

**MINUTES OF THE PELICAN BAY MSTBU MEETING OF SEPTEMBER 5, 2001  
Naples, Florida**

**LET IT BE KNOWN**, that the Pelican Bay MSTBU Advisory Committee met in Regular Session on this date, **September 5, 2001 at 3:00 P.M.** at the Foundation Center, 8269 Hammock Oak Drive, Naples, Florida 34108 with the following members present:

Mr. Lou Vlasho	Mr. Glen Harrell
Mr. Joseph Bawduniak (absent)	Mrs. Cornelia Kriegh
Mr. Thomas Brown	Mr. David Roellig
Mr. James Burke (absent)	Mr. Christopher Sutphin
Mr. James Carroll (via telephone @ 4:05PM)	Mr. George Werner
Mr. John Domenie	

**ALSO PRESENT:** Approximately fifteen (15) Pelican Bay residents; Mr. James P. Ward, Department Director, Pelican Bay Services Division; Mr. Kyle Lukasz, Field Manager, Pelican Bay Services Division and Mrs. Barbara Smith, Recording Secretary.

**AGENDA**

1. Roll Call
2. Approval of the Minutes of the August 1, 2001 Regular Meeting
3. Sub-committee Reports
  - Organization Structure Sub-Committee
  - Clam Bay Sub-Committee
    - Clam Bay Annual Monitoring & Improvement Schedule
    - Cattail Removal
    - Clam Pass Dredging
    - Beach Renourishment
4. Administrator's Report
  - Capital Projects
    - Street Lights
    - Pelican Bay Boulevard (South Entrance) to Gulf Park Drive Irrigation & Landscape Improvements
  - Community Issues
    - U.S. 41 Landscaping
    - U.S. 41 Widening
    - Fiscal Year 2002 Budget Approval
    - Fiscal Year 2002 Public Hearing
  - Financial Statement Review
  - Update on Discussion with Foundation regarding Office Space
5. Committee Requests
6. Audience Participation
7. Organization Structure Review Sub-committee
8. Adjourn

**ROLL CALL**

Mr. Vlasho called the meeting to order and asked that the record show Messrs. Joseph Bawduniak and James Burke with an excused absence.

**APPROVAL OF THE MINUTES OF THE AUGUST 1, 2001 REGULAR MEETING**

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***Mr. Sutphin moved, seconded by Mr. Domenie and approved unanimously the Minutes of the August 1, 2001 Meeting***

**SUB-COMMITTEE REPORTS**

**ORGANIZATION STRUCTURE REVIEW SUB-COMMITTEE**

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Mr. Carroll joined the meeting late and his report follows the Audience Participation Agenda Item.

### **CLAM BAY SUB-COMMITTEE**

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Mr. Roellig explained that there was no Clam Bay Sub-committee Meeting held in August. There are plans for a Clam Bay Sub-committee meeting for Wednesday, September 12, 2001 at 1:00 P.M. The meeting topic will be the plans for beach renourishment and what we would like to see as far as any permit; what their activities will be and request a proposal from Humiston & Moore at that time. Mr. Turrell will be at the meeting so we will probably get an update on Clam Bay.

### **CLAM BAY ANNUAL MONITORING & IMPROVEMENT SCHEDULE**

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Mr. Ward reported that the Monitoring Schedule was included in your package, along with the funding information. I will point out that someone had asked me last month about the cost of the cattail removal in Systems III and IV and I had provided a number that was erroneous. The gentleman that asked the question actually had the right number in terms of doing that, which is \$107,000, plus \$65,000 that we also have budgeted for the plantings for that particular project.

Mr. Ward continued that the schedule that we are currently operating under would have us completing the monitoring reports and be in a position to present this year's Annual Management Report on the Clam Bay Program to you at your December meeting. I would like to try to be in a position to have that presented to the Sub-committee probably during the latter part of November, prior to the Thanksgiving holiday, before we come to your December meeting.

Mr. Ward explained that all of the projects are on schedule at this point.

### **CATTAIL REMOVAL**

Mr. Ward explained that irrespective of the comments in the newspaper today, that project is on schedule and we all need to keep in mind and remember that the purpose of that program was as we begin to get saltwater coming up into that area, those cattails were going to die when the saltwater hit them. This removal process actually helped us get them out of there quicker and more efficiently than we would have been able to do once they had died. The removal of those cattails, along with the replanting program that we will undertake the latter part of this year, we think will be to the long-term betterment of that Clam Bay estuary system. Clearly in the environment within which we work today, the removal of those cattails is something the regulatory agencies clearly look for us to do long-term to protect the health of a mangrove system.

Mr. Vlasho asked that in the physical view of that, how will it change and what will it look like through the season, so that when people come back we are all on the same page in answering the questions?

Mr. Ward replied that through the end of the year there probably is not going to be much change in what you see. As we begin to understand what the water elevations are and understand what we can plant, over the next "x" number of years you will see some changes occur in Systems III and IV. The existing cattails will actually start to die off a little more and go beneath the waterline as elevations come up. What you will see will not be much different from what is currently out there and I don't want to raise anybody's expectations.

Mr. Domenie stated that to the south of Tram Station 5, it would appear that the cleaning has not been as thorough as in the northern section. Do they still have to do some further cleaning or will the cattails be left there to drop away?

Mr. Ward replied that what you are seeing are some changes that are occurring based upon the time that the first batch was begun versus what has currently been done. You will start to see, in what you term as not as good as the first area, that those cattails will start to drop a little more over time. With the herbicide treatment itself you will start to see those areas change, but not dramatically, from what you currently have.

Mr. Werner stated that at the last meeting I had asked if you had received a report from Mr. Riley on his PVC mangroves. Is this E-mail copy supposed to be his report?

Mr. Ward replies yes, that is all we have.

Mr. Werner stated that it reads enclosed is an invoice for maintenance. How much was that invoice for?

Mr. Ward replied it was for about 60% of the \$25,000.

Mr. Werner asked if we are paying anything additional to the original \$25,000? Is maintenance a part of that number?

Mr. Ward replied we are not paying anything additional at this time and maintenance is a part of that.

#### **CLAM PASS DREDGING**

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Mr. Ward explained that the survey data has been completed and the bid specifications are in the process of being prepared by Humiston & Moore. I will point out to you that we have heard in the past few days that they are of the opinion currently, based upon the survey data that they received in August for this work, that they may want to do some additional dredging beyond the first 700' of the mouth of the pass itself. If you recall when we did the original Clam Pass dredging we dredged a lot further back into the pass than the first 700'. The 700' is not magic. It is magic in the County's eyes because it ties it to the TDC Funding itself. The consultant's current thinking is that if we are able to do some additional dredging beyond the 700', that may extend the life of the pass beyond the current three year window that we are currently working in. I am going to have to go back to the Beach Committee and to the Board of County Commissioners again to try to convince them that we need to get some additional funding for that dredging work beyond the first 700', if they are willing to do that and fund

that from TDC Funds. If not, I am going to ask for them to pay for that through Natural Resources from what they call their Fund 111, which is essentially the General Fund of the County for that additional dredging work, that maintenance work, even if it cannot be funded from TDC Funds. In my opinion that is really maintenance work so that will be working its way through the process. We do anticipate having those bids posted by the beginning of September and awarded in October, such that we can start work as soon as turtle-nesting season is over.

Mr. Roellig stated that I am on the Beach Advisory Committee, which is meeting tomorrow and I notice that is on the agenda. Do you know who is going to be making the presentation on Clam Pass? Will that be somebody from Mr. Mudd's shop?

Mr. Ward replied that is generally who would be handling it.

Mr. Roellig asked if the extra dredging would be included?

Mr. Ward replied no. We just found out about it this week. We are going to have to go back before the Beach Committee to try to get some additional funding for that. The thought process is that what Humiston & Moore is telling me today, based upon the preliminary information that they have available, is that by doing some additional dredging there may be an opportunity to extend the life of the pass beyond the current window that we have. They are looking at that and I will have to keep you up-to-speed on where we are with that issue.

Mr. Roellig stated that if you get any information prior to our meeting tomorrow, I would appreciate receiving it because I would not mind putting my "oar in the water" for that. If you have some rough idea, I don't want to go off on something that we do not have any data on.

Mr. Ward replied I would talk to them and call you before your committee meeting tomorrow.

### **BEACH RENOURISHMENT**

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Mr. Ward explained that in addition to what Mr. Roellig had indicated to you, I did have WilsonMiller plot the western boundary of what is PBSB based upon its legal description. It actually does go beyond the CCCL Line, which is where I thought the line was and on about 99% of the beach area it goes well into the Gulf of Mexico. I don't think the question that Mr. Werner raised, which was do we need a boundary change, that we would need to go through that if you choose to do something on the beach in Pelican Bay. There is a tiny area to the north and south which is not within our boundary, but

quite frankly because of the public access at those locations, I am sure that the County would pick up the cost of those particular locations through its' regular beach renourishment program. I think we are all set with everything.

Mr. Domenie stated that in preparation for our meeting on Wednesday, immediately after the storm I went down and took pictures of the erosion. If anyone wants to see them, they are available.

**ADMINISTRATOR'S REPORT**  
**CAPITAL PROJECTS**  
**STREET LIGHTS**

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Mr. Ward reported that the installation of the streetlights have been completed at this time.

Mr. Werner stated that there was a Letter To The Editor in the newspaper last week regarding the street lights and maybe you ought to put it on the Record about the previous Corten Steel poles that were supposed to rust on the outside and not all the way through like ours were doing.

Mr. Ward explained that with respect to the Corten Steel issue there were two installations in Florida, which were done in the late 1970's and early 1980's. One of them happened to be the Pelican Bay community and the other was a park in the Tampa area. Both used the Corten Steel. It works well in Pennsylvania and the northern states, but it works terrible in Florida where they tend to rust all the way through and fall down. We have had that problem with them consistently since they were installed. The purpose of this reinstallation was essentially to address that particular issue. Over the years we have had a lot of complaints from residents that the high-pressure sodium lights that we were using were not bright enough for the boulevards. We did not have the ability to upgrade the electrical service itself without going through expensive repairs to that electrical system. The alternative was to go to the white light that we are using, the metal halide light itself. It is slightly less efficient than the high-pressure sodium, but in today's environment nothing would lend itself to inordinately high electric bills that are roughly the same or slightly more. As a result of that, we have had a lot of great comments about the look of the lighting system on the boulevards, especially in the single-family areas. Many residents have said that they look great and we have certainly solved the rusting and falling over problem. Long term I think it was a good decision for the community in that our maintenance program will actually be better off so that we don't have to worry about testing these Corten Steel poles and taking them down every year and having a replacement program for them that was very, very expensive.

Mr. Ward continued that the other question I saw in the article was a direct burial of the concrete pole itself. It is a fine installation in Florida and is used consistently in all of the communities that I am involved in and I see it used across the State, including FDOT applications for streetlights that are using concrete bases. All in all, when you take into consideration the Corten Steel problem we were having and the fact that yes they are supposed to rust, but not all the way through and the fact that we were trying to upgrade the look of the lighting for the community was and is a great success.

Mr. Werner stated that if I remember correctly we were replacing 10-15% of the poles each year anyway.

Mr. Ward agreed.

Mr. Roellig stated that in my experience in the northern states where they use a lot of salt on the roads, Corten Steel has also proved to be a failure. They used to use it for bridges and guardrails and as far as I know they have all been modified by now.

Mr. Ward replied US Steel did a great job in marketing it.

Mr. Werner stated that they built their headquarters building in Pittsburgh out of Corten Steel.

Mr. Vlasho stated that for the record this Advisory Committee supported that recommendation and we are still there.

### **PELICAN BAY BOULEVARD (SOUTH ENTRANCE) TO GULF PARK DRIVE IRRIGATION & LANDSCAPE IMPROVEMENTS**

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Mr. Ward explained that the area looks like a war zone out there at the moment. I am very pleased with the progress that the contractor is making on that project. At the current moment the irrigation system has essentially been divided into four separate systems. They are working very well to get that completed. As you know we are doing the landscaping portion with our in-house staff in order to try to save some significant dollars on the installation of those plant materials. As we had anticipated, we are on schedule to have that first section done by the end of September. The control unit and the meter source of water for the irrigation system have all been tied-in now and it is working extremely well at this point in time. You will see that we are doing some grading changes out there, which are intended to tie in with the look of the grade that you see on the boulevard from Gulf Park Drive around to the north entrance of Pelican Bay Boulevard and US 41. The contractor is doing a great job of staying out of the way of residents.

Mr. Vlasho stated that I had received a letter from one of our residents who talked about the length of time that the area has been torn up. I think for the record that we ought to mention that unfortunately, not through anyone's intent, the grass was killed off much earlier than we had anticipated.

Mr. Ward explained that, as most of you are aware we did have an unforeseen issue with respect to a majority of the boulevard in that particular location where the grass was killed through an action over which we had no control. I have heard some comments that the County did it and maybe the County ought to pay for it. On the Record, we all need to realize that they are the staff of Pelican Bay Services Division and in fact this community has previously paid and is currently paying for that mistake in this particular issue that we are addressing. We hadn't planned on addressing this issue in next year's budget process, but because of this issue we actually moved that forward a whole year in its' planning process and we worked very quickly to finish the design of a complicated irrigation system and a landscaping program and put that on the street and bid it within the constraints of the law and get it scheduled and awarded by the Board of County Commissioners. The Board of

County Commissioners did a great job is getting that scheduled for us and the contractor has done a great job. The contractor started and moved very quickly on a traveled intersection, to essentially reinstall a whole new irrigation system. We are spending approximately \$500,000 on this project in a very short period of time. It is working very well and I think that from the beginning of July through September, that is a pretty short time schedule to do \$500,000 worth of irrigation and landscaping improvements on a restoration program in an area that is essentially completely developed out.

Mr. Werner asked if we are going to have to replace all of the landscaping when we do the north end?

Mr. Lukasz replied that the ornamental plantings are scheduled to be changed out. The only grass that will be removed is that which is damaged by the irrigation system installation. We already have the grade established. On the south end we brought in some fill and raised the medians.

Mr. Werner asked that we are still going to look at the visibility, right?

Mr. Ward replied in the affirmative.

Mr. Domenie asked if the County was replacing all of our fire hydrants?

Mr. Ward explained that the County Utilities staff is switching the fire hydrants off of the non-potable water source and on to the potable water source for redundancy reasons, for efficiency, productivity and to maintain an efficient water source. Yes, they are currently replacing that entire system. No, you are not paying for it and it is included in the rate base of the entire County's water and sewer system.

Mr. Vlasho stated that I have a second on Mr. Werner's comment and that is to watch the visibility. That is also one of my pet peeves.

#### **COMMUNITY ISSUES** **US 41 LANDSCAPING**

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Mr. Ward explained that the US 41 landscaping is scheduled for award at the September 11, 2001 Board of County Commissioners Meeting. They should start construction the latter part of September with respect to that program.

Mr. Vlasho stated that I had heard a tentative groundbreaking of September 12, 2001. That was a couple of weeks ago, but I have not heard anything since then.

#### **US 41 WIDENING**

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Mr. Ward explained that the report on the widening is from Kisinger Campo. I always take this with a grain of salt with respect to FDOT. I will tell you that they have been very good with us over the last two to three weeks. FDOT has a program where they will go in and sod two feet outside of the blacktop pavement and they do it with a Bahia sod only. They have worked with us and we have saved about \$10,000. We had actually planned to sod that with Floratam, so we went in and did

the Floratam sod and FDOT paid for the difference between the installation of the Floratam and Bahia. That was something nice that FDOT did for us in terms of that issue.

Mr. Domenie asked if they were also installing lights along U.S. 41? It appears they are installing bases for lights.

Mr. Ward replied there would be lights installed in the project area. From Gulf Park Drive south there are currently no lights and they are not in the five-year work plan for FDOT.

Mr. Ward explained that in most states there is what is called an MPO (Metropolitan Planning Organization), which is a function of a number of state and local agencies. The MPO sets the five-year work plan for regional agencies, including FDOT. It is a combination of efforts to fund projects of statewide interest, including lighting, at the local and state level. I had Mr. Lukasz call the MPO agency. We are going to put an application in with the MPO to try to get on their plan within that five-year work element, which is a long process to get through. It takes a year or two to get into the MPO process and I cannot promise you that it will be in the five year window, it may be in the second five year window, but at least we are going to try to get the County to move forward to do it at some point in the future.

Mr. Domenie asked if the County would also mow that new grass as we plant it or is it our responsibility?

Mr. Ward replied we would take care of it from the blacktop back. The median will be taken care of by the County.

Mr. Vlasho stated that some of us are hoping that when they see how ridiculous the black stretch appears they will do something about it, but up until the planned lights are installed there is not much we can do.

#### **FISCAL YEAR 2002 BUDGET APPROVAL**

Mr. Ward explained that with respect to your budget for Fiscal Year 2002, Mr. Werner had asked at the last meeting whether or not we had approved the budget. I went back and placed the actual motion in your package. You had approved unanimously to move forward with the budget, subject to the aforementioned changes, which were made. I think there was some question with respect to a number of members of the Committee of what that actually did mean. I have scheduled this on your agenda and have included within your package all of the backup material with respect to the budget itself.

***Mr. Werner moved, seconded by Mr. Sutphin and approved on a vote of 8/0 to approve the Fiscal Year 2002 Budget.***

Mr. Domenie asked if we approve the Budget or do we recommend approval to the Board of County Commissioners?

Mr. Ward replied you recommend approval.

Mr. Vlasho stated this is the longest it has ever taken to get a budget approved.

### **FISCAL YEAR 2002 PUBLIC HEARING**

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Mr. Ward reported that the Public Hearing is scheduled for September 12, 2001 here at the Hammock Oak Center at 6:00 P.M. This is the one opportunity that the Board of County Commissioners will be on site in Pelican Bay. They are essentially doing two things. They are approving the budget and adopting a Resolution finalizing the Non-ad Valorem Assessments that are required in order to implement your budget. You should have all received a letter signed by your Chairperson, outlining the program elements we have for next year and what the proposed assessment will be for next fiscal year. The legal purpose of the Public Hearing is to allow the Board of County Commissioners to hear testimony from the public as to whether or not the method of assessment for this proposed budget fairly apportions the cost of that budget to the property that is benefiting from this Operating and Capital Program itself. I am sure the Board will hear testimony if it chooses to do so. Normally we do not have a lot of people at this hearing. You are all invited to attend, as the public is invited and encouraged to attend and to provide input to your Board of County Commissioners.

Mr. Vlasho stated that on the letter that went out, I received three responses. One letter was very favorable and complimentary from a person out of the City saying thanks for keeping us informed. The other was a negative letter that talked about the cattails and the median strip. The third response was from my wife and she gave me a "10" on the letter. I will be out of town next Wednesday and unable to attend the Public Hearing.

Mr. Ward indicated that when you send out 7,700 letters and you get two responses back, that is pretty darn good. I congratulate the Committee and the Chairman on doing a great job this past year.

### **FINANCIAL STATEMENT REVIEW**

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Mr. Ward explained that September 30, is our year-end. I have a planned budgeted surplus, what we call "Fund Balance" at September 30, 2001 at roughly \$1,350,000 across all of your General Funds and \$1,778,000 across all of your Capital Projects Funds. At this point I do not see anything that comes to my attention that we would not meet those projections, including the issue of what did we do with the \$40,000 from the Registry Resort. I am sure we will come in at roughly \$1,400,000 or slightly higher once we finish with this budget at the end of the year on your General Funds. Everything is on target at this moment in time. Overall we look really good on both your General and your Capital Projects

Funds.

Mr. Ward explained that with respect to the \$40,000 a question had been asked of what did we do with the \$40,000 that we received from the Registry Resort? It has been shown as a credit on the Other Contractual Services line item in Water Management, which is \$33,720 in expenditures shown on your financial statement. It is actually \$40,000 higher than that since that revenue was applied as a credit to the expense item itself. For whatever reasons, that is the way my staff chose to actually credit it. You can do it one of two ways in this business. You can show it as Other Income or you can show it as a credit, but because of having to go through the budget process and changing budgets at the Board of County Commission level, they just showed it as a credit to this line item.

Mr. Vlasho asked if this was checked out through Mr. Brock?

Mr. Ward replied yes, we had checked with Mr. Brock and he does not have a problem with showing it in this particular way. The money we will get from Bay Colony, because we are going to have to roll those funds, we will have to show as Other Income and will fall down into Fund Balance and we will use it as we need to during the next fiscal year and do budget amendments to deal with that.

#### **UPDATE ON DISCUSSION WITH FOUNDATION REGARDING OFFICE SPACE**

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Mr. Ward reported that he has had some very brief discussions with Mr. Kinney with respect to the office space issue. I know he has broached the subject with his Board, but not in any detail. He advises me that his Board would certainly like to look at that issue with us to see if there is something that we can come to terms on, both short-term and long-term. Mr. Kinney and I will discuss that over the next few months to see operationally how we can handle that for both of us that would not hinder our organizations. As I have more information from Mr. Kinney, as we walk through those issues, we will keep both boards up-to-speed on it.

Mr. Vlasho stated that I am enthusiastic. I think it can only help improve the coordination, communication and not only for this Committee and the Foundation Board, but more importantly the residents of Pelican Bay.

Mr. Ward replied that I think that is a great idea too.

Mr. Sutphin asked the lease situation on the current office space?

Mr. Ward replied that I believe that there are two years left on our existing lease.

Mr. Sutphin asked that in the context of this consolidation project, is it a big deterrent to moving forward?

Mr. Ward replied it is not a big deterrent at all. Somewhere between eighteen and twenty-four months actually sticks in my mind as the amount of time we have left on our existing lease. I think we are fine.

Mr. Domenie stated that the County was going to do one-third of the bikepaths before the end of the fiscal year.

Where do we stand on that?

Mr. Ward replied that County staff has indicated to me that is the commitment that they have made to you and they are working towards that end. They have backed off a little, indicating that because of a number of issues that are going on within the County organizational structure itself and with all of the road and improvement projects that they are doing, that they are not sure that they are going to get to it before September 30th of this year. I have been calling them frequently asking them to work on ensuring that they get the one-third replacement program done and I have also been trying to get them to the point of dealing with these cut outs in the bikepaths that they currently have, before it gets much worse than it currently is. We have actually contacted a contractor who might be able to get this done on a relatively inexpensive route for the County and see if they might be able to just allow us to cut the Purchase Order for it and pay for it and get it done outside of the constraints of their normal process, to at least do the repairs on the non-one-third area that they are hopefully going to do before September 30. They are working, but I am not going to sit here and tell you that they are going to get done before the end of this fiscal year. I don't know that it will.

Mr. Domenie stated they keep putting barriers up and people keep knocking them down. In front of the St. Williams Church there are seven barriers and I think they were placed there more to prevent people from parking along the grass rather than as indicators of a dangerous root intrusion along the sidewalk. I hate signs, but shouldn't we put two signs up there, "No Parking", "No Parking Or Stopping At Any Time" and do away with those seven barriers?

Mr. Ward replied the barriers were put there because of sidewalk repairs that they are doing and not the parking issue. As I said, we are trying to work with a contractor to see if they can get that done for us quickly and I will work with the County Transportation Department on paying for that. They are rather busy at the moment and I am trying to see that we stay on the top of their priority list.

Mr. Vlasho asked what is being done with Mr. Carroll's request that they do all of it at once, rather than over a three year period?

Mr. Ward replied that I understand where Mr. Carroll is coming from on that issue. My personal opinion is I think the County came to the plate big time. That is what they have done for us consistently as a three-year program. I don't consider that a bad program. I recommended that to you and I think that is a good program to be on. The County, although I have asked them, have said that is just realistic in our ball court to do it. Without some essentially political pressure, it is probably not going to happen at the staff level. I do not see a problem with a three-year replacement program on those sidewalks.

Mr. Vlasho stated that someone might raise that question next Wednesday.

Mr. Werner stated that I think Mr. Ward is reluctant to push on that very hard for reasons that both he and I know. If you look at the Ordinance it is our responsibility to maintain those walkways.

Mr. Werner asked if we have heard any more on the grass kill from the Sheriff's Office and have we ever put this into publication as to what happened?

Mr. Ward replied that the Sheriff's Office has fully investigated that matter and have briefed me on the results of their investigations. Because it was essentially a criminal investigation I think at this point they have concluded that there is not substantially enough evidence to actually prosecute anyone. They have essentially said that unless they can find someone to say yes we saw this occur and this individual did it, there really is not enough evidence to prosecute anyone. Mr. Carroll had an article in the Pelican Bay Post the month it happened. If you would like, we could put something else in the paper again, although I am not so sure I would go there with it.

Mr. Vlasho stated that the timing might not be right because now you have torn it up.

#### **AUDIENCE PARTICIPATION**

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Mr. Don Spanier – Oakmont resident – I would like to read into the Record a letter that was published in the Forum.

It is a letter addressed to:

*Fellow Bicyclists (also Pram Pushers, Dog Walkers and various Sidewalk Users):*

*A safety issue demands concerted action. I refer to the need for bicycle lanes to be painted on Pelican Bay Blvd. The MSTBU Advisory Board has marched bravely up to this issue twice in recent years, only to march down without taking action. In the immortal words of one current member, "They can ride on the sidewalks." Said another, "There is no demand for it." I say there is both a need and a demand.*

*Automobile traffic increases, with five or more high-rises awaiting completion. Pedestrians, children, prams, dogs, and cyclists proliferate, all seeking safety on the sidewalks.*

*The Naples Regional Plan Association calls for separated walkways and bike paths to enhance the community and promote safety. New Federal road standards also call for separated paths along roads.*

*Compared to cattail removal and mangrove restoration experiments, painting stripes on the road costs pennies.*

*Please join me in telling the MSTBU Advisory Board that we want and need this modest improvement. Vote by contacting "Bike Laners United," c/o Spanier, 812 Pitch Apple Lane, fax: 514-3217; e-mail: [dspanier@aol.com](mailto:dspanier@aol.com); tel: 514-7917.*

*Sincerely,  
Donald Spanier*

I have thus far gotten forty-eight responses to this letter and it was only recently published. I intend to come back and press this issue because I think it is a safety issue.

Mr. Spanier continued that the second issue I want to raise refers to the office space discussion that has begun

between the Advisory Committee and the Foundation President. I would simply like to point out to those of you who were not aware, that we have just received, from Edison Community College, eleven replacements in the form of modern, high speed Dell computers loaded with current software with a value is in excess of \$40,000. They have been installed, at the expense of Edison Community College, in the space that I believe you are discussing as possible headquarters for at least a portion of the MSTBU Committee and Administration. I would urge you to give careful thought in your discussions with Mr. Kinney and certainly we will appear before the Board to address this matter at the appropriate time in the Foundation proceedings. To eliminate that facility, that has trained in excess of 480 residents and has good pre-registration for fall, in my opinion would be an error and against public interest.

Mr. Brown stated that with regard to the matter of bike paths, when the subject came up, I was very much in favor of them. To say that the Committee did nothing is not exactly correct because we actually altered the traffic lanes, narrowed two lanes and painted a bike path on the road for a trial run. I would say this Committee was very pro-active in seeing what two lanes and a bike path would do. The results were somewhat mixed. It brought out people at night where normally we didn't see them. Those lanes brought joggers and baby buggies out onto the road in that painted bike lane. It narrowed the lane for the traffic and it made the automobiles on the curb lane, instead of going around the bicycle riders, keep right there because of the painted lane and the illusion of security for both the bicyclists and the car. Where there was no bike lane, the traffic was a little more observant of the bicycle. Where there was painted lanes, the automobile traffic went whizzing by the bicycle rider at about 40 mph not necessarily increasing the safety for the bicyclists, but actually decreasing it. To say we didn't do anything, we did do something, we had a trial run and we had results from it. It was a mixed bag of what came out of it, so the lines were obliterated and we went away from it. Florida law says that the bicycle goes out on the road just like an automobile and the Sheriff has been here and explained that to us.

Mr. Roellig stated that whether or not the bikers would be favorable to one motor vehicle lane and one bicycle lane, rather than having two motor vehicle lanes and one bicycle lane as we tried the last time would need to be looked at. There are places in the City of Naples where this has been done and to me that would be a safer way to go about it. I tend to agree with Mr. Brown and I tried it when there were two motor vehicle lanes and I felt it was more dangerous. If the community wanted to go to one motor vehicle lane and one bicycle lane, that would be more favorably inclined.

**MR. CARROLL JOINED THE MEETING VIA TELEPHONE AT 4:05 P.M.**

Mr. Spanier stated that I would be happy to serve on a Committee with one or more of your people, along with a few of the others that have been active in raising this issue. I would prefer to do it that way instead of this way, but one way or the other, I consider it an important safety issue. There is an orderly committee process that can bring some interesting individuals together and in a reasonable timeframe come forward with some suggestions.

Mr. Vlasho stated that he would prefer that Mr. Spanier allow at least another month to go by to see who else responds. You know that for a couple of reasons, not only for bike safety but for traffic control, I think going to one lane may be the solution but it also is going to be an issue with the community who wants two traffic lanes. Perhaps we could kill two birds with one stone and have bicycle safety and slow down the automobile traffic on Pelican Bay Boulevard. I agree it has to go through some process and it sounds like there might be an interest and at the appropriate time I might suggest to the Committee that we appoint a Sub-committee.

Mr. Vlasho explained that Mr. Ward and Mr. Kinney are not looking at any particular space. They are looking at the concept first and trying to come to some solution and whether that computer room is in the discussion or not, this Committee feels that there is a lot that can be gained by putting the functions together. There will be an orderly process between our Manager and the Foundation President to come up with some suggestions that both Boards will look at.

Mr. Domenie stated that I have lived in the Netherlands for many years and bikes go on the road and not sidewalks. The suggestion to you is how about measuring the width of the Vanderbilt Beach Road with a speed limit of 45 mph and a bike lane? In the Vineyards there is a bike lane with a speed limit of 35 mph. We also have bike lanes on Crayton Road and on Gulfshore Boulevard North. Perhaps if you measured the width of those roads that might give you some more ammunition as to how much space you need to have a bike lane and compare it with the speed limits that those roads have.

Mr. Spanier stated that I think that is a very reasonable approach. However I am not looking for ammunition, I am looking for collaboration in doing some of the things you are talking about in devising a reasonable solution. I don't want to get into the ammunition thing. I think Mr. Vlasho's suggestion is a good one and I will bring a recap of my responses to the next meeting and you can make your decision from that.

Mr. Vlasho stated that one other solution I discussed with Mr. Ward that someone had recommended was that while

we were working on the berms, why not decrease the median, expand the outside and widen the road so that there would be room for a bike path. Mr. Ward began to talk about numbers and I said let's can that one.

Mr. Werner stated that I can remember where a gentleman was riding his bike and someone pulled out of a driveway and he was killed. I don't think it matters whether it was in a bike lane or not, I don't recall any accidents being reported to us from the Sheriff's office.

Mr. Ward replied I haven't seen any reports that would indicate that. I haven't had any reports either and I have talked to Lt. Milligan as late as yesterday.

Mr. Vlasho stated that Mr. Spanier has assured me that he stops at all traffic signals. He is one of the very few. Every time I see a biker, they want to play car when it is convenient and they want to play pedestrian when it is convenient. Maybe if we form a sub-committee we also have to have proper etiquette for bikers.

Mr. Harrell stated that this was one of the first issues that got really hot. It was kind of exciting. If I am not mistaken there was a motion made to add bike paths and it failed on a tie vote of 6 to 6. I think there are still a lot of open minds. I can remember saying let's let the bike riders decide, because everyone in the cars want to run the stop signs anyway. I would have all of the stop signs removed and all of the speed limits raised. If you want to ride a bike on the street, which you have every right to do, they ought to be the ones to make that decision. I actually asked if we could raise the speed limit so that I could get to the meetings on time and that didn't go over very well.

Mr. Vlasho stated that there is an interest on the Committee to at least discuss it.

**MR. BROWN LEFT THE MEETING AT 4:10 P.M.**

Mr. Don Levenson – Chateaumere – I may have missed something regarding the landscaping of the medians on Pelican Bay Boulevard. I have been asked many times to comment on the number of significant trees that were taken down in the Chateaumere area and what is the plan for replanting trees of a modest size because we have a lot of ground level stumps?

Mr. Ward replied that as you may recall, I said one of the goals with the plan was to improve lighting in the area. A lot of the landscaping on the boulevards was installed prior to having streetlights along Pelican Bay Boulevard. Because of the timing of development we actually had streetlights put in subsequent to the landscaping. A lot of the landscaping, as in

some of these Oak's and Mahogany's, is twenty plus years old now. We have gone through and removed some of the larger materials that were interfering with the lighting system. We do have plans to put some Sabal Palms in as replacements for the process that we are going through. We are not going to go back in and replant any of the Oak or Mahogany trees, because we don't want to exacerbate that problem in another fifteen years down the road. The landscaping program that we have now, when we looked at it we said we want to try to improve the efficiency of the system itself by trying to open the areas a little more, provide better lighting on the boulevards, remove some of the landscaping materials that have interfered with that and address some of the issues with respect to visibility coming out of driveways, etc. That is what the program is intended to do. You can get with Mr. Lukasz and he can show you what the actual final plan will look like. You can see where trees are going to go and what the landscaping is. A lot of the Committee members have actually gone on tour with Mr. Lukasz and looked at that and you are welcome to do that also.

Mr. Ralph Coy – Ridgewood Drive resident – There are some years that I have ridden a bike upwards of 10,000 miles on the highways and side streets. I did a lot of riding before I came to Florida. I think I can give you an input on etiquette, as I have belonged to rather large bicycle clubs in the past and I believe you need a real educational program down here. It might be kind of late for a lot of folks to learn the rights of the road and of course, you can always be “dead right”.

Mr. Coy continued that he wanted to keep alive the interest of what was happening with the noise abatement. We have close to three hundred (300) signatures on a petition to look into the issue. I have been working with Senator Saunders and Ms. Tower to see what we could do and what moneys could be allocated. I think we have somebody that is willing to do a noise study and they estimated the cost to be around \$2,000. We have heard \$28,000 by some of the official noise people. I was given four different names by Ms. Tower and of course two that we have contacted have said that it is a conflict of interest. I can understand why, because I have a copy of the noise report and it is very marginal. I think we are going to have to get somebody who will give us an independent report and not favor the highway project so much. I wanted you to know that there is an effort underway by the people who are affected.

Mr. Vlasho stated that you should bring Mr. Ward up-to-speed on this issue.

Mr. John Fisher – St. Marissa – It is not clear what the extent of the median landscaping is going to be. We have all seen that during the initial phase, major trees were taken down. The report says seventeen years and I am not sure what that

has to do with the longevity of trees or taking them down. The Board has been given the reason that they have impacted lighting. If you drive the existing section, there are less than four trees and they do not impact the lighting to the roadway in any way. I would like to know if we are going to take down more mature trees to replace them with Sabal Palms in the interest of improving lighting? How does aesthetics come into that equation? Was this decision made on the recommendation of any report or any recommendation provided by any professional landscaping group or individual?

Mr. Ward replied that the landscaping program in Pelican Bay has been constructed essentially over the development period of approximately twenty years. You can drive through Pelican Bay and see the changes that have occurred through time as a result of landscaping palette changes, development activity changes, etc. We took a look at this program and approximately four years ago, the Advisory Committee came up with a recommended program to go through and try to solve some lighting issues that we had, try to get the landscaping palettes consistent throughout all of the community and replace twenty year old landscaping materials. Forget the trees for a second, to just replace a lot of the landscaping materials that were very old, that we were losing anyway and try to create some consistency and a better look through all of the boulevards. Phase I happened to have been the Pelican Bay Boulevard south entrance through Gulf Park Drive. The trees that have been removed have been removed primarily because of lighting issues that we saw as problems. I don't think we are going to take down any more trees at this point in time. Although I still need to go through this community at least one more time and take a look to see if there are still some lighting issues. I still think there are one or two lighting issues still out there and we are going to take a look at that one more time.

Mr. Ward continued that we did retain the Landscape Architect that did the original plan whose name is J. Roland Lieber, who is a local Landscape Architect and has been here in Collier County for over twenty years. He as come up with a plan that essentially takes a look at all of Pelican Bay, comes up with a replacement program that will effectuate savings in not only water, but efficiency in the system itself, changing these large rotor heads out to a spray nozzle that was little more efficient and did not get your cars wet, deal with the lighting issue that we had and come up with consistency in the program and yes, take out some trees that were interfering with the lighting program itself. We do have an extensive plan in place to go through and look at that, all of which the community and the Committee have seen. You are welcome to take a look at those plans. They are detailed drawings. I think at the end of the day everybody will like it. I know it is a little ugly out there

right now, but I hope everyone will like it at the end of the day. We are taking out some of the materials to deal with the lighting issues that we have had and the Oaks are twenty years old. I meant that in terms of the canopy being huge and as a result of that the canopy is interfering with the lighting system and that is why we are taking some of the larger materials out. We were going to try to move them. It is just not possible to move materials of that size at this point in their life cycles so we have chosen to take them out. You can see an overall plan for the boulevard, which has been prepared by a qualified architect who was the original landscape architect on this project. He is the one who did the work on the entryways and the design concept for those. We spent four years working on this project and this is really the construction phase of the culmination of many years worth of work in terms of trying to start this process in terms of the landscaping and irrigation improvements.

Mr. Vlasho stated that you didn't mention this, but in some cases you removed trees where there were two many trees right on top of each other.

Mr. Ward replied correct, we have taken materials out where the canopies have grown together or too close. They are interfering with a lot of issues. It is trying to make Pelican Bay a better place to live, to help with the Vision For Pelican Bay, as Mr. Sauve likes to point out in the Vision Statement. Make it a better place for you to live and I think at the end of the day you will like it, but it has been extremely well thought out and looked at extensively over the last "x" number of years. Certainly we welcome your input into that process and would certainly welcome you to take a look at that design.

Mr. Vlasho stated that Mr. Fisher could come to the office and look at the plans with Mr. Lukasz if he would like.

Mr. Fisher stated that it is hard for the residents to see trees one day and none the next. After driving through a lushly landscaped look, it is hard to take it away. Pelican Bay has been impacted and will take a long time to come back to the beauty that we have existing.

Mr. Fisher stated that in the notice that was received it was stated that you have twenty days from date of notice to file a written report. My letter was dated August 2001 and there is no date on the notice itself to judge the twenty days from.

Mr. Ward replied that is twenty days prior to the September 12, 2001 Public Hearing date.

Mr. Spanier stated that his recollection was that around mid-August Judge Brock would deliver an opinion or report.

Mr. Ward replied he is a lawyer he could be a judge.

Mr. Spanier replied he is a former judge. I would like to hear very briefly the status of the Governance Committee.

Mr. Vlasho stated that was where he was headed and he would like to move back up the agenda to the Organizational Structure Review Sub-committee and to belatedly welcome Mr. Carroll to the meeting.

### **ORGANIZATION STRUCTURE REVIEW SUB-COMMITTEE**

Mr. Carroll asked if anybody knew whether Mr. Brock's report was about to come out?

Mr. Vlasho replied that no one seems to know. As he told us when we spoke to him, when it is ready he will issue it.

Mr. Carroll reported that we had our Sub-committee meeting on August 9. There were three members in attendance. You have seen both the Summary and Verbatim Minutes. Mr. Vlasho joined us and filled us in on his discussions with Commissioner Carter and Mr. Brock and we concluded, that based on Mr. Vlasho's comments and our own discussion that many of the items on the issue list should wait until we see Mr. Brock's Report. Basically we put a lot of things on hold. We did discuss several issues, which I would like to mention.

Mr. Carroll continued that one of the issues discussed was Summary Minutes versus Verbatim Minutes. We discussed that and we eventually ended up that we would like both. The three of us that were there felt that the Summary Minutes were very helpful and maybe they are to other Committee members. I prepared the first set of Summary Minutes and Mr. Ward prepared the second set and as far as I am concerned they were very helpful.

Mr. Carroll stated that a second issue we talked about was the need for the Advisory Committee members to be more pro-active and pursue issues that are important to the community. That is a general statement, but we did hone in on a list of items that I had prepared at the previous meeting that kind of pointed at Mr. Ward and said here are things that you didn't do that we wish you had done. One of the conclusions that we drew was that a lot of the things on that list included things where the Committee members should have taken more of an initiative. In other words, the fact that he brought something up and we didn't follow up on it was as much, if not more, of our fault than his. On the other subject of communications, we did talk about it and it was concluded that we ought to go ahead and use the Pelican Bay Post. There is a caution for either Mr. Roellig's Committee or mine in putting information in the Post, without qualifying the fact that we are a Sub-committee and it is only the Advisory Committee that can take final action. I have been preparing the write up for the entire Committee and also my Sub-committee, but I would like to have Mr. Roellig provide me any information that his Sub-committee does that he

feels should go into the Post article. It ought to cover both Sub-committees. I do get a sheet from the Post listing the cut-off dates for information submittal. We can send you those deadlines so that if you wish to have something go into the Post, you will know what the deadline is.

Mr. Carroll stated that we have not scheduled another Sub-committee meeting because we felt there were enough things that we were working on that were contingent on what Mr. Brock will come up with, that we decided to wait and see his Report before we get into other issues. I guess in the broad sense we are still on hold because we have not seen his Report yet. We will probably have another meeting in October, but again it ties into Mr. Brock's Report.

Mr. Vlasho stated that within the next day or so I will try to reach Mr. Brock and see if I can get an update. If I do, I will pass it to Mr. Ward who will advise the Advisory Committee. One thing in your discussion with Mr. Roellig, we have to be concerned about how we coordinate that information transmittal inside of the Sunshine Laws.

Mr. Carroll stated that if Mr. Roellig prepares it, I would pretty much have to put in what he provides me. I would not be able to editorialize it at all.

Mr. Vlasho stated that I would agree that whatever the MSTBU publishes it ought to be in one article rather than coming from individual members.

Mr. Roellig stated that it is a good idea and what we need to do is coordinate it through Mr. Ward's office. That would be the better way. I can see real problems in me sending things to you that do not go into the paper. Maybe it would be better to send it to Mr. Ward to consolidate it. There might be some issues where we are both going to have a long article and something that would need coordination.

## **ADJOURN**

There being no further business the meeting adjourned at 4:35 P.M.

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Lou Vlasho, Chairman

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