

**PELICAN BAY SERVICES DIVISION  
REGULAR MEETING OF THE BOARD  
JANUARY 7, 2015**

The Board of Directors of the Pelican Bay Services Division met on Wednesday, January 7, 2015 at 1:00 p.m. at the Community Center at Pelican Bay, 8960 Hammock Oak Drive, Naples, Fl. The following members were present:

<b>PBSD BOARD</b>	Dave Trecker, Chairman Susan O'Brien, Vice-Chairman Henry Bachman Tom Cravens Joe Chicurel Ken Dawson John laizzo Michael Levy Scott Streckenbein
<b>PBSD STAFF</b>	Neil Dorrill, Administrator Mary McCaughtry, Operations Analyst Marion Bolick, Operations Manager Lisa Jacob, Recording Secretary
<b>ALSO PRESENT</b>	Pat Bush, pending appointee to PBSD Board Kevin Carter, Field Manager, Dorrill Management Group Tim Hall, Turrell, Hall and Associates, Inc. Jim Hoppensteadt, President & COO, Pelican Bay Foundation Mary Johnson, Pelican Bay Foundation Board of Directors Arielle Poulos, Turrell, Hall and Associates, Inc. Kathy Worley, the Conservancy of SW Florida

**PLEDGE OF ALLEGIANCE**

The meeting was called to order at 1:00 p.m., and the Pledge of Allegiance was recited in unison by the Board members.

**APPROVED AGENDA (AS AMENDED)**

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Approval of meeting minutes
  - a. November 5, 2014 Pelican Bay Services Division Board
  - b. November 14, 2014 Pelican Bay Services Division Special Meeting
5. Audience Comments

6. Clam Bay Items
  - a. Clam Bay NRPA Management Plan Status
  - b. Tidal Gauges
  - c. Biological Assessment
  - d. RFP for Scope of Services
7. Staff Manager for Water Management/Clam Bay Activities
8. 2015 Priorities
9. Administrator's Report
  - a. County Attorney's Reading on Oakmont Pathway Responsibilities
  - b. Status of Yield Signs at Crosswalks
  - c. Extra Security Patrols
  - d. Oak Lake Sanctuary Shoreline Update
  - e. Monthly Financial Report
10. Chairman's Report
11. Committee Reports
  - a. Water Management
    - i. \*Expanded use of aerators and plantings
  - b. Landscape & Safety
    - i. Status of trimming vegetation overgrowth
  - c. Clam Bay
  - d. Ad-Hoc Commercial Member *add-on*
  - e. Budget *add-on*
1. Old Business
2. New Business
3. Adjournment

**ROLL CALL/AGENDA APPROVAL**

All Board members were in attendance.

**A MOTION was made by Mr. Cravens and seconded by Mr. Bachman to approve the agenda.** Under Item 11, Committee Reports, Ad Hoc Commercial Member Committee, and Budget Committee were added In response to a question from Mrs. O'Brien, it was noted that the use of tilapia will be addressed under Committee Reports.

**With those additions, the Agenda was unanimously approved by the Board members.**

**APPROVAL OF MINUTES OF NOVEMBER 5 AND NOVEMBER 14 MEETINGS**

**A MOTION was made by Mr. Cravens and seconded by Ms. O'Brien to approve the November 5 meeting minutes.**

The following changes were made by Dr. Trecker:

On Page 2 under Audience Comments, the word "and" at the end of the first sentence should be followed with the word "questioned".

Under Status of Clam Bay NRPA Management Plan Revision, The sentence starting "The changes the Commission requested were minor", should continue with "and comprised tying the plan, the dredging permit applications, expanding the section on freshwater discharges and insuring that ecological considerations were included in the dredging criteria".

On Page 3 under Item D, in the first sentence the word "concise" was considered to be redundant and should be eliminated, and the word "conservative" in that sentence should be stricken as well.

Under Item E, the first sentence should be eliminated. In the sixth line under that item, the words "lake bank" should not be capitalized.

Under the Chairman's Report, in the last line of the first paragraph, the words "Water Management" should be capitalized. In the last line of the second to last paragraph, Mrs. O'Brien should be changed to Ms. O'Brien.

The following changes were made by Ms. O'Brien:

It was asked that the Approved Agenda again be inserted in the minutes following the Pledge.

On Page 2, Under the Status of Clam Bay NRPA Management Plan Revision, the second paragraph, first sentence should read as follows: "The changes were made by Tim Hall, Kathy Worley and Mary Johnson and will be reviewed by the Clam Bay Committee and forwarded to the Board, which will meet in a special session on the 14<sup>th</sup> of November".

Under the Status of the Timeline for Dredging Permit application, the words "three tiered" should be changed to "triage".

On Page 3 under Administrator's Report, Item A, the second sentence should indicate that the presentation was made by Mr. Cravens.

On Page 4 under Chairman's Report, the last sentence should add the words "with Mr. Levy as Chair", and the spelling of Mr. Cravens name should be corrected.

On Page 5, under Item B. Clam Bay, the third line should read "at an estimated cost of \$2,000 to \$4,000".

On Page 5, under Safety Committee, in the second-to-last paragraph regarding Oakmont, the last sentence should read, "It was determined that this was Foundation property, and a letter will be sent to the Pelican Bay Foundation Board regarding ownership and responsibility of the Oakmont pathway".

**A MOTION was then made by Mr. Cravens to amend the Motion to include the words "as modified", seconded by Ms. O'Brien and unanimously approved.**

**A MOTION** was then made by Mr. Cravens and seconded by Mr. Streckenbein to approve the November 14 Special Session Minutes.

Dr. Trecker made the following corrections:

On Page 1 under Audience Comments, the words "Clam Bay" should be inserted before the word "Committee".

Under the Approval of Clam Bay Management Plan, in the third line, Mrs. should be changed to Ms. O'Brien.

Ms. O'Brien made the following changes:

In the second paragraph under the first motion, the first sentence should end at the word "changes", with the remainder of the sentence being stricken. The following sentence should read "Changes were also made...".

**A MOTION** was then made by Mr. Cravens to amend the Motion to include the words "as modified", seconded by Mr. Bachman and unanimously approved.

#### **AUDIENCE COMMENTS**

Diane Lustig from Hyde Park expressed her appreciation for all the PBSB Board members. She asked for clarification of the no wake rule in Clam Pass as there are no signs advising boaters of this, and she had recently seen a large Jet Ski up in the estuary going very fast. Ms. O'Brien indicated that it was important that these incidents be reported to the Sheriff's Department when they are observed, and added that the signs are down because they were unable to be re-permitted as the law has changed. When these unsafe conditions are reported, it would be helpful to include the time and place the boat or Jet Ski was seen, and any identifying numbers on it.

#### **CLAM BAY**

##### **A. Clam Bay NRPA Management Plan Status**

Dr. Trecker indicated that they have been working on this Plan under Ms. O'Brien's direction for the past 18 months, with input taken from 16 Stakeholder groups and countless individuals. Changes were made initially to satisfy the Board of County Commissioners, and then at their December 9 meeting, they continued their consideration of the Management Plan until their January 13 meeting to give the new commissioner, who represents the City of Naples and Seagate, time to review it.

The City Council at its December 17 meeting voted to send a letter to the BCC noting three remaining objections that Seagate has with the Plan. A number of PBSB Board members spoke at that meeting in an effort to get the Council to change its mind and were unsuccessful. Dr. Trecker and Ms. O'Brien sent a letter to the BCC addressing these three points, and Dr. Trecker learned that as of the previous meeting, no letter has been drafted or sent by the City Council.

At their last meeting, the County Commission separated the submission of the Dredging Permit Application from approval of the Management Plan. The application to the Army Corps of Engineers was approved by the Foundation, and Mr. Hall has filed the relevant applications. Mr. Hall indicated that as of the previous day the Corps had received the application and reviewed the initial submittal, and is looking for the additional information from the Clam Bay Committee in order to speed up their review. Mr. Hall is working with them on the public notice issue, which is the next step. Nothing has been done as yet with the DEP, although Humiston and Moore has had discussions with the DEP about the proposed changes and modifications to the new application. The Management Plan and the Biological Assessment have been requested by the DEP, and Mr. Hall had advised the Corps that they were waiting for final approval on them and would submit them under separate cover.

#### B. Tidal Gauges

The exclusive vendor for these water monitoring devices is from Charlotte County, and provides them to a number of water management districts throughout the state. This is a next generation device, substantially improved over the devices the District presently uses. It works in real time, and will send a signal to a computer and record conditions up to every six minutes. These devices are the recognized national standard for reliability, and will enable the PBSB to share in a much larger data base of relevant scientific information.

The cost per installation is approximately \$3,500, and this is an unbudgeted expense which could reach \$25,000 with installation costs for four of them. The life expectancy for the device is 10 to 15 years, with certain components, such as anti-fouling devices and surge protectors that could require bi-annual replacement.

These devices can also be expanded to include other monitoring devices, such as dissolved oxygen sensors and salinity monitors that could be added at a later date. These would replace the gauges presently in use.

A warranty is provided, and Mr. Hall will check on what that entails. He will also check to see if the posts presently in use can be used to mount the new devices, which would reduce the installation costs. Mr. Dorrill will also check on any maintenance agreement and those costs.

**On a MOTION by Mr. Cravens and a second by Mr. Bachman, the Board unanimously authorized staff to go forward based on the proposal received for these tidal gauge devices, and authorized the associated budget amendment not to exceed \$30,000.**

Mr. Dorrill will advise the Board once the final costs are received, and will move forward with the purchase and installation as soon as possible.

#### C. Biological Assessment

Ms. O'Brien noted that Mr. Hall and Ms. Poulos completed the Biological Assessment which is required for the permit application. The Clam Bay Committee reviewed it and suggested some

changes, which have been incorporated into it. It is the Committee's recommendation that the full Board approve the Biological Assessment.

**A MOTION was made by Mr. Cravens and seconded by Mr. Levy to approve the Biological Assessment. The Motion was unanimously approved by the Board.**

D. RFP for Scope of Services

A scope of services for monitoring Clam Bay has been developed, as the current contract will expire in April. The Clam Bay Committee is recommending that the County be asked to put the RFP together so proposals can be received for monitoring services for the future.

**A MOTION was made by Mr. Cravens and seconded by Mr. Bachman that the Board approve a recommendation to the County for an RFP for scope of services.**

Mr. Dorrill also requested that the Board include in their Motion a designation of Ms. O'Brien to sit on the five member selection committee.

**The MOTION was then amended by Mr. Cravens and seconded by Mr. Bachman to include the appointment of Ms. O'Brien to serve on the selection committee.**

Mr. Dorrill then briefly explained the process by which the selection is made, noting that the Board would have the opportunity to see the list of proposals, and if necessary, recommend to the BCC a different selection than that of the selection committee. He also recommended that Marion Bolick be the designated staff person to sit on that committee and the County's purchasing agent will sit on it as well.

**The MOTION was then unanimously approved as amended.**

**STAFF MANAGER FOR WATER MANAGEMENT/CLAM BAY ACTIVITIES**

It was suggested that a consultant or manager be appointed for the Water Management and Clam Bay activities. Dr. Trecker mentioned three possibilities, including continuing things as they are now, which involves a number of consultants and experts, and decision making at the Committee and Board levels. Designating a single individual to oversee and coordinate all aspects of these two activities would be a second option, and the third would be to continue with Mr. Hall and Mr. Dabees with their expertise in biology and coastal engineering respectively, but to have one individual to pull together the various aspects of water quality. A few names were suggested to fill this role, including Jim Bays, Rafael Vasquez-Burney, Steve Gong and Dave Tomasko.

The Board members gave their individual opinions and discussed the options as they relate to necessity, levels of expertise, and additional costs. Ms. O'Brien felt that any consultant would need to work with the Committees so the Community values can be expressed and the needed scope of services can be defined, and added that all the options should continue to be looked at until the upper ponds issues are determined.

Dr. Trecker noted that the consensus seemed to be that Option 3 should be looked at more closely, and Ms. O'Brien added that the recommendations of the two Committees should be ascertained first. Once those needs are established and data assembled, then a consultant can be approached to help bring everything together to manage the system.

After further discussion, Dr. Trecker indicated that in conjunction with staff he will check with the individuals on the list as to their time availability and costs. He urged the two Committees to begin looking at specifics as to needs and data, and this issue will be readdressed at the next meeting.

### **2015 PRIORITIES**

Keeping in mind resource and budget limitations, Dr. Trecker appointed an ad hoc committee comprised of the chairs of the various committees to meet and pull the priorities together to develop recommendations for the Board's February meeting. He asked these individuals to determine what they felt the top 10 to 12 priorities are before that meeting and provide that list to Lisa.

Staff has also been asked to provide a list of budgeted funds and what they are allocated for, as well as personnel assignments so it can be determined where they are coming up short. Dr. Trecker note that this list will not obligate them to any project, but will simply indicate what the directors feel are most important.

Ms. O'Brien indicated that she values staff's perspective on the priorities, and Mr. Trecker noted that he would appreciate Mr. Dorrill's input on this as well.

### **ADMINISTRATOR'S REPORT**

#### **A. County Attorney's Reading on Oakmont Lake Pathway Responsibilities**

At the request of Mr. Klatzkow as it relates to the PBSB's responsibility to maintain the Oakmont pathway as a function of the drainage easement it has, staff has assembled the appropriate documents for the County Attorney's office to make a determination on this. The Foundation will also be provided with the opinion, as it is their opinion that PBSB funds have been used to construct and repair this pathway along with other major assets in the area, and the Foundation has not been involved with it for ten years.

Mr. Dorrill also advised the Board that the County Risk Management Department preferred not to install signage along the path at this time.

Mr. Dorrill suggested that Jim Carr be asked to provide an opinion on the new construction value of this asset. Dr. Chicurel added that there was another fall with significant injuries in November, and felt that the path is dangerous for the residents to use as it is in very poor shape and needed to be addressed immediately.

Mr. Dorrill summarized the issue, indicating that the County Attorney has been asked to render an opinion on what the PBSB's property is or should be. The pathways adjacent to the

roadways are public and therefore owned by the County, and this pathway is a continuation of a County pathway, so a legal opinion is necessary.

B. Status of Yield Signs at Crosswalks

The County Transportation Department wanted all of the yield signs scheduled to be installed at the crosswalks to be larger with a minimum clearance of seven feet. These signs were all installed originally with a County permit. They will need to be larger, but the original posts that cost the PBSB \$30,000 can be re-used. Staff is looking into enlarged frames to meet the County's size requirement, and the County will provide the signs themselves which will say Yield to Pedestrians as opposed to Stop for Pedestrians.

C. Extra Security Patrols

The extra, early evening patrols began before the Christmas holiday with uniformed Sheriff's deputies, consistent with what was done the previous year. They will be in place until the end of January, at which time a simple risk assessment will be received from Sergeant Walker along with whatever intelligence they are able to provide.

D. Oak Lake Sanctuary Shoreline Update

This shoreline is 43 percent riprap, and 40 percent is the maximum allowed by the Florida Administrative Code. There is a variance mechanism that would require the PBSB to do some additional mitigation with littoral plantings. A letter of modification can be submitted to the State for approval and a telephone pre-application meeting is being scheduled by staff to gauge the support it will receive for this activity. Whatever method is used, the timeframe for the work will be in the late spring when lake levels are low. Mr. Dorrill explained why this work is the responsibility of the PBSB, as per the Florida Administrative Code.

The Board briefly discussed the state of this lake and the PBSB's responsibilities as the entity responsible for all drainage and lake maintenance as long as they are part of the primary public drainage system.

A question was asked about the membrane bubbles along the west side of the berm, and Mr. Dorrill indicated that this is a punch list item on that project, and a substantial amount of money is being held back until this is taken care of according to the contract specifications.

E. Monthly Financial Report

The first quarter financials were provided, and showed an increase in the cash position to almost \$2.5 million dollars against \$34,000 in payables, primarily due to assessments being ahead of where they normally are as people take advantage of the discounts for early payment. The income statement showed an under budget number in tree trimming and pruning in the Water Management cost center, but they will need some additional funds for a project they are



working on in Bay Colony. A budget amendment will be needed to take into account the expanded tree trimming work, and approximately \$60,000 will be needed to catch up on all the work that needs to be done primarily for safety issues.

The cost of temporary labor in the first quarter was explained, and that work has now been suspended and the PBSB will be back within the budget allowance for the remainder of the year. In summary, Mr. Dorrill advised that he had \$42,000 worth of trimming and pruning available as part of the expanded services in the Water Management Budget, and he needs about \$7,000 of it to finish the job at Bay Colony.

**A MOTION was then made by Dr. Chicurel and seconded by Mr. Cravens to authorize a Budget Amendment not to exceed \$35,000 based on the final costs for the outside work.** Ms. O'Brien asked that this amount be divided into safety and non-safety related work, and Mr. Dorrill indicated that he would get that information for the Board. After a brief discussion where the Board expressed their concerns about this expense, **the MOTION was amended by Dr. Chicurel to require that any work done be related to code conformity and safety issues. The Motion was seconded by Mr. Cravens.**

The suggestion was then made that only the safety issues be addressed, and that the work be done by staff without a budget amendment. **After a further, brief discussion, Dr. Chicurel and Mr. Cravens withdrew their Motion and second** and it was agreed that the work would be done by staff on the safety issues, and this item will be revisited at a subsequent meeting.

#### F. Upgraded Street Signs in Oakmont

Oakmont has advised its residents that new street signs should be in place in their community by February 1, and if they are not installed, the residents should contact the PBSB. Mr. Dorrill is working with Marion to correct some of the base corrosion on one of the signs, and is unaware of any other work to be done.

### **CHAIRMAN'S REPORT**

#### A . Applicants for Board Openings

Three applicants applied for the three open seats for residential Board members including Ms. Pat Bush, Mr. Bohdan Paul Hirniak and Dr. Trecker, who has agreed to continue to serve for another four years. A commercial member application was received from Robert Schoonmaker from Huntington Bank.

#### B. Upcoming Meetings

The Clam Bay Committee will meet on January 22 at 1:p.m., the Budget Committee on January 22 at 3:00 p.m., the Water Management Committee on January 26 at 1:00, and Dr. Trecker proposed that on January 27 at 1:00 the new ad hoc Committee on 2015 Priorities should meet, all at the Association office.

The Pelican Bay Foundation President recommended to the Pelican Bay Foundation Board against placing a non-voting member on a PBSB Board seat due to Sunshine Laws and conflict of interest issues. The PBSB Board agreed that this position would not be filled.

### **COMMITTEE REPORTS**

#### **A. Water Management Committee**

i. Mr. Cravens spoke to the pilot testing of blue tilapia for algae control, and information was provided to the Board in their packet. On a vote of 3 to 2 the Water Management Committee decided not to add additional lakes to the tilapia pilot test lake which is behind the Community Center.

**Dr. Chicurel then made a MOTION that the tilapia experiment for algae removal be limited to the lake that they are presently in, with no additional test lakes. The Motion was seconded by Mr. Bachman.**

Mr. Streckenbein, of the Water Management Committee, indicated that he felt this experiment needed to be looked at more closely due to the possible effect tilapia might have on the ecosystem that is present in Clam Bay. He will be contacting the State to see how these fish are working in other communities and what the pitfalls are. The other Committee members agreed. More investigation will be done; the original experiment was a success.

**Mary McCaughtry called the roll on this Motion and the results were as follows: Mr. Streckenbein, Yes. Mr. Levy, Yes. Mr. Bachman, Yes. Ms. O'Brien, Yes. Dr. Trecker, No. Mr. Cravens, No. Dr. Chicurel, Yes. Mr. Iaizzo, No. Mr. Dawson, Yes.**

**The MOTION passed on a vote of six to three.**

ii. The expanded use of aerators and plantings was approved by the Water Management Committee. They have been in use for over two years and seem to be working well. Mr. Cravens spoke to the cost if they were to be installed in all the lakes, and felt that staff should be looking into selective placement. Ms. O'Brien noted that there is \$200,000 in the budget now for aerators, but lake selections needed to be made, and she suggested that the lakes in the north end where the copper levels are the highest be looked at first, although it was pointed out that aeration is for the algae problem and will not affect copper levels. Mr. Dorrill indicated that a list had already been prepared of appropriate lakes and should be received within days.

This discussion will be deferred to the next meeting when the list will be available to the Board.

#### **B. Landscape and Safety**

i. A bicycle safety workshop and clinic will be held on Wednesday, February 25 at the Pelican Bay Community Center sponsored by the PBSB and presented by the Naples Pathways Coalition. The Naples Police Department will attend and present the law and rules of cycling.

Naples Cyclery will perform free safety checks of bicycles and helmets. The Pelican Bay Foundation has provided a great deal of help.

ii. Dr. Chicurel read an email into the record regarding an accident on the Oakmont lake pathway. The email indicated the injuries suffered by this woman will be ongoing for quite some time and offered suggestions for what needed to be done to make the path safe for use.

iii. Vegetation overgrowth onto pathways and roads needs to be trimmed back on a regular basis. Lack of manpower has been identified as the reason why timely trimming has not been done in the past. The Pelican Bay Foundation 2014 survey indicated that Pelican Bay's landscape is a high priority for Pelican Bay residents.

C. Budget Committee

i. At the November Board meeting, Mr. Dorrill brought up the possibility of expanding the PBSO field management by having his firm hire Lisa and in turn having her spend approximately three days a week on PBSO field management activities. At the December 10, 2014 Budget Committee Meeting, it was asked that an alternative approach be explored by staff, the alternative being to upgrade Lisa's position within the PBSO and adding a clerical secretarial person to the PBSO office staff to replace Lisa.

D. Ad Hoc Commercial Membership Committee

The Committee members were thanked once again for the job they did in getting new members, especially on the Commercial side.

ADJOURNMENT

Mr. Cravens motioned, Mr. Laizzo seconded to adjourn. The motion carried unanimously and meeting adjourned at 4:04 p.m.

  
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Dave Trecker, Chairman

Minutes approved [ ] as presented OR [  ] as amended ON [ 2-4-15 ] date