can do whatever you choose to have us do. To a great extent the residents are asking you to figure out a solution to the problem first. I think we can probably help facilitate what the solution really should be. Secondly the question has to be asked who gets to fund it and pay for it at that point in time. Step one is that we can work with the residents and come up with noise abatement to the extent that we can define a solution to that particular problem. It is a difficult problem, but try to find some sort of a wall that works, where it needs to go, how high it needs to be, what the cost would be, where it would be located and work with the residents. Then we can see where we go from there. Look at the costs and see what you want to do with it at that point.

Dr. Varley asked if there were not several residents that did it and put it in on their own property?

Mr. Skaggs stated that he was one of those residents.

Mr. Ward stated that there were several.

Mr. Skaggs stated that it is a security wall, but not a sound barrier.

Mr. Ward explained that it is a six-foot high fence which goes the length of the berm. The berm height in some instances is higher than the fence and the noise from US 41 is far more than what anyone expected it to be at this point in time. It probably would not hurt to look at the issue for the residents.

Mr. Bawduniak stated that he does not care what the decibel rating turns out to be, but there is clearly a problem. It seems to me from what I am hearing you say is that there could be potential funding available. The wall has to be contiguous and to put it for thirty feet does not do any good. You have to look at the scientific evidence that says a wall below the berm does something versus a wall built on top of the berm with the appropriate visual affects and the relative costs. At that point maybe the MSTBU could take a look and say the wall at the top of the berm is prohibitively expensive for us to consider, versus the one at the bottom of the berm that we could get funding for.

Mr. Carroll stated that I think the wall at the bottom of the berm is a loser.

Mr. Ward stated that he agrees with Mr. Bawduniak. There is an engineering solution to the sound problem and we need to figure out what that engineering solution is first. Then from there we can cost out the engineering solution. I think there is a difference in cost.

Mr. Bawduniak asked if both were feasible?

Mr. Ward replied it is less feasible on top of that berm. That berm was not constructed to hold a significant size wall. It was built over the years with a lot of material and is good for landscaping, but I am not sure how good it is to hold a wall. That might not be the perfect location for it.

Mr. Carroll asked if Mr. Ward would look into this and bring it back to the Committee?

Mr. Ward replied that he would. I will tell you and the residents that I am going to have to find an expert in dealing with these kinds of issues. I will work with them to come up with a solution and I think it does need to be addressed.

### **CLAM PASS CLOSING**

Ms. Nancy Potter – St. Andrews – I was wondering if this Committee was aware that Clam Pass has closed up a lot. At high tide the other day it appeared that at the narrowest point it was ten or twelve feet wide and a lot of sand has filled in on the south side of the pass. Turtle nesting season starts May 1 and there is not much time to do anything about this.

Mr. Ward replied that the tidal restrictions that have occurred are probably normal at this point in the life cycle of Clam Bay. The hydraulics are doing very well within the system and whatever the opening of Clam Pass is today, there is still significant flow coming in and out of the pass and is consistent with what the design plans and construction program has been.

Mr. Griffith stated that the County has in place the emergency ability to open the pass if it were to close.

Mr. Ward replied yes, our permit is a ten-year maintenance permit that we can reopen Clam Pass on an emergency basis in the

event of a closure.

Dr. Varley asked if we could do the opening even during turtle season?

Mr. Ward replied I do not believe so.

Mr. Roellig stated that it would be a real problem. The dredging is not the problem it is the disposal. You could possibly pump it off shore.

### **VANDERBILT BAY CONNECTION**

Mr. Jim Gage - Coronado – I am a taxpayer in Collier County. I do not represent Commissioner Carter nor do I have an interest or part in the Vanderbilt Beach group or represent Mr. Turrell. I hope that Dr. Varley's report at the next meeting will include your review and your understanding of what you might consider of the comments that were made by Mr. Turrell concerning the potential opening and bringing the Vanderbilt waters through this estuary. I just hope that is part of the report that Dr. Varley will present next month.

Dr. Varley stated that it is his understanding that Commissioner Carter is still working on this. I don't think it has moved a whole lot that I am aware of.

Mr. Gage stated that it was a comment of this group that our permitting had nine to ten months to run. It was suggested that a competent hydrologist could do some studies, which would confirm or deny that it would be logical to do this and that those could be on-going studies. That is my remembrance of the discussion.

Mr. Werner stated that he remembered that they were going to work on extending the permit. Mr. Turrell thought he could get it extended without a lot of effort.

Mr. Ward replied that was his recollection also.

Mr. Gage stated that all I am asking is that the report be comprehensive and include all of those things.

### **MANGROVE POLLUTION**

Mr. Gage stated that his second item was the pollution of the mangroves. This I can relate to a personal experience. We are a new condominium and have been here a little over one year. I am the President of the Board and there is a time that comes to clean the garage. I asked how to do it and what are we going to do, do we have a biodegradable product and what are we going to do to protect the environment? The answers were pretty blunt. Just do it. I don't know how many condos you have here, but I added the institutional building next to us and I said to myself what reason do we have to police ourselves from polluting this place we are trying to save? I don't have an answer, but I think it is a serious subject that you, the Foundation and the County should be addressing. There is no clear solution.

When you clean these areas, everything goes to the mangroves in our building and I believe it does in the neighboring buildings.

Mr. Carroll asked if your garage had a storm drain?

Mr. Gage replied yes, it goes to the mangroves. There is no trap. When you talk to the people in the business about what they have in the way of biodegradable cleaning, they look at you like what are you talking about. I bring this to you as a condition that you can do something about.

Mrs. Kaye Potter – Mangrove Action Group – Mr. Gage must have read my mind. That was exactly what I wished to bring to your attention. We are fortunate to have Dr. Varley, Mr. Roellig and Ms. Whorley working on our mangroves and I appreciate it, but we have always been concerned about the soil. We had a Dr. McKee, Ph.D., biologist from the University of Louisiana who did some testing for the Mangrove Group and she in effect said the soil was poisoned. That was five years ago. I am wondering if we should not go a step forward and test the soil. We were hoping that the flushing would clean it out, but as Mr. Gage has pointed out we are having additional pollutants pouring into the mangroves every day. I think that might be a good deal of our problem. It takes a long time for a mangrove tree to die and if the root systems can't get nourishment, then nothing you can do will help them. I do see a good deal more stress in the south end and anyone who would like to come to my place

and observe them can get a very good view from my roof.

Mrs. Potter continued that she joins in with the people who are having the noise problem. I have grown up with that in Virginia and we have had a great deal of work done because Virginia is reamed with suburbs all leading to Washington, D.C. They have done some very innovative work simply because there was so much political pressure to do it. They might be a fruitful source of information.

### **US 41 STREET SIGN**

Ms. Joanne Hoban – Oakmont – I would like to find the proper people to contact with a problem that is affecting everybody who lives on the north end of Pelican Bay Boulevard. That is, there is no street sign at the set of traffic lights that was installed in January 1999 which we all appreciated having been put in. If you have company coming and they come in Immokalee Road and you tell them to count three lights to turn onto the north end of Pelican Bay Boulevard, you have to tell them there is no street sign there. If you are coming north on US 41 at the lower end of Pelican Bay Boulevard at the Philharmonic entrance, there is a street sign that hangs in the middle of US 41. It would be very nice if we could get one put in at the top set of lights which would make it a lot easier giving directions to people coming to visit.

Mr. Werner asked where you wanted the sign?

Mrs. Hoban replied at the traffic light at the north end of Pelican Bay Boulevard in the middle of US 41.

Mr. Ward stated that Mr. Lukasz reminded me that is a temporary signal at that location and that is why there is no sign on it. They are going to be putting in a mast arm assembly. I do know across that State that every government that is ordering those mast arms is on a thirty-two week delay for installation from time of order. I don't remember when Collier County ordered them.

Mrs. Hoban stated that anything that can be done in the interim would be appreciated.

Mr. Carroll stated that he heard that same complaint at the President's Council and asked if we were the group to initiate something like that?

Mr. Ward stated that goes through the County Transportation Department. I don't think we can actually hang a sign on that temporary set up. They have to do it on the mast arms otherwise they end up on the sides of the roads.

Mr. Carroll asked if the solution was one year away?

Mr. Ward replied that he literally does not remember what Mr. Ilschner said the installation of the mast arm was at the northern entrance and I am sure the installation of that sign is tied to the installation of that mast arm.

Mr. Werner stated that maybe we can get on it because this section of the roadway is supposed to be done by February.

Dr. Varley stated that his remembrance was that they had been purchased and were here, but they had decided they were not going to put them up until they got the intersection built.

Mr. Ward stated that he would check.

Mr. Carroll stated that I think we need to hear and asked Mr. Ward to check and report back to us.

Mr. Ward replied in the affirmative.

### **ADJOURN**

There being no further business the meeting adjourned at 5:05 P.M.

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James Carroll, Vice Chairman