

Naples, Florida May 3, 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 Mr. Herb Hasson

Mr. James Carroll, Vice Chairman Mrs. Cornelia Kriegh

Mr. Joseph Bawduniak Mr. David Roellig

Mr. Thomas Brown 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. Ed Finn, Interim Director, Collier County Public Works; Mr. Kyle Lukasz, Field Manager, Pelican Bay Services and Mr. James P. Ward, Department Director, Pelican Bay Services.

#### **AGENDA**

1. Roll Call
2. Approval of the Minutes of the April 5, 2000 Meeting
3. Pelican Bay Governance Review
  - Introduction – Mr. Raymond O'Connor, Pelican Bay Property Owners Association
  - Analysis of PUD and Covenants – Dr. Richard L. Woodruff, Director of Planning Services WilsonMiller
  - Overview of Community Alternatives – W. Neil Dorrill, Dorrill Management Group
1. Clam Bay Restoration Report – Dr. Alan Varley
2. Administrator's Report
  - Clam Bay Restoration Program
  - Interior Tidal Channels (Phase II & III)
  - Cattail Removal
  - Capital Projects
  - Street Lights
  - Street Signs
  - US 41 Berm Improvements
  - Community Issues
  - Exotic Control

- US 41 Median Landscaping
1. Community Policing Report
  2. Committee Requests
    - Resident request to construct Osprey Nesting Platform in Clam Bay – Mr. Lou Vlasho
    - Discussion of Traffic Calming Bike Paths along Pelican Bay Boulevard and Gulf Park Drive – Mr. Lou Vlasho
    - Year 2000 Sustainable Florida Award – Mr. Edward Griffith
  1. Budget Plan Review – Fiscal Year 2001
  2. Consideration of Contract Manager Services with the firm of Severn Trent Environmental Services, Inc. for Fiscal Year 2001
  3. Financial Statement Review
  4. Audience Participation
  5. Adjourn

#### **ROLL CALL**

Mr. Vlasho called the meeting to order and asked that the record show all members in attendance.

#### **APPROVAL OF THE MINUTES OF THE APRIL 5, 2000 MEETING**

*Mr. Werner moved, seconded by Mr. Bawduniak and approved unanimously the Minutes of the April 5, 2000 meeting.*

#### **PELICAN BAY GOVERNANCE REVIEW**

#### **INTRODUCTION – MR. RAYMOND O’CONNOR, PELICAN BAY PROPERTY OWNERS ASSOCIATION**

#### **(NO RECORDING OF THE FIRST SEVERAL MINUTES OF THE MEETING)**

Mr. Raymond O’Connor stated that he and Mr. Fairbanks began to review different proposals that were brought to us. In the course of looking at all of the proposals that came in, we felt that we needed some further assistance from people who were more knowledgeable about the affairs of Collier County and Naples. The Pelican Bay Property Owners hired Dr. Richard Woodruff and Mr. Neil Dorrill, the former Collier County Manager, to come up with a history of where we were and where we proceeded to, how we got there and where we should go in the future. Unfortunately because of the Sunshine Law, Dr. Varley had to drop from our Committee because we felt we would be discussing things that would bring him in conflict. Now the Committee consists of Mr. Vlasho, Mr. Censits who is the current Chairman of the Foundation and myself.

Mr. O’Connor continued that Dr. Woodruff came to the Property Owner’s Annual Meeting in March and presented a historical view of the zoning laws that the County enforces and what their roll is in the entire area, not only to Pelican Bay. It was then narrowed down into the Covenants that when you buy into Pelican Bay everybody, whether they live in a private house or condominium, has to abide by. Then the third and more narrowed restrictions were those covenants that apply to each individual condominium association. When he finished he told us that the covenant enforcement, with the exception of planning and architectural control, was turned over to the Foundation. WCI maintains the planning and architectural control. We hope that someday when WCI is completed in this area they will turn that over to the Foundation as well. One of the problems with the covenants as they currently exist is that WCI has currently written into them that WCI can enforce them if they wish, or they do not have to enforce them. Dr. Woodruff went for an explanation of that and it comes out that if somebody paints their house a garish color and WCI asked why they did that without permission, that person can turn around and say Mr. Jones two blocks down painted his house. The covenants read that they do not have to enforce that one, but they can enforce this one. It is like a car on the highway going 80 miles per hour. Only one guy gets ticketed and there were three others doing the same speed. That is their protection. They saw that as a protection to do selective enforcement of the covenants. What we have come down to now is that when WCI leaves Pelican Bay we are going to have to have some professional ability to enforce those covenants. How we do that is where Dr. Woodruff left off and where Mr. Dorrill comes in. Dr. Woodruff was not going to suggest to us anything beyond his analysis of our PUD and the covenants and the zoning laws of the County, because that is what he was hired to do.

Mr. O'Connor explained that tomorrow we are having a public meeting of the Pelican Bay Property Owner's Association. Mr. Dorrill will address that meeting and he will answer some of the questions that we put to him. I have brought a copy of his report that he will give tomorrow. I will not read all of this, but he gives a view of government service district alternatives. Mr. Dorrill's analysis goes back to the original Pelican Bay Services Division, what the scope of their responsibilities was and what they could do. He then goes on to explain the existence of your organization and how that comes about through legislation and the County has the general responsibility for these MSTBU's. Mr. Dorrill then goes on to explain that there are Special Districts and the one that he brings out in this report that would be analogous to what we are considering is the Airport Authority. He also talked about an Independent District and I guess the analogy would be the Fire District. The Fire District elects its own commissioners, sets its own budgets, and does not have to have the approval of the County or any other authority. They are an independent organization. An Independent District such as the Airport Authority has a lot of freedoms and can do a lot of things on its own, but it also in the long run answers to the County as far as their budgetary proposals are concerned. What we are looking at is kind of a hybrid in the sense that we would have a Dependent District here in Pelican Bay that would have an elected Board of Supervisors. This Board would be elected by the general public of Pelican Bay that has the right to vote. This Independent Board of Supervisors would then have most of the responsibility that you enjoy here in the MSTBU. They would also have some additional responsibilities such as being able to let their own contracts and being responsible for a lot of services that are now provided by the County that they would want to be in charge of. Then the County would still be responsible for a lot of services they currently provide to us. I think this satisfies a lot of the concerns in Pelican Bay and still be within the County government. We would still have some control over our own destiny and I think we would answer a lot of those people who think we should have elected officials running our community and not appointed officials. That is not to disparage any ladies or gentlemen who put their time in here and really serve our community well, but there is this desire on a good part of the population just to be able to vote for their own elected representatives. We had some indication of that while I was just a Board Member. We sent out post cards to everybody in Pelican Bay asking if they would like to vote on the issue of incorporation. Just to have the vote. We got back an overwhelming number of cards. I am not sure how many thousands of cards were sent out but we got back over 3,000 cards. Anyone that is in business knows that to send out a survey and get that many back, which was close to 50%, is a very good return. The need is there and the desire for people to have a little more control over their own destiny and still remain within the County takes away all of the annexation issues and desire of some people to have their own independent city. It also takes away the fear of those people who do not want to have an independent city. Hopefully by adopting something that everybody would be happy with, we can eliminate this problem from Pelican Bay once and for all and not have it come up every time we have a problem with the County government. Each time that happens we have people raise cane and ask why we pay so much money to the County and not have control of our own destiny and budgets? This would satisfy those demands.

Mr. O'Connor stated that he has the report, which was prepared by Mr. Dorrill and hopes that it will answer some of the questions to a greater extent than I did. I am hoping that it will satisfy this problem once and for all.

Mr. Vlasho explained that Mr. Dorrill and Dr. Woodruff became my problem yesterday. I felt that without those consultants being here, Mr. O'Connor could summarize it and answer the questions that he could answer and we could go to the meeting tomorrow and get any additional questions answered there. I wanted to be sure since the MSTBU all of the sudden became involved in this thing quickly, that it came to the MSTBU Committee officially rather than through the grapevine in the neighborhood. That is the reason I pushed it forward and said rather than postpone it, Mr. O'Connor, please handle it.

Mr. Vlasho continued that in adding to your comments, Dr. Woodruff found that we are in pretty good shape. I shared the report with Mr. Ward and basically nothing new came out of that, which was good news. We did not know and this Committee wanted to go to people who hadn't been involved with Pelican Bay before, to do a look. We could have asked Mr. Ward and he could have answered some of the questions, but we wanted to have an independent, so we found out we are in pretty good shape. WCI came up in Dr. Woodruff's presentation many times and the bottom line is that we are pleased with what they have done and there was no negatives about how they enforce the covenants. The Property Owner's and sub-committee were patted on the back for looking at the issue before it became a problem. We talked to other people that we did not end up hiring. The solution that Mr. O'Connor covered almost seems so simple that getting control gives us the fact that we are still with the County, they approve our budget and the rest of it we control. The employees would become employees of Pelican Bay and maybe Mr. Ward can add to that at the right point. We would have the election of board members, but under that structure they would be called Supervisors. We would have to deal with some sort of a phase in and timing when that works, so that you do not get an entirely new group, but somehow that could work in. The way I understand it is if we were to eventually move to this, it could be simply a request to the County Commissioners and it could be implemented. It does not involve going to the State or anything else. It moves us towards independence, maybe doesn't give us everything some people want and maybe gives us more than other people would like to have. On the other hand I think this has been around here for a long time and appears at least to the Committee that I am a member of, moves us in the right direction.

Mr. Bawduniak asked when Dr. Woodruff talks about Airport Authority which one is he referring to? The one in the City of Naples is an independent profit center of government instrumentality, which reports to nobody. It is appointed by the City Council. The one in the County is an arm of County government, which is appointed by the County. There is a big difference in how they operate and I do not know which one he was talking about.

Mr. O'Connor replied that rather than try to paraphrase it, I believe he is referring to the County.

Mr. Bawduniak stated that when you use the term elected official in Florida, those who have contractual rights to award contracts, etc., does this have the implication that these would be paid supervisors? This group is all volunteers because we are appointed and the big differentiation in Florida as I understand it is if it is an appointed political position you are a volunteer and you work for nothing. Usually elected officials with some authority are always paid.

Mr. O'Connor stated that without any real knowledge I would give you what I think would happen. If this Board of Supervisors were elected they would have the ability to propose a budget. The budget would have to be approved by the County, just as they have to approve your budget. I think if you put in that budget that there was a stipend or salary or whatever you want to call it for the Supervisors, it would have to be approved by the County. I don't think that we in our initial request for this should get into well we are going to have "x" number of Supervisors and they are all going to be paid "x" amount of money. I don't think the idea of this is to give anybody a paid position. I think the idea is to give the ability to the people here to elect supervisors. Whether that calls for a nominal stipend or not I am not sure. If it does call for an elected official to have a stipend, there could be for every meeting they have to attend to get expenses of \$50.00 or something like that.

Mr. Bawduniak stated that we could probably subscribe to the statutes, which is nominal funding and not be a real position.

Mr. O'Connor stated that he would think that would satisfy the requirements without knowing the actual language of the law.

Mr. Vlasho stated that several months ago Commissioner Carter sent me a letter that had the legal opinion from the County Attorney and redefined it and basically said that the way we are structured now the Board is appointed and will always be appointed by the County Commissioners. If we ever want to go to elected officials and many people would like us to and I don't know where this Committee stands, we would have to change something. This is the way to get to elected people. I just assumed that whoever was on the Board would volunteer.

Mr. O'Connor stated that this is a step that is not necessarily a final step. If it doesn't work you can revert back and if it does work and people like it, they can advance to an Independent District such as the Fire District which would give them a little more control over their destiny. If they didn't like it five or ten years down the line, they could still petition for incorporation. It doesn't rule out anything. We feel it is a step and if it is a step in the right direction we will know very quickly after it is instituted. I don't want anybody to think what we are proposing here is to be the end all to everything. It can be reversed, changed or advanced in any way you wish.

Mr. Vlasho stated that he thought in our discussions that this was the way most new communities were going.

Mr. O'Connor stated that if you noticed in the paper last week, Pelican Marsh is going to have their first Election of Supervisors very shortly. Mediterra already has a Board of Supervisors, but the developer appoints them at that stage of the community development. When they are built out I assume they will revert to an elected Board of Supervisors which the law calls for. Unfortunately since Pelican Bay was built prior to this law for these types of Dependent Districts being created, we were not automatically made into a dependent district. The Pelican Bay Services Division while there was an original law in Tallahassee, which created that District and has since been abrogated and there are no more Special Districts like Pelican Bay Services Division being created. I do understand that there is one around Orlando that I think takes care of the town of Celebration which has been created by Disney. As far as reverting back to the Pelican Bay Services Division as it was, we just cannot do it. This would bring us close to that so that we would have that sense of independence, but it would be under this new Dependent District Law.

Mr. Werner stated that he always felt we should be elected also. It does not seem that we are accomplishing a whole lot more than that. You said that you have Mr. Dorrill coming to a meeting tomorrow, where and when?

Mr. O'Connor replied the meeting would be at 4:00 P.M. in this room.

Mr. Roellig stated that the Foundation was not covered in this. Would the Board take care of the Foundation also?

Mr. O'Connor replied no, the Foundation would remain independent.

Mr. Vlasho stated that the real concern is not to mix our own assets with the County assets. They would remain separate.

Mr. Roellig stated that you would still end up with all of the divisions.

Mr. O'Connor stated that since we balked on this and the Property Owners have been out there carrying the flag on governance one of the things I wanted to do as President was to try to ensure that we would not have a big division within the community. That is why I asked the people who served in the various leadership positions to join in this effort. We even went back to the old Pelican Bay group that opposed incorporation and brought some of them to our meetings. What we are trying to do is get everyone under the same umbrella. Obviously we can never satisfy everybody, but in looking at this we got the support of the Foundation President in moving ahead. We feel it is not a threat to the Foundation or their ability to provide the services that they provide. It will give us some kind of idea that we are not divided any more. This is a common effort and hopefully by keeping the Foundation independent of any Board of Supervisors, it protects their property status from those who feel that maybe someday the County might come in a take over the tram services, etc. This way that remains independent for any governing body to take them over through eminent domain so that we have those protections in place. We thought it was important to keep that in place.

Dr. Varley stated that discussions to date have all been very general and I agree that this Committee ought to be elected and I think we are moving in the right direction. It is my feeling that the covenant issue doesn't really affect this group. What Dr. Woodruff has done is very important to the community, but I don't think it really affects this group at all. What Mr. Dorrill has done that would affect this group and it

is my understanding that the step that would be necessary would be to re-write a new ordinance that the County Commission would look at. I would suggest that if the group were interested in continuing this, the next step would be to have Mr. Dorrill draft what he understands to be a proposed ordinance where we could begin to look at some of the specifics. Exactly what are we trading off, what are we giving up, etc.? I do think everybody ought to go to the meeting tomorrow to hear what Mr. Dorrill has to say and I do think he should come to this meeting so that everybody here has an opportunity to quiz him and ask for his opinions on things.

Mr. O'Connor stated that in this report Mr. Dorrill does suggest exactly that. We hire the van Assenderp and Varnadoe Law Firm to draft the proposal that would be brought to the County Commission. I might point out that some informal and very preliminary talks with Commissioner Carter to keep him at least aware of which way we were thinking would have to have his support at some point. The first step is to see if the MSTBU supports our interest in pursuing this further and then from there if you decide this is something worthwhile pursuing, the Property Owners would engage van Assenderp to draw the necessary legislation. As you see we are not anxious to pay an attorney to draw up legislation unless we know we are going in that direction.

Mr. Vlasho asked how many members of the Committee could attend tomorrow's meeting? If you can get there tomorrow, please go. They can read the report and depending upon the reaction tomorrow we can get Mr. Dorrill to come back here for a special meeting.

Mr. Carroll stated that the County has quite a few responsibilities, which are completely independent of the Pelican Bay Services Division. Do you visualize that some of those functions would become part of the Pelican Bay Services responsibilities?

Mr. O'Connor replied that he thought Mr. Dorrill indicated that a lot of the services provided by the County would still continue to be provided by them because it would be a cost saving measure to have them continue to do that. The legislation that we would draw up would provide that the County would continue to provide "x, y and z" to us. What we are trying to avoid and I didn't want to bring it up, is that we are trying to avoid any impact on the tax structure of Pelican Bay. We don't want to impact that in any way. What we are trying to provide is that within the common system where we have assessments that let out contracts, that rather than have the County letting the contracts, the Supervisors would let the contracts and be responsible for our own contractual obligations. I don't see that would be any different that what we are doing now through this Committee. Most of the assessments are recommended by you and then approved by the County. I feel the Board of Supervisors would do it and they would have more direct hands on ability to control the enforcement of those contracts. The other ancillary services that the County provides would still be provided by them and that is one of the benefits that we feel remaining with the County structure would provide rather than going independent.

Mr. Carroll stated they do many things for us.

Mr. O'Connor stated they do and Mr. Dorrill will talk about that tomorrow.

Mr. Tom Brown recommended that any change that is up for review be put in a left hand/right hand column to show exactly how it is now and exactly how it will change if it changes. That way any resident can pick it up, look at it. Most of us don't know what is going on now. Anything less than that is a disservice to the voters.

Mr. O'Connor replied you are right, if we can keep it to one page or less. We do not want to be inundated with a lot of facts that are extraneous.

Mr. Werner thanked Mr. O'Connor saying that he feels the Property Owner's have taken a very proactive stance in this as you have with the US 41 Medians. I appreciate it very much.

Mr. Ray Keyes – Interlachen – I am very pleased to hear the progress being made here. This has been a subject that I have talked about for a number of years. My only question is how are you going to handle the fact that Pelican Bay is a unique development in that only 30-35% of the owners are voters? There is another 60-70% of the people who feel disenfranchised. It is the same problem that existed when you talked about going into the incorporation. How is that handled in such a set up?

Mr. Tom Brown stated that I would let you off the hook Mr. O'Connor. One man, one vote. If the person chooses to vote in Massachusetts that is their choice. If they move here, they vote here. If I own property in Colorado and I vote here, I cannot vote out there. It is very simple.

Mr. Keyes stated that he does not think that is quite right. People come down here as a second home and they bought into Pelican Bay with all of the restrictions with all the amenities and love it here and they don't necessarily want to have to be here to protect what they own. If you buy a piece of property or own an office building you don't want to have it condemned because you happen to live in another state. You are a property owner and have property rights. That is my concern and I don't think this addresses that.

Mr. O'Connor stated that I feel you have presented to us an unanswerable problem. I own property in Pennsylvania in a community like this and just about 30-35% of the people in that community are full time residents. The idea that they could vote in Pennsylvania and then go back and vote where they come from, they don't even bring it up. This quite frankly is the only community I have ever heard where people would like to vote in two places. It is against the law to do it. I think what we tried to do with the informal survey was to answer that. Even more of an answer is that this is not going to affect those people's property in any way at this time except electing Supervisors rather than having an appointed MSTBU.

Mr. Werner stated that I think this is a very good point. We manage to elect the Foundation Directors and Property Owner's and maybe there is some way we could do it. Just because you own property does not mean you can vote in that other place.

Mr. Keyes stated that we have a Foundation Board that has operated here since day one, which has certain by-laws. I raised this point when the incorporation issue came up. All they wanted to do was take care of the amenities. Well why does the by-laws of the Foundation not change to incorporate something like this where they have the elected officials and represent all of the citizens of Pelican Bay. Maybe legally it can't be done.

Mr. Vlasho stated that I think that is the answer that legally it cannot be done.

Mr. Bill Schmigle – St. Marissa – If this were to take place would there be any change in assets? Would this Independent District gain assets that are perhaps owned by the County at this point in time?

Mr. O'Connor replied no, it would be a Dependent District. One of the things that Mr. Dorrill cautioned us was not to try to appropriate any of the County property within Pelican Bay. We would then raise some flags and questions about our intent.

Mr. Schmigle asked since this has to be approved by the Board of County Commissioners is there some apparent or obvious reason why the Commissioners would oppose this?

Mr. O'Connor replied not that we could foresee.

Mr. Vlasho stated that his understanding is that the vehicles that we now purchase belong to the County. Under the new structure they would belong to us. So there would be some change in assets, but it would not be that we would go to them and say give us this. On the other hand we would look at where the former water plant was. That is a piece of property that belongs to the County and may be a part of something we may want to get as a part of this group.

Mr. Schmigle stated that he was thinking of pension funds etc.

Mr. Vlasho replied those kinds of things would come, unless the Board of Supervisors would decide to contract the employees.

Mr. Carroll stated that this gentleman just mentioned 30-35%. I wonder if Mr. Mudge could tell us how many property owners, voters, and people there are in Pelican Bay?

Mr. Russ Mudge replied that at build out the population of Pelican Bay would be approximately 13,800 people. Of those people, on the order of 6,200 would be permanent residents who would vote in Pelican Bay. Today there are approximately 11,800 people here with on the order of 5,200 permanent residents. Right now on the record in Pelican Bay there are 4,300 voters.

Mr. Vlasho stated that you are saying there is approximately 1,000 that you estimate to be permanent residents, but choose not to vote.

Mr. Mudge replied that our permanent residents run on the order of .978 times the number of residential units. That is based on 1990 census. About 98% of the residential units were permanent here. Our tax base in Pelican Bay at build out, two years from now will be on the order of \$2.5 billion dollars. We are now on the order of approximately \$2.3 billion. Our tax base in Pelican Bay is larger than the City of Fort Myers.

Mr. O'Connor stated that he has the numbers in the office but thinks that there are between 45-50% of the current residents being permanent residents.

Dr. Varley stated that what he is hearing is that about 50% of the people who live here are actual voters here, not 30%, is that what you said Mr. Mudge?

Mr. Mudge replied. There are 4,300 on the voter rolls at this time. At this time we are talking approximately 11,400 permanent residents.

Mr. Griffith stated that it sounds like this is a Community Development District. This is a Dependent District, which would go through the County for approval and through the State.

Mr. Vlasho replied not through the State.

Mr. Griffith asked if some of those districts didn't require a 100% vote of the property owners rather than a majority?

Mr. O'Connor replied yes, that is to create a Community Development District and that is why we are not attempting to do that. This is an alternative to that and an alternative to a completely independent district.

Mr. Vlasho asked the direction the Committee would like to give Mr. O'Connor since there will be a meeting tomorrow?

Mr. Tom Brown replied, listen to the people.

Mr. Vlasho stated Mr. O'Connor made a presentation to us. Should he say fine, I told them. Is this something we are interested in? I just want a feel.

Mr. Werner stated that he feels it would be premature to give Mr. O'Connor any direction right now. I would like to hear what Mr. Dorrill has to say and have him come here to give us a better idea of how to proceed.

Dr. Varley asked why Mr. Dorrill could not put together the draft rather than going to van Assenderp? He said several times that he has drafted the one we have now. Couldn't he put together a draft of what this would look like so that we would have some specifics?

Mr. O'Connor stated that he would ask that question, but it may be a comfort level.

Dr. Varley stated that if we were going to go along with it, it certainly would have to be done that way. But to be able to understand the details and specifics it would be very helpful to see a draft of something rather than buy a pig in a poke.

Mr. O'Connor replied yes, I think so.

Mr. Roellig stated that if Pelican Marsh has something like this already could we get a copy of that?

Mr. O'Connor stated that his Vice President worked a lot with Pelican Marsh when they were trying to establish the association and he has some contacts there whereby he might be able to find out exactly what they are doing and get that information prior to tomorrow's meeting.

Mr. Don Spanier – In the composition of the Board Mr. Harrell represents himself and is affiliated with the commercial interests. Therefore in the history of the MSTBU there has been a commercial input with the decisions. I don't think I heard anything in a conceptual plan given the voting statistics whether the commercial interests would have a vote for the Supervisors and if so how would that come about?

Mr. O'Connor replied that the way the Supervisors would be elected would be by the registered voters of Pelican Bay.

**(BALANCE OF REPLY LOST DURING CHANGING OF THE TAPE)**

Mr. Vlasho stated that after tomorrow's meeting we would schedule a Special Meeting of this Committee and have Mr. O'Connor and Mr. Dorrill here to answer specific questions.

**CLAM BAY RESTORATION REPORT – DR. ALAN VARLEY**

Dr. Varley reported that at the March Meeting I was asked to be a committee of one to review the mangrove die off problem, to offer an opinion on the success and make some suggestions of where we go from here. I have talked with a good number of people over this two month time period trying to develop some kind of a consensus as to where we are and where we should go. I have summarized these in this report that I addressed to Mr. Vlasho on April 16 and was included in your Agenda package.

Dr. Varley continued that he would summarize it because the important thing is the discussion. The group that I did not talk with because of the Sunshine Law is the group that is right here. I want everybody to understand that these are my opinions and certainly not the Committee opinion. As far as the status is concerned I can boil it down into three main conclusions. First of all we were told that the centerpiece of our restoration program, the channel dredging, has been a success. I think that visually if you go out there you get the feeling that certainly the tidal flows do seem to be a lot stronger and even some complaints that during low tides we are emptying Outer Clam Bay. It would seem that is probably true. For myself I would feel a lot better assured if we had some kind of factual data that would tell us how much, compared to before and how does it compare to what we should have, etc. I think it has done about what we wanted it to do or expected it to do from the hydrologist modeling we had before we went into this. I think it is very hard to see that there is much success in the regrowth of the mangroves. The Annual Robin Lewis Monitoring Report has not been very reassuring and I know everyone here heard the Turrell Plot Analysis, which was done right after the dredging which is very early. It was pretty grim, but we were told things might very well turn around dramatically when the seeds begin dispersing again. I think anybody that has been out there has to be skeptical. I am sorry that the pictures I included did not come out in color. I am even worried with the seed dispersal where they are going to come from. There is nothing living out there. I think there is some visual reason to believe this is extending north and south a little.

Dr. Varley continued that the conclusion he is coming up with is that more and more this is not going to restore itself without a continued effort on somebody's part. If everybody were to walk away, it is not yet restored to its prior health. The last conclusion I have is the clarity of who is responsible or it and what our future program is, is very unclear. The County this year agreed to take over the maintenance of the area. It is my remembrance that they only included \$130,000 in their budget for it. I also think they tried to off load some of that to WCI. I think they earmarked most of it for removal of exotics. I don't really think that other than going out, looking at it and "monitoring it", the County has much of a plan for the future out there. Secondly, I don't think we really know what the community's interest is. Does the community want to take on a long-term maintenance plan if the County won't do it? I can't believe that they would not, but I am not sure that we really know that. That is the context this report was written in. If we were to decide that we have done all that we can do, spent the money that was necessary and this is the end of it and we either now rely on the County or Mother Nature, then I don't think we have much

more to say. If that is not the conclusion of this Committee, I personally think that we should start doing something because I don't think anybody else is going to do it. I have made some suggestions in the report. We need to sit down with the County and work out some kind of a sensible long term understanding as to who is responsible for that area and who is going to maintain it and maintain it well if we are going to continue on. Secondly I have made the recommendation that we should stop monkeying around and hire some professional who knows what he is doing to manage that area. I think that this is more complex and this idea of bringing in more experts to look at the thing is not getting the work done. Hiring out pieces and contractors is not giving us an overall plan. I don't think we have any direction as to where we are going and we should bite the bullet if we are to be responsible and hire somebody who knows something about maintaining the environment, to be in charge of running this out there. I would suggest that we begin to collect all of the options that we have. I have sited a bunch that I could think of and I think we need to sit down and very soberly decide what is going to be the plan in the future. Whether we select what makes the most sense and I would hope that we would have the advice of some professional involved in it and put together what I think is truly a management plan. I think we had a restoration plan, but I don't know that I have ever seen a management plan. The first item is, does this group feel that we should continue on with our efforts out there in the mangroves, or are we near the end of the road? If we are at the end of the road then it is pretty straight forward what we do. If not, then we need to go on to some of the other suggestions I have made.

Mr. Vlasho replied that my personal opinion is that I don't think we are at the end of the road.

Mr. Werner stated that I always thought this was a ten-year commitment we were making when we agreed to the restoration and management plan. We have obligations for at least ten years for monitoring and things like that, so I didn't look at it as walking away from it. That is not in my mindset at all. We have spent \$2,000,000 on it now.

Dr. Varley stated that just doing the annual minimum of getting reports, sending them in, do a few plots and count the seedlings is not really a management plan and is not going to cut the mustard.

Mr. Werner stated that he agrees. I am just saying that after you spend \$2,000,000 you simply can't walk away from it.

Mr. Hasson replied he agrees. I don't see how we can possibly walk away. We have too much time, money and effort invested in this thing. I agree with Dr. Varley, we certainly cannot drop the ball here. We have to take the ball and move with it.

Mr. Griffith stated that he agrees and asked how we do that? There is a long-term picture to this and how do we maintain and see through the fruition of the success all of the effort that has been put into this? We really haven't addressed that. Secondly we have paid a lot of money for experts that were supposed to come up with solutions that we realized were not 100%, but these experts are some of the best that are out there. I think we are entitled to their follow-ups on this and giving us more outlook on their opinion at least until we are thoroughly convinced that we do need to add or ask other opinions from experts. We paid a lot of money to some very reputable professionals and I would hate to throw away that part of it. We should still be utilizing them; we are entitled to that. I have not been to a meeting where all of them have come back. I think Mr. Lewis has opinions that he should be sharing with us. He was, in the very beginning of this, very instrumental in the issues about what the reasons for what the system was doing and part of some of the solutions we heard from other consultants. We have really only heard from Mr. Turrell for the most part and the other firm of Humiston & Moore, who were really more for implementing it more so than the original theorizing and studying of it. We have not really heard from the others who were the basis for these other consultants who went and put it into action through the permitting, etc. They were the real experts on mangroves and I think we are still under contract with them and have monies left that they should be here reporting to us on these findings that the applicators have been carrying forth. We should hear from them before we take any other steps to considering some other experts.

Dr. Varley stated that he noticed Mr. Lewis has not made his annual report this year. It is usually between January and March. Is he out there looking at it to make a report?

Mr. Lukasz replied that it would go in with the Annual Report.

Dr. Varley stated that usually happens in the first month or two of the years.

Mr. Lukasz stated that the report that Turrell sent in January had the Lewis plots in it. When we turn in the next annual report it will include the entire twenty-one plots.

Dr. Varley asked if Mr. Lewis is doing any reporting at all?

Mr. Lukasz replied that he goes out on his own and records some of the plots, but they will be included in one report.

Mr. Carroll stated that he is unclear what the County responsibility for Clam Bay means. What I wonder is, does the County expect Mr. Lukasz to do some maintenance work out there? Will they send people out to do maintenance work or will they do nothing?

Mr. Ward replied that the Commission's commitment to date has been that they will fund the activities required for the monitoring and maintenance of Clam Bay during the term of the balance of the permit. The thought process from the Commission has been that we, Pelican Bay Services, would prepare that yearly program for them and present it to them as part of your operating budget each year. We would then let them make a determination at that point as to whether they were going to fund the full amount or not. The County

Commission has indicated previously that they have a commitment to fund it and pay for it, leaving the implementation of it within the constraints to this point to Pelican Bay Services and how we identify that in our budget process.

Mr. Carroll asked if they are just funding, so the work is going to be done with your organization?

Mr. Ward replied we did it this year, but as Dr. Varley indicated this year there was not a lot of that work to be done. It focused primarily on cattail removal as a major portion of that and there really was not anything else. Dr. Varley stated they are not paying for Turrell's work or the aerial photography or the surveys. I can tell you that Mr. Hatcher has no real direction that he is supposed to be monitoring Clam Bay. He comes out once a month and looks around. That is the kind of program we have. What I am saying is that from my personal opinion I don't think that is going to cut it. We are going to have to do more of that and get our arms around this and begin to do it on our own.

Mr. Hasson asked if Mr. Griffith feels we should go back to our experts and asked what happened?

Mr. Griffith replied absolutely.

Mr. Hasson stated that I think that is a wonderful idea and something we should do.

Mr. Werner stated that I think it is a wonderful idea too, but we should put it in the context of a manager or someone in charge of the project to go back to them. The only one that we have not heard from that I recall is Mr. Hillestad and we still owe him money because he will not send us a bill.

Dr. Varley stated that the thing that disturbs me is that I do not feel that any contractor we have had has had his heart and soul on that piece of land out there. They are doing a contract job and doing the best they can and giving us the best advice. It is not their full time job and only one very small minor part of their work effort. I think the results show that.

Mr. Werner stated that I do not think we have gotten a straightforward answer from anybody. That place looks like the devil and does not look like anything is growing in some of those areas.

Mr. Griffith stated that it would probably be good for the manager to ask the question and maybe have them go out and take a look at it. Mr. Lewis has seen it I am sure. I think it would be better to hear straight from Mr. Lewis on the type of questions we want to ask versus from a Mr. Turrell, because Mr. Lewis is a scientist in regard to mangroves where the others are geared more to the regulatory aspect of it. I think we really want to hear a scientific answer to this because that was the solutionary approach that you were trying to resolve. I agree this is rocket science. Whether it will be successful ultimately is really hard to say sitting here to day. It takes time to really see results and I do not think there is anyone who really knows what that time is.

Dr. Varley replied let me remind you that two years ago Mr. Lewis is the one that told us we did not need starter islands out here. You could take that out of your budget because they were coming back. You can see the pictures from two weeks ago and I don't think they have come back.

Mr. Griffith agreed. I think we are entitled to an answer as to why he said that and why is it the way it is today. We just have to know. If we bring somebody else in totally new, they are going to be at a complete disadvantage and may not be able to answer us at all.

Mr. Carroll asked if we do not need to correct the problem? I think that Dr. Varley was right on his point that we need someone who represents us on a full time basis to work on this project. That person could bring the experts in. He could work the whole thing in some more logical direction. I am fearful of having these guys come in and talk to us about it and then go away. We don't get the answers.

Mr. Harrell stated that it seems to me when we first started this thing we were told that we might not ever be able to have mangroves out there and that this may not be a condition that will ever be healthy to those mangroves. Is that going to be addressed again? Can they come back and say this is not a mangrove forest anymore, we have completely changed it? I think we need to look at those questions too. I don't want to go out and plant mangroves in an environment that they just won't grow in.

Dr. Varley replied that I think if we had a maintenance plan we could address that. What are the alternatives that we can do with the land out there?

Mr. Bawduniak stated that clearly the funds that have been spent are gone forever and they are significant. We can't just walk away and Dr. Varley in his neat succinct report captured something that Mr. Harrell just mentioned. Will current environmental conditions support a healthy mangrove forest? One of the problems I suspect a lot of which took place before I ever arrived on this scene, is that the consultants were brought in and gave us opinions but somewhere along there has never been anyone holding their feet to the fire for accountability, professionalism and credibility. In a presentation that said, thus and so, we will watch that and then six months or a year later go back and say that didn't turn out, or you didn't follow up or there was some flaw in your science or professionalism. I think the idea I heard from the other side of the table is let's bring them all back and get an accounting. Where are we? Get a snapshot that brings in all their best experiences they have given us so far into one picture.

Mr. Roellig stated that he goes along with Mr. Griffith. I think this is too important and time consuming to handle at a regular meeting. I think we should have a Special Meeting and try to get all of these experts back here and not just have their global opinions. We should be willing to spend a little money to have them come down here for a few days and look things over and provide written reports. One problem with this whole endeavor is that there is a lack of written reports. That was one of my comments of the studies that were done long ago. So much of it was personal communication, let's get something in writing. I think a Special Meeting with a majority of the consultant reviews would be very beneficial.

Dr. Varley asked if you really thought it would be beneficial?

Mr. Roellig replied yes. I think there are questions that we should find out if they are willing to come back, take a look at the property, analyze and prepare a preliminary report and then come to discuss it with us.

Mr. Werner stated that they will come back, give us a report and nobody follows up on it. Until we have somebody that is going to coordinate or manage this maintenance, I don't see any sense in having them come back. If we had somebody that was in charge of this that would take that information and hold their feet to the fire or progress from there makes more sense.

Dr. Varley replied that just for the fun of it when I was going through this, I counted up all of the experts that have come through here that I can remember. There are twenty-three of them and there must be more. Out of those twenty-three experts I cannot feel in my own mind that there is a single one of them that knew what was wrong or was going on out there. They would say we ought to try this, we ought to get the dredging, get more water, get less water, we ought to plant, etc.

Mr. Harrell stated that it did work for a little while, then suddenly boom.

Mr. Vlasho stated that Dr. Varley has done exactly what I wanted him to do. He has summarized it and brought it to a head and allowed this Committee to focus on the issue. I think not only are the experts at fault, but also the Committee is at fault. We come in, hear a report, it's twenty or twenty-five minutes long on mangroves, then we go away and deal with a whole host of other issues or some of us forget about it until the next meeting. Then nobody focuses on it with the exception of Mr. Lukasz and Mr. Ward. What I am hearing Dr. Varley saying is that we do not have a plan or a management program and we ought to have one. We can have the experts come to the entire Committee, but I also think we need to reconstitute our Mangrove Committee again. Somebody that will focus on this and give direction and expand the group from Dr. Varley to a couple of others that are interested and would like to devote some time to it. I don't see a Committee of eleven really focusing on the mangroves the way it needs to be focused or else a year from now we will be here with the same discussion saying we did all these forty-two things and we still don't have anything going. Where I would like to see us head is to reconstitute the Mangrove Committee, have them develop a management plan and consider putting money in the next year's budget to handle that, regardless what the County does or does not do. We have to take the bull by the horns and say this is what we are going to do and get it done. Ultimately we are the only ones that are really interested if that area survives or not.

Mr. Tom Brown stated that he agrees with what you said and thanked Dr. Varley for the effort he has put into this. Nothing is going to get done unless volunteers do it. I spent over twenty years in the nursery and landscape business, a different climate though and if I could transplant that knowledge down here, don't expect something to rejuvenate itself over one year. It will take two or three years to rejuvenate itself. If you put starter plants out there it is still going to take two to five years to rejuvenate itself. It just won't replenish like an Easter lily.

Dr. Varley stated that he would be happy if we said we would give it one year or twenty-five years. We don't have any idea how long we are going to give it.

Mr. Tom Brown stated I agree.

Dr. Varley stated that it has been five years since we did the first flushing cuts out there.

Mr. Tom Brown replied that he will volunteer and if he is not in town, Mr. Bawduniak will fly over it once a month to take pictures from the same spot. A map can be started with a calendar to show this is where it was at a certain date and this is what it looked like six months later. It has to be done on a methodical plan basis. It has been hit and miss for five years.

Dr. Varley stated that there are several possibilities that came up. If the County should take an interest in this, and we would pay for it I am sure it could be worked out with Mr. Lorenz and Mr. Hatcher. One suggestion was the new university might have some interest and we could work with them. I was wondering about Mr. Roellig's friend, Mr. Read, if he would be interested in taking it over on a contract basis to be one individual to run the program. One thing that was funny to me and I am really ashamed of is that I got to thinking about what was on the Internet. I got looking under mangroves and found a guy in Melbourne Beach who had a web site that said he was in the mangrove restoration business. I contacted him and he came over and visited the site with Mr. Lukasz, Mr. Hatcher and myself. He has some interesting ideas and is putting a proposal together. I have sat here and listened for six years about whether the soil would grow. It is the question you are asking. This guy in about ten minutes got soil samples. We got one bucket of soil where they are growing, one bucket where they are not growing. He took a bunch of propagules from our trees which he planted and also took propagules from a stand of mangroves on the East Coast which he knows are healthy. Within thirty to sixty days we should have an answer whether that soil will grow mangroves. Why in God's name didn't we think of that five years ago? I am as guilty as anybody else is and I am ashamed of myself for not thinking of it.

Mr. Bawduniak stated that he flies over this area of Pelican Bay three or four times a week. I have an airplane that is high performance capable, flying at very slow speeds and good for aerial photography. I have used it over Pelican Bay for aerial photography. If at any time in the future I can offer some repetitive service to go up with a person that is very good with a camera at aerial photography I would volunteer that. Secondly, anybody on this Committee that would like to go up and make his own observations, mine are not worth anything because I don't know what it looked like one or two years ago, you are welcome to go up at any time you wish. Just let me know.

Mr. Ray O'Connor – Pelican Bay Property Owner's Association – I just wanted to comment that I agree with Dr Varley. I became involved in Pelican Bay community affairs when this mangrove issue started, so I have been with it from the beginning as well. I feel the suggestion of one person managing it, somebody that not only the Committee but the community can ask questions of and get answers, is the right suggestion. I remember the Mangrove Action Group, way back when; having a Dr. McKee from Louisiana come who was a soil expert. Her opinion at that time was that this soil was so contaminated that it would not grow mangroves. She also felt that to disturb the soil in any manner might endanger those that were healthy by transferring some of this contaminated soil down to the roots of the good mangroves. She recommended that we not remove or do a lot of dredging. That was almost five years ago, so I think your suggestion that we have one person who can give everyone responsive answers is a good one. In the long run it is our taxes too and we would like to have answers to this problem.

Mr. Bill Schmigle – I agree whole-heartedly with Dr. Varley. My background is construction and the one thing you learn in construction is if you don't have a plan and project manager nothing ever gets done. My other opinion is that you can't pay too much for a good project manager. If you have twenty-three experts and in all of these various parties you do not have one guy to pull it all together there is no way a committee can do it. You have to have a boss in somebody that can take ownership of it.

Mrs. Kaye Potter – Vice President, Mangrove Action Group – Mr. Keene Cornell our President called me since he could not be here. Dr. Varley, I couldn't agree with you more. We have been doing what we could and I have been calling Mr. Ward's office. I believe you were to dredge the southern end of the mangrove forest in January. I don't believe it has been done yet. I know that you wanted to go to the satellite positioning system to identify the channels. There have been a number of reasons why the channels weren't dug, but we really have not given a complete flushing a real trial. We have never gotten the flow that goes back and forth with enough force to flush the mangroves. I will give each of you a copy of Dr. McKee's report if you so wish. I have been waving it for about five years. I have grown mangroves on my balcony. I pick them up everywhere and grow them. I have even given them to the Environmental Protection Agency and sent some to Tallahassee. If we can be of any help we will work with you. Was the gentleman you called Dr. Matt Finn?

Dr. Varley replied no, Dr. Reilly.

Mrs. Potter replied that Dr. Matt Finn is coming to the Mangrove Action Group Board Meeting this coming Friday. He is on the same wave-length as you are. Mr. Bortone of the Conservancy has been talking with us and he feels progress is not being made. These gentlemen will be at the Mangrove Action Group Board Meeting on Friday at 9:30 AM and anyone is welcome to attend. It sounds as if everybody is mad enough now to get something done.

Mr. Vlasho thanked Mrs. Potter for her comments. One thing I would ask on a personal basis is that we don't get the Mangrove Action Group going off in different directions. If this Committee decides to support Dr. Varley and move in that direction, please be in concert so that we don't get one group saying go left and another group saying go right. I think if you are willing to at least support this Committee, we could probably be cohesive in our direction.

Mrs. Potter replied that we have tried to work with this Committee. We have offered our services. We have invited this Committee to every meeting we have ever had. We are willing, happy and want to because that is our whole reason for being.

Ms. Kathy Whorley – The Conservancy – Probably to your dismay I will not go away. I am in for the long haul on this one. We have been monitoring plots in there since February 1999 and if you would like I could bring a presentation of what we have done so far. It would be sort of an intermediate-to-end of the study type of thing because most of the stuff we are doing requires long term growth. If you would like I could bring that and do a presentation on what we have found. As an observation, I was walking around a week ago and you have more problems in there than just the flooding, water retention times and not flushing. You have mealy bugs growing in there. They eat the sap of the mangroves. What was really puzzling is that mealy bugs do not usually go on mangroves. Until I thought about it and it must be because there is not enough salt in the stems of the mangroves to keep them away. Mr. Hatcher has informed me that the soils in that area were very high in hydrogen sulfide levels. Usually if you have good flushing, it will wash the sulfide away. So there still is a problem with that too.

Dr. Varley asked how you get rid of mealy bugs?

Ms. Whorley replied that I know what they do in a nursery, but I do not know what you can do in a big environment.

Dr. Varley replied that is our problem.

Ms. Whorley replied the best thing would be if you could get saltwater in there. They don't like saltwater. If salt gets into the trunk of the tree the sap does not attract the mealy bugs any longer.

Mr. Jim Gage – Coronado – I appreciate Dr. Varley's report and I attended the meeting with Dr. Stallings here that I am sure will be

incorporated. I think a Chinese proverb says, "Our objective is not to view what lies dimly in the future, but rather what lies clearly at hand". What I would like this Committee, the County or someone to do, is to get at the subject of polluting the mangroves. I mentioned to you last month the fact that our building and I am sure every building that has access to the mangroves, without any provisions dumps anything into the mangroves. I am just telling you that is what happens. If you have a refrigeration system leak on the roof and there is rain it is going into the mangroves. If you clean the floors it is going into the mangroves. I am sure there are things to do, but I think of the thing to do quickly is to get hold of what are certainly obvious pollutants. Look at the left-hand side of that berm as you walk south. You do not have to be a Rocket Scientist to see what is in there and it is coming from the buildings that have access to it.

Mr. Tom Brown stated that Mrs. Potter made the comment that the dredging was not all done. I have not heard anything about that.

Mr. Ward replied that the dredging has been completed at Clam Pass. We are working the Phase II tidal cuts which was not to start until after the completion of Phase I and we had Mr. Lewis go through and do the analysis of those Phase I cuts and figure out whether or not they work, which we did. Time had to go by in order to do that. Mr. Lewis went out and identified the next series of cuts that needed to occur. They were identified as Phase II and Phase III cuts. We are working on the Phase II cuts now. Upon completion of those and determination of whether or not they are successful, then he will be able to make recommendations to you as to whether to move on to Phase III or modify the Phase III cuts to something else.

Dr. Varley stated that we did Phase I and was not going to use that as the test to see whether it improved anything or not. As I remember, when we got through with Phase I and before we decided that it improved anything, we decided we had some money left and we would go ahead and do Phase II and Phase III. Phase II and Phase III were not predicated on any success in Phase I.

Mr. Ward replied that in the Clam Bay Permit they were predicated upon the success of the Phase I cuts.

Dr. Varley replied yes, but we did not follow that. We had some money and we decided to go ahead and finish them all up, is the way I remember it.

Mr. Ward replied that is not the way I remember it, but I could stand corrected.

Mr. Vlasho asked if we did not find that there were 233 cuts required as opposed to 70 some cuts that we originally thought?

Mr. Ward replied that in the original permit Mr. Lewis identified a series of cuts and at that time we called them Phase I and Phase II cuts. We did the Phase I cuts as a part of the original construction program. At the completion of those cuts and depending upon the success of those, which I guess Dr. Varley's recollection of that is different than mine and I will stand corrected if need be, we were then to move onto the Phase II cuts. Between Phase I and Phase II we had that large rain that occurred which is what killed a lot of the mangroves in those monitoring plots. Mr. Lewis, subsequent to that storm event, went out and looked at the system and identified a whole new sequence of cuts and they increased from 70 cuts to roughly 240 cuts. He then prioritized those 240 cuts into a Phase II and Phase III. We are starting the Phase II cuts now and upon completion of that Mr. Lewis recommended to you that you look at that you move onto Phase III or modify Phase III as it may be appropriate.

Mr. Roellig stated that he wanted to let the Committee know that they did do a flooding as suggested by Dr. Read. It was done about a week ago.

Mr. Lukasz stated that we pumped for about nine hours and covered an area of about one-acre. The site was in an area where that when we flooded it, it was able to flow off into one of the small channels which is what Dr. Read recommended.

Dr. Varley asked what was expected to happen with that?

Mr. Lukasz stated that it was supposed to flush the area as well as bring up the salinity in those areas.

Dr. Varley asked if he thought mangroves would grow there then?

Mr. Lukasz replied possibly. We set up our own monitoring plot in there to see what kind of growth we can get.

Mr. Vlasho stated that if the Committee does not object and Dr. Varley is willing to continue as Chairman of the Committee of one, I would like to continue that and give it more substance and add two or three more people to it. They can move on focusing our attention, developing a plan and then coming back to this Committee with a recommendation and including funds in our budgeting process for wherever they end up if they hire a manager or that sort of thing.

Mr. Griffith asked if this was another Committee different from the earlier Sub-committee that was working on the mangroves?

Mr. Vlasho replied that we do not have Sub-committees set up at this time. I think Dr. Varley when he was Chairman disbanded all sub-committees.

Dr. Varley stated that sub-committee was set up to oversee the dredging cuts.

Mr. Vlasho stated that had asked Dr. Varley to do this as a Committee of one so that we would not have to have meetings to get to this point. I think from here on, unless Dr. Varley has some other idea, that we probably ought to reconstitute a sub-committee.

Dr. Varley replied, let's talk about it.

Mr. Griffith stated that to respond to Mr. Gage's comment about the Coronado draining directly into the mangroves. The Coronado is a WCI tower and I know for a fact that the laws will not allow you to do that, so I will tell you that I will look into that and see. I will probably get a hold of you to understand what you are saying. That is not allowed and I want to be absolutely sure that is not happening. I will get with you later.

Mr. Roellig stated that he would volunteer to sit on a sub-committee like that and would recommend that we involve the Mangrove Action Group, especially the new President, Keene Cornell.

Mr. Griffith stated that he would make himself available to be on that sub-committee as well. I think it is important that we continue with this and not give up on it. I have a lot of reasons why I would like to say that, but I will refrain from that, but I think we all mostly feel the same way. It is important for something that is as valuable as these mangroves to just not give up. We are still in the infancy of this and I think this discussion is proactive. I do not think we have failed, but are talking about this right at the right time and we are challenging what has been done and we should continue to challenge that. I think there needs to be something in place to do that. I am going to volunteer.

Mr. Vlasho stated that Dr Varley is hesitating and asked what we should do?

D. Varley stated I am about burnt out on it.

Mr. Vlasho stated that he disagrees. I believe you did an excellent job in bringing it to a head and would ask that you continue as Chairman and appoint Mr. Roellig and Mr. Griffith to your sub-committee. If you come back with other recommendations as a sub-committee we can consider those.

Dr. Varley replied I would visit with you about it.

Mr. Vlasho replied that you are putting me in a box here. You can't visit with me officially. Around this meeting we will discuss somehow Dr. Varley being the Chairman and continuing to get some focus on this project. We will do it within the Sunshine Law.

Mr. Carroll stated that maybe one of the other fellows would rather be the Chairman, if Dr. Varley really doesn't want it and he is burned out.

Mr. Vlasho replied he says he is burned out and doesn't want it, but all you have to do is look at what he has put together and you have to say he is not burned out.

Dr. Varley replied that I am not interested in spinning my wheels any longer. If it were going to do something I would be very happy to be a part of it. To sit and talk with more experts and have more meetings, I am through with that. I really am.

Mr. Vlasho stated that the charge of the sub-committee would be to develop a focused action plan that would allow us to direct what is happening in the mangroves rather than react.

Dr. Varley stated there are three suggestions. Talk to the county, get it straightened out as to who is responsible for it and hire a full time individual to begin putting together a plan.

Mr. Vlasho replied I agree with all of those, but I want the sub-committee to do it.

Mr. Roellig stated that I don't know who this individual is. It is hard for me to picture this individual, but I presume there might be somebody out there. Every time somebody has mentioned getting the County involved, I always say public money moves us closer to public access. I am always very concerned about looking to the County for money.

Mr. Vlasho asked if anyone on the Committee disagreed with putting money in our budget for this effort?

Mr. Werner replied no, but if you wanted to have somebody oversee this, why don't you ask the sub-committee to look at that and develop job description or performance criteria for what you would want from that person. That person, I would think, would be the leader of the coordination between the County and the different agencies. Maybe that should be the focus of the sub-committee.

Mr. Carroll stated that we did not address Mr. Roellig's concern. Are you assuming you don't need County involvement?

Mr. Werner replied that I would think that if you were going to have somebody to direct this thing, he would handle that.

Mr. Carroll replied I agree with that.

Dr. Varley stated that I guess my feeling is that I am not enamored with the County to running it either. If everybody is going to run it we are not going to get anything done. I guess that is the point I am trying to make. We have tried this now for six or seven years with everybody diddling around and doing their thing. I think we need to have somebody put some focus on it. Either we do it or the County does it, but it is more important that somebody does it.

Mr. Vlasho stated that one of your specific requests was \$50,000-\$60,000 per year to hire somebody to expertly manage it.

Dr. Varley stated that I have no idea where we can find an individual, but I am told that for that kind of money we ought to be able to get a very good person. I have no idea where to even look for him.

Mr. Vlasho asked if anyone had a problem with that?

There was no reply.

Mr. Vlasho stated that I am saying that the sub-committee would go out and find that guy. If it turns out that it is \$100,000, come back and tell us that and you will probably get the support. Then the rest of that program can revolve around that individual. Otherwise we are going to have fourteen other suggestions come before us. We need to focus one person. We need a sub-committee that can log a certain amount of their time to oversee this, rather than it come up once a month for twenty minutes. With that will you accept the position?

Dr. Varley replied in the affirmative.

Mr. Vlasho replied that Mr. Griffith and Mr. Roellig would be on the sub-committee. That was an excellent report and Dr. Varley did get us into a positive proactive position, rather than always listening and asking what do we do now.

#### **ADMINISTRATOR'S REPORT**

##### **STREET SIGNS**

Mr. Ward explained that the street signs that were bid came in way over budget for their installation. We went back and rethought the process. There is a street sign pole sitting in the back of the room and I have provided to you a picture of what an alternative version would look like. The choice matches in style to the choice that the Foundation made for their mailboxes and we are coordinating the colors at this point. It has been re-bid and the bid came in at \$221,000 which was slightly under what our estimated budget was for that particular project. The alternative that you see here, you will see throughout a lot of the upscale communities in Florida today. It is a quality street signage system and program. The inserts are not any different than what we had talked about at the prior meeting. If you would like to proceed forward with this sign versus the concrete pole, I think you will get as many bangs for your buck as you did in the prior program. Aesthetically it will not look any differently than what you had previously seen and it comes in within the constraints of the budget, which we had originally established for you.

Mr. Vlasho stated that Mr. Kinney said before he left that there was a color problem, which you are going to work out.

Mr. Ward replied we are coordinating the color issues right now with the Foundation.

Mr. Roellig asked if a motion was needed?

Mr. Ward replied that a motion was not needed as long as I hear and see that you are comfortable with utilizing this program.

Mr. Werner asked that it be done by motion.

Dr. Varley asked if there were any other options?

Mr. Ward replied there were two kinds. One was the concrete. There are a number of versions of the aluminum pole. This particular one matches the base of the pole that is being used for the mailboxes themselves. Of all of the ones that I looked at, it is the nicest one I have seen.

Dr. Varley stated that to me the street signs have always been a very attractive part of Pelican Bay and this does not really turn me on much. If this is the only choice we have, I suppose we have to do it.

Mr. Ward stated that the other one he liked also, but they did come in \$19,000 more than anticipated. The installation was very expensive for those particular poles. You'll see these at Tiburon; Mediterra and a lot of the more upscale communities are using them.

*Mr. Werner moved, seconded by Mr. Carroll and approved unanimously to approve the street signs as presented.*

### US 41 MEDIAN LANDSCAPING

Mr. Botner introduced Mr. Hayden who is the County Project Manager. Since we met last, the application for the grant to landscape the first phase of the medians from Pine Ridge Road to Gulf Park Drive has been resubmitted. This included all of the recommendations that came from your staff and from other County staff as well as the various agencies and departments involved with the Florida Department of Transportation (FDOT). That work has been done and has culminated in the set of design documents that you see on the wall and I would be happy to visit with you on the particulars of the design, but would prefer to leave these behind if it is alright with you. You can look at those and if there are any questions about them or details, please feel free to funnel those questions back through your staff.

Mr. Botner continued that as to the budget, we submitted a planning set that is exactly on the budget that was established for us. As you remember from the last time, we are somewhat burdened with this phase of work because we have a lot of infrastructure that we have to pay for out of our landscape dollars. In the next phase we will not have to pay for that infrastructure work. The very dark lines that you see around the edge of a lot of the medians are the new curbs that we have to install. There is \$70,000 worth of curbs that we have to build so we can plant a tree in the median. Ditto with the cost of putting in the underground service access that we need to those medians for irrigation and power. Overall we are spending about \$110,000 that we will never really see or appreciate when we think in terms of landscape that we have to put in, which in the next phase we will not have to do.

Mr. Botner reported that the construction budget of \$411,000 is reflected in these plans and of that \$411,000 we amended our request to FDOT in a Grant Application in the neighborhood of \$175,000. Just to let you know where we stand in the process, since we first started getting into this Grant business with the State a couple of years ago in Collier County we have been very fortunate to have won nearly every application we have submitted so far. This year there are six districts. We are located in District I. In District I, there are nine submittals for awards this year. It is a very highly competitive game we are in and those nine submittals totaled in value over what the State has budgeted for the entire State of Florida. There are about \$3,500,000 worth of projects submitted for consideration for funding which is amounting statewide to about \$2,000,000 and we have just about \$2,000,000 just in our District alone. We are up against some heavy competition. We are very positive and will march forward and hopefully we will be the beneficiaries of a sequel project, which is always viewed in a very positive way by the State.

Mr. Botner continued that as to landscape design, these documents are done on a 20 scale. Each sheet has two roadway segments so that the actual beginning of the project begins at the top of the left-hand corner, which is the beginning median at Pine Ridge. There is a row of Royal Palms that continues for the next coupe of medians, all the way up to Pelican Bay Boulevard. We feel that will create some design symmetry with all of the other major cross sections that we have to deal with up at Vanderbilt Beach Road and also at the North Trail and Pine Ridge Road. That is a very formal and clean look. After that intersection of Pelican Bay Boulevard we go into a more naturalistic residential approach using totally native plant materials, primarily in the form of Live Oak trees, Sabal Palms staggered spacing to create that sense of informality. I presented this same plan to the Pine Ridge Homeowners Group last week and explained to them that in character what we are trying to do is match the character of the landscape that occurs on both sides. On their side they have had their Live Oak planting program underway and I guess they just authorized the funding last week to finish that off. Our Live Oaks will match with theirs but be denser than that particular planting. The other aspect of the design is that it needs to be responsive to the Collier County Streetscape Master Plan, which requires 60% canopy coverage at maturity in residential areas. When we are finished with this, 60% of the landmass that is covered with plant material will have some sense of shade at some time during the day and that requirement is also reflected in this design. If we had our druthers, what would we like to do rather than have to pay for curb and gutter and pipes under ground, etc.? If we had more money next year when we do the sequel to this because we don't have to pay for that infrastructure, it might be nice to come back and in some of the middle parts of these medians add some additional ground cover materials. We have always felt in terms of landscape designs for a roadway one of the reasons we do it is a perceptual thing. We are able to take a six-lane highway and turn it conceptually into a three-lane highway, by virtue of our ability to mass up landscape down the median. We are close to being able to do that here, but with a little more money maybe next year we can do that. We have a fully functional good solid landscape plan for you with what has been submitted.

Mr. Werner asked if the cost of this plan was \$502,000.

Mr. Botner replied that is including all of your soft costs.

Mr. Carroll asked the significance of the speed limit as far as your design? You make quite a point of the difference there.

Mr. Botner replied that you are required by State guidelines to space your trees a certain distance apart based on the speed limit of the roadway you are traveling. The repetition of plant material at high speeds becomes more of a wall visually and you have to space at higher speeds your larger tree material further apart from one another. That was one thing they brought out to us, was that they wanted us to show on every little section of the road what the speed limit was.

Mr. Carroll stated that if we got the speed limit changed from 55 to 45 mph would that affect your design?

Mr. Botner replied that it means I can space the oak trees ten feet closer together.

Dr. Varley asked the time line right now?

Mr. Botner replied that the timeline right now is that the State will announce its' grant awards the first week of July and normally that means that the follow up paperwork that is required between the County and the State is resolved usually by September. So, anytime after September we should be ready to award or go to bid. Then the schedule after that as we discussed last time, is that we would like to wrap this up by the first of the year.

Dr. Varley asked if you mean construction?

Mr. Botner replied in the affirmative.

Dr. Varley asked, do I misunderstand your plans or are you going to use 3' Royal Palms?

Mr. Botner replied no you did not misunderstand, but the way a Royal Palm grows is that most of it is green for the early part of its' life. What we measured there for you was 3' of gray wood, which is the big fat stuff at the bottom. Three feet of gray wood translates to about a 16' tall tree.

Mr. Griffith stated that the median looks fairly full of vegetation and do you think that vegetation will help to tone down the noise levels on the road?

Mr. Botner replied yes, it usually does. It is also a calming device so it does a lot of things. It helps to drop the glare; it drops the perception of busyness because you don't see as much of the oncoming traffic on the other side of the road. It also helps with noise abatement to a certain extent.

Mr. Werner asked if we are not awarded the grant are you ready to spring into action earlier?

Mr. Botner replied the County and your Committee has budgeted the money we need to build this project regardless.

Mr. Werner stated that we do not have to wait until September?

Mr. Botner replied you could start immediately, but the State is very particular and we cannot start now and expect to be reimbursed later.

Mr. Charles Sigorski – Oakmont Resident – Has there been any provision made for fencing along US 41? There has been talk about sound levels and there are sections that have fencing and other sections that don't.

Mr. Vlasho replied that is not part of Mr. Botner's project, but something Mr. Ward is working on with the owners.

Mr. Ward replied correct. What Mr. Botner is talking about is the US 41 median itself, but we have been working with some residents along Oakmont and even Pelican Bay Woods to identify alternative materials that could be used to help with the sound issues along that area. We just started that process during the last thirty days, so I do not anticipate a solution, recommendation or any ideas for a little bit at this point.

Mrs. (COULD NOT DECIPHER NAME) – Oakmont – If the speed limit was reduced to 45 mph and the planting would be thicker it would help on this noise abatement.

Mr. Ward replied I do not even know who controls the speed limits on State roads, so it is going to be the State Department.

Mr. Botner stated that you could petition the State to reduce the speed limit if you want to. That has been done many times in our community.

Mr. Addison Skaggs – Oakmont – On the noise abatement issue in the Handbook of Environmental Acoustics, Page 122, it states that "vegetation (trees bushes, hedges, etc.) provide practically no significant noise reduction unless they are at least fifty feet tall and one hundred feet wide, with dense evergreen foliage extending to the ground". Page 141, states "trees and other foliage tend to be common attempts to control noise. These natural visual barriers provide negligible noise attenuation unless they comprise a dense evergreen forest again at least one hundred feet wide and fifty feet tall. Trees and other foliage should not be considered for noise control purposes".

Mr. Vlasho stated that is one of the reasons we have asked Mr. Ward and his staff to work with the owners to come up with another solution to the problem.

Mr. Carroll stated that he would like Mr. Botner's opinion on that.

Mr. Botner replied that he agrees to a large extent, but what we are also adding to the medians are land forms and raising the elevation in some places where we can actually create berms out there. Berms are very effective in deflecting sound, but we can only go so high with

the berms as you are aware, based on the site visibility requirements that we have on the roadway design. I agree if you are relying on vegetation alone that is what you would have to have.

### **COMMITTEE REQUESTS**

Mr. Vlasho explained that we have had several Committee Requests on the agenda for two or three months and we have not addressed them. I don't know if the gentleman for the Osprey Nesting Site is here. I see he is here. I will handle that.

Mr. Vlasho continued that the other item is in regard to the bike paths. I do not know if any of the bikers have come. Yes, we do have some and will address that to some degree.

Mr. Vlasho stated that we would handle the award that Mr. Griffith will tell us about.

Mr. Vlasho stated that from Mr. Ward's Administrative Report, anything that has to be handled would be addressed. The rest of the items I would like to defer until a Special Meeting that will pick up the remaining items and also include Mr. Dorrill. We will schedule that based on the availability of the people. Our outside target for getting out of here tonight will be 6:00 PM.

Mr. Werner asked if we could set the Special Meeting date now because of the people that are leaving.

Mr. Ward stated that we could do that, but I have to check room availability this time of year.

Mr. Vlasho stated that he was going to suggest two weeks from today. I will be back. I can do it Monday or Tuesday of next week then I will be gone for eight days.

Mr. Bawduniak stated that he would be gone all next week.

Dr. Varley stated that we also need to find out when Mr. Dorrill is available.

Mr. Vlasho stated that we should also get the dates that most of the Committee Members will be here. We will pick a couple of dates and Mrs. Smith can coordinate it. The earliest will be will be May 18<sup>th</sup>, which is a Thursday. If we wait until May 24<sup>th</sup>, does that give you enough time for the budget?

Mr. Ward replied in the affirmative. I am unavailable on May 24<sup>th</sup>. I have commitments all day, but I have other dates available the rest of that week. If you will let me call and schedule everybody we will come up with a date that everybody is available.

Mr. Vlasho explained that we need to have all of the Committee Members be in attendance. We did have all of them today didn't we?

Mr. Ward replied in the affirmative.

Mr. Griffith asked how we schedule for our Sub-committee Meeting? Do we have to set a time at this meeting also?

Mr. Vlasho replied that the Chairman will have to schedule it and it will have to be posted, etc. I would like to appoint Mr. Werner to that Committee also.

### **RESIDENT REQUEST TO CONSTRUCT OSPREY NESTING PLATFORM IN CLAM BAY – MR. LOU VLASHO**

Mr. Kinley Roby – St. Pierre – I want to propose that we erect an Osprey nesting platform on the back dune, about half way between the north and south boardwalk. The back dune it that area of brush, grass and ponds that stretches from the east limit of the sand out to the mangroves. I noticed on the agenda that it did not specify but that is the area that I have in mind. We have a lot of Osprey in this area and the nesting opportunities are steadily decreasing. I don't think there has been a week during the last couple of months that I have not seen a pair of Osprey circling somewhere around Clam Bay. Some times they are fishing, but most of the time they are looking for a place to build a nest. I think you have a copy of the nesting platform plan, which came from the Audubon Society. It comes with their blessing. I will not dwell on the reasons that I think it is a good idea to build a platform. I think it would be attractive and of interest to do this and we would be doing something quite worthwhile.

Mr. Roellig stated that you do not mention funding on this. Is this going to be a contribution from individuals?

Mr. Roby replied that I was coming to the Committee. I will address it in a moment.

Mr. Roellig asked for a rough idea of the cost.

Mr. Roby replied that the cost of the platform materials for making the platform could not be more than \$100. We can get the utility pole at

no charge from Florida Power & Light. We will have to transport the pole from old US 41, which is where they have one which is 45 foot tall and in good condition. I am guessing it can be transported down to the Vanderbilt access point, put on the beach and dragged down by tractor to wherever it has to go. I cannot tell you how much it will cost to do that or to dig the hole, put the platform together and onto the pole, erect the pole and put up the guy wires. I had no way of addressing that.

Mr. Vlasho asked if you are still talking hundreds of dollars and not thousands?

Mr. Roby replied in the affirmative.

Mr. Roellig asked if we would be authorized to spend money or should we be looking at some group soliciting contributions?

Mr. Ward replied I do not see a problem with you spending money on it if you desire.

Dr. Varley asked in the hierarchy, who has precedence the turtles or the Osprey?

Mr. Roellig replied he does not know about that.

Dr. Varley stated we are not going to be able to drag anything down the beach during turtle nesting season.

Mr. Hasson asked if you are talking about one pole?

Mr. Robert replied in the affirmative.

Mr. Werner asked the size of the platform?

Mr. Roby replied in the neighborhood of four foot by four foot.

Mr. Werner asked how high in the air?

Mr. Roby replied that they recommend thirty to forty feet high. What does need to happen is that the nesting platform should be higher than the surrounding trees or the birds will not use it. Because the proposed platform is going to be erected on land that falls within the Coastal Construction Control Line, the FDEP will require this Committee to provide them with a location map and a letter giving permission for the platform to be erected. The County Office of Building Permitting requires that a permit application be filed and there may be a \$36.00 charge for this, but then again there may not. Ms. Wanda Warren was the lady I talked with and she indicated this was the first time in fourteen years that anyone ever made such an inquiry. She was sure we would not have a problem getting the permit. The Army Corps of Engineers requires no filing and said it would not be involved in the permitting process. The Florida Freshwater Game and Fish Commission will require no permit for us to erect it, but if we put it up we will have to involve them if we decide to take it down. I found that quite interesting. Those are all of the agencies we have to concern ourselves with.

Mr. Ward stated that the County requires a variance to the CCCL line in order to put it at that location, which requires a public hearing in front of the Board of County Commissioners. I am sure they will approve it.

Mr. Roellig stated that I think we should look to see if we could come up with a plan for two or three of these platforms.

Mr. Roby replied that they need placed a considerable distance apart.

Mr. Roellig stated that we ought to come up with a comprehensive plan of maybe two or three if that is possible.

***Mr. Roellig moved, seconded by Mr. Hasson and approved on a vote of 10 to 1 that Mr. Ward work with Mr. Roby and look into the feasibility and plan for the installation of Osprey nesting platforms in Pelican Bay and come back to the Committee with a budget. Mr. Werner cast the dissenting vote.***

**DISCUSSION OF TRAFFIC CALMING BIKE PATHS ALONG PELICAN BAY BOULEVARD AND GULF PARK DRIVE – MR. LOU VLASHO**

Mr. Bill Schmigle – This is not my project but I rode my bike here today and it is pretty wet out there right now. I spoke at the Public Hearing as a number of other people did. I don't know all of the history and I was not here for the vote, but I understood it was a split vote. I was not prepared to speak on this issue, but I am very much in favor of it. From my point of view I cannot see any negatives on it and my perspective of the crowd and professional people last time was that they all seemed to have all the reasons as to why it was a good idea to do.

Mr. Vlasho stated that the reason this got on the agenda is that in a couple of meetings that I attended and made some comments, it was the only issue that people raised. I said this Committee had dealt with it and they asked that we deal with it again. Mr. Schmigle, you spoke as

an individual, but I have a letter from the Foundation on behalf of the Board of Directors giving their support of that issue. We asked the Sheriff's representative to talk about the effects that bike paths have on traffic calming.

Corporal Joe Indiero reported that I have no personal expertise or personalized training in regard to bike paths. I am a biker myself and understand the concerns of the bikers in Pelican Bay. There have been reports prepared regarding the pros and cons of the bikepaths, but speaking as an individual in law enforcement I can understand the safety issue and having the area identified as a bike path. This allows the biker to ride safely within that area and also tells the motorist not to invade that particular area. Obviously there has to be issues looked at with regard to the width of the roadway, what the Department of Transportation requires as far as the width of each lane and then what is left over could be allocated as a bike lane. I was looking to bring to you a report or study that was done. I can tell you that as late as this afternoon there is a report that was prepared by an individual that transferred to another department and that report was submitted to our office a while back. I was trying to get a copy of that report, but our commander is on vacation this week. Based on your discussions I will try to get that report to Mr. Ward.

Corporal Indiero continued that some of you have asked and are totally confused about the rights of bicyclists and the laws governing them. We have these brochures in the Sheriff's Office. I brought a few samples and will leave them with Mr. Ward. Even your bicyclists may want to look at this because they may not be sure. It identifies where they should ride, the laws they should comply with, etc.

Mr. Vlasho stated that I have been told that they are not allowed to ride on the sidewalks, is that true?

Corporal Indiero replied that there is a section that pertains to sidewalks as far as when they do they have to yield to pedestrians or when they are crossing streets, you should yield to them. If you need more brochures I will be glad to get more of them to you.

Mr. Vlasho stated that in the survey that the Foundation has sent out and is in the process of getting the results, there was a question about this. Unless the Committee says they do not want to fool with it any longer, I would say we should probably defer any action until we see what the property owners are saying.

Mr. Tom Brown stated that a bike lane was painted at the north end of Pelican Bay Boulevard. My initial thought was this was great. The results were extremely dangerous. There is not enough room on the roads. We tried it and I will give you the results of that.

Mr. Vlasho stated that today even though they have been blacked out, many people still use that bike lane because they think it is a bike lane.

Dr. Varley asked Corporal Indiero that if you have bike paths could you enforce the use of them? Can you make bikers stay in the bike paths?

Corporal Indiero replied yes. It is even spelled out in the brochure. The bicyclists are responsible to obey the rules of the road the same as motorists are. It talks about riding two abreast except on paths or parts of roadways set aside for exclusive use. There are also Florida Statutes listed that identify the regulation. I stop and talk to bikers all the time and explain to them that they have to be riding close to the edge, you have to comply with the laws because many times a bicyclist will go right through a stop sign. The bikers do not realize they have to stop.

Dr. Varley stated that he was led to believe that the bikers have all the rights that automobiles have on the road, irrespective of the bicycle lanes.

Corporal Indiero replied they do. They can if they stay within the bike lane, comply with traffic laws and safely operate the bicycle. The bicyclist has the same rights and duties applicable to the driver of other vehicles.

Dr. Varley stated what I am asking is can you enforce making them stay within the bike lane?

Corporal Indiero replied that I could give them a citation for impeding traffic, careless driving. The answer is yes.

Mr. Roellig stated that if there is no bike lane they have the right to the lane that they are in.

Corporal Indiero replied that if they are not doing the speed limit then they have to stay along the right side of the roadway and not block traffic. That is even covered in this brochure.

Mr. Vlasho stated that if the Committee decides to move forward we would ask you to come back with the information. We did have a letter in the advance material from Mr. Burgess.

Mr. Burgess stated that I am here today not because I want to but because I think on an issue like this that often the only folks who are speaking are those in favor. Once in a while you have to stand up and be "not" in favor of something. I was involved in the discussions that Dr. Varley ran last time when the decision was made to put this aside. At that time the decision was made to paint over the bike lanes again and go back to the normal restriping of Pelican Bay Boulevard. That was in February 1998. We haven't even gotten to the point of restriping Pelican Bay Boulevard and the subject is back up again. I don't know how long one of these issues should stay in the back bin

before we bring it up again, but we did deal with this issue fairly and squarely at one point.

Mr. Burgess stated that from here on out I would like to make a few points to you. One point is that by putting in bicycle lanes we are going to declare Pelican Bay a bicycle friendly community, which we can do if that is what we want to do. I think that is going to bring in additional bicycle traffic. The second point I want to deal with is that I think bicycles on Pelican Bay Boulevard are just not safe. The third point is I think it is important that we consider the well being of all of the residents of Pelican Bay, not just those of us that show up at the MSTBU meetings.

Mr. Burgess continued that on the surface, making Pelican Bay a bicycle friendly community does not sound too bad. However, I think it is fairly clear that if we do that we are going to greatly increase the amount of bike traffic on the boulevard. Every rental shop in the area is going to be recommending Pelican Bay Boulevard when their renters ask where is a good place to go and ride. We are going to be bringing in a lot of traffic from the outside that we just don't have now. We are going to be bringing in people from surrounding communities as well, using what will be a great place to ride, except that it is going to be dangerous. I think People who live here will be inclined to use bicycles on our boulevards more than ever before and their guests as well. I think this will bring in a number of inexperienced bicyclists. Like it or not, in season many of these are going to be children. Saying that bicycle lanes are going to have a calming affect on traffic may be true, but I think this is a very high-risk kind of calming affect. I think it is pretty dangerous. If we do bring in additional cyclists from outside our community, I don't think there is going to be any practical way of keeping these people from using the very attractive berms, which are also great places to ride bicycles. I don't see how you will keep them off of the berm unless we hire a whole lot of "rent-a-cops" the season around and station them at all the access points. By doing this action, you are going to create that action, which you may not want to deal with.

Mr. Burgess explained that he does not think bike lanes on Pelican Bay Boulevard are safe. Four inches of white paint is just an illusion of safety. Our streets are very busy and getting busier all the time. I have been a runner for twenty-five or thirty years and I would never run on Pelican Bay Boulevard. It is just too dangerous and too much traffic. At least when you run you always run facing traffic with the idea if something comes up to threaten you can always jump out of the way. That is not the case with a bicyclist. When you are driving your car and come up behind a bicycle, it is a lot like coming up behind a rollerblader. Everybody comes along and they slow down, move out and cross over the lane or else they change lanes completely. The bicyclist is usually completely unaware of all of this stuff going on behind him. If we bring in a lot more inexperienced cyclists, many of whom are going to be children, it is going to get worse. When the driver who is doing all this maneuvering is one of our elderly drivers, we have lots of octogenarians here that do not drive after 4:30 PM. These are people that use our streets. When you compound it that way and also compound it with construction vehicles, cement mixers and Fed Ex trucks, it gets considerably more dangerous and is something that you have to factor into the equation.

Mr. Burgess continued that the last point is that we should consider the well being of all of our residents. For the most part people who favor bike lanes in Pelican Bay are a small, vocal, articulate group, many of which used to be my friends. An articulate attractive group, but they are very vocal. We may have twenty-five people who are strongly in favor of this proposition, but there are another 7,000-10,000 people whose privileges we have to consider. Rightly or wrongly these people may not want to share their twelve foot lanes and have them cut down to ten foot lanes to provide for a bike lane. They may not be happy at all with the additional traffic that may be brought in from these bicycle renters who will send people here and the people from Vanderbilt Beach who will be attracted to come here. Maybe they should have been here today and they are not, but they still are people about whom we need to be concerned. I think if they wake up some day and find out that they are in this kind of situation they are liable to be very unhappy. I think they are residents of Pelican Bay and we have to consider their well being. An accident between an automobile and a bicycle destroys not just one life, but two. The driver is shattered forever. I am not sure how you find out the opinion of these people, but I think it is a factor that has to be brought in. Certainly this ill-fated questionnaire will be helpful, but I would encourage you as strongly as I can to not approve a proposition like this even if you think it is a good idea until you have a good sounding of the vast majority of the Pelican Bay community.

Mr. Don Spanier – Stated he would like to speak in favor of this proposition. I would like to refer back several years to when the position was first proposed and the decision was made to paint the lanes. The matter of standard roadway lane widths was considered at that time. I have also the experience with traffic lanes in the surrounding City of Naples and in the County. Lanes were painted, to my knowledge and I am an avid biker and I have within my community and the Men's Coffee Group there would be approximately 70-80 active biker friends. I didn't bring that many people with me today. I don't think that is an appropriate way to do this thing. The bike lanes provided an alternative to either riding in the unsegregated traffic lanes or on the narrow very curvy sidewalks that we have. Bicycle riding is a popular sport here and there is no reason whatsoever to think that painting a bicycle lane and making this community even more bicycle friendly than it is now, will attract any significant numbers from outside the community. In fact where there are lanes on Vanderbilt, frequently groups of us ride down to other communities. It is a two way street. The fact is that the lanes themselves are a very graphic warning. The operators of commercial vehicles and buses that use our streets have a tendency to disregard our speed limits and probably put a very heavy load of pressure on the one officer we have stationed in the community. The fact is that the existence of those bike lanes is a warning to drivers. They do cause the non-commercial drivers to drive more carefully and on the matter of biker safety it is a major contribution. To my recollection and I attended all of the meetings on this issue, the major reason that we dropped the lanes was that a former member of the Committee was opposed to the idea. She played the card at that time of insisting that there were an insignificant number of residents in this community who use bikes or were bikers. Again at that time we did not get into any kind of campaign and I don't want to now. If the issue is how many adults ride bikes in this community for recreation is a key factor in your thinking, I will bring the people to your next meeting even though it is summertime. I will get you signatures by the hundreds because there are that many people whose form of recreation, in addition to tennis and using the beach is riding their bicycles safely in this community. As far as the notion that we don't stop at stop signs, I do, my friend does and most of the bicycle riders I see do. The fact of the matter is that when a biker approaches an intersection with a stop sign, he is concerned for his own safety. He looks carefully in both directions, not wanting to be run down by a vehicle and he will stop if there is any vehicular traffic. That is the fact of the matter.

Mr. Ross Aurey – St. Tropez – I have lived in Pelican Bay for nine years. The bike lanes were tried once and it did not work. The street is too narrow and there is a safety factor there that is very obvious. About three or four weeks ago I was walking here and the truck for landscaping, which is very wide, was coming down and there was a man on a bicycle about 75 years of age. The landscape truck started to move over, but a large UPS truck came by and he pulled over. This man was almost a casualty. He was driven right up into the grass. By the time I got to him he had a few explicatives. I told him he did not have the right to ride on the road and he said oh no, this is a bicycle path. I told him that was a former bicycle path that failed and that is why it was eliminated. I am opposed to it because I think it is an unsafe situation. My main concern is that once we have that bicycle path, they are going to say no bicycles on the sidewalks. That is alright for young fellows, but when my grandchildren come down here and they are ten and twelve years old and my friends who are seventy-seven and seventy-five, I don't want to be forced off the sidewalk because there is a bicycle path on the street. If they want to put a bicycle path on the street and say that you can still use the sidewalk, then I can live with that. I am concerned about safety and the fact that once you set the precedent of a bicycle path on the street that means that people will no longer be able to ride on the sidewalk. To me that was one of the great amenities of Pelican Bay.

Mr. Vlasho suggested that the survey is out and coming back and we should wait and see what the results are and we can then decide what we want to do.

#### **YEAR 2000 SUSTAINABLE FLORIDA AWARD – MR. EDWARD GRIFFITH**

Mr. Griffith explained that this is an award that was from the Council for Sustainable Florida for a Public/Private initiative category. The recipients are the Pelican Bay Services Division and WCI and it is for the Clam Bay Restoration Project. Without going into too much detail, the award is going to be presented on May 24, 2000 in Tampa. WCI is going to be there and it would be nice if somebody from Pelican Bay Services Division could be there. Mr. Ward felt that the only way that could be decided would be at a Committee Meeting. Whoever would be a representative from Pelican Bay Services Division, whether it is a member or a delegate as chosen by the Committee that would be a decision to be made here. Also at this event there is a table that you purchase and which WCI has purchased for ten people. Five WCI people will be at that table, which leaves four spaces available for the Pelican Bay Services Division or representatives. The dilemma that Mr. Ward mentioned to me in conversation was that since we paid for the table there is something here in regard to a disclosure if a Committee Member or someone goes at the expense of WCI. There is probably a way to take care of that publicly here, but that is one aspect of it. I am open to whatever discussion you want to do.

Mr. Vlasho stated that I thought this was on May 17<sup>th</sup>. That is the reason when Mr. Ward mentioned it to me that I did not think I could attend. Unless the Committee objects, I would like to be the representative and will worry about the financing somehow. That will be worked out with Mr. Ward.

Mr. Griffith stated that there is availability for four.

Mr. Vlasho stated that if anybody else would like to attend this award ceremony, please let Mr. Ward know.

#### **ADJOURN**

There being no further business, the meeting adjourned at 6:30 P.M.

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Mr. Lou Vlasho, Chairman