

**PELICAN BAY SERVICES DIVISION BOARD REGULAR SESSION
FEBRUARY 3, 2016**

The Pelican Bay Services Division Board met on Wednesday, February 3, 2016, at 1:00 p.m. at the Community Center at Pelican Bay, 8960 Hammock Oak Drive, Naples, Florida 34108.

In attendance were:

Pelican Bay Services Division Board

Susan O'Brien, Chairman

Joe Chicurel, Vice-Chairman

Tom Cravens

Ken Dawson

Bohdan Hirniak

Peggy Pinterich (*absent*)

Mike Shepherd

Scott Streckenbein

Dave Trecker

Gary Ventress

Pelican Bay Services Division Staff

Neil Dorrill, Administrator

Marion Bolick, Operations Manager

Mary McCaughtry, Operations Analyst

Lisa Jacob, Associate Project Manager

Barbara Shea, Recording Secretary (*absent*)

Also Present

Dave Cook, Pelican Bay Foundation

Tim Hall, Turrell, Hall & Associates

Mary Johnson, Pelican Bay Foundation

APPROVED AGENDA (AS AMENDED)

1. Pledge of Allegiance
2. Roll call
3. Agenda approval
4. Approval of 1/6/16 Regular Session and 1/26/16 Water Quality Workshop meeting minutes
5. Audience comments
6. * Clam Bay monitoring
 - a. Update on mangrove stress (*add-on*)
7. *Landscaping easement document
8. *Landscaping goals and guidelines
9. *Landscaping on right-of-way near Naples Grande and Marketplace
10. *Commercial member board vacancy
 - a. Management of private lakes (*add-on*)
11. Status of completed approved minutes from May 2014 to September 2015
12. Ad hoc committee to review PBSB ordinance
13. Maintenance of irrigation sprinklers
14. Administrator's report
 - a. January financial report
15. Committee reports
 - a. Budget
 - b. Clam Bay
 - c. Landscape & Safety

**Pelican Bay Services Division Board Regular Session
February 3, 2016**

- d. Water Management
- 16. Chair's report
 - a. Information to Board members
- 17. Unfinished business
 - a. Update on Oak Lake Sanctuary Swale (*add-on*)
- 18. New business
- 19. Adjournment

ROLL CALL

Ms. Pinterich was absent and a quorum was established

AGENDA APPROVAL

Mr. Cravens motioned, Dr. Trecker seconded to approve the agenda as amended, adding items #6a, #10a, and #17a. The motion carried unanimously.

APPROVAL OF 01/06/16 REGULAR SESSION MEETING MINUTES

Mr. Cravens motioned, Mr. Streckenbein seconded to approve the 01/06/16 regular session meeting minutes as amended. The motion carried unanimously.

APPROVAL OF 01/26/16 WATER QUALITY WORKSHOP MINUTES

Mr. Cravens motioned, Mr. Streckenbein seconded to approve the 01/26/16 Water Quality Workshop minutes as amended. The motion carried unanimously.

AUDIENCE COMMENTS

Dr. Joseph Doyle commented on the Water Quality Workshop, the recent plunge in the stock market, and the need to prepare for a recession when developing the FY17 PBSB budget. Ms. Sandy Doyle commended Dr. Trecker on his Water Quality Workshop presentation.

CLAM BAY MONITORING

Mr. Dorrill reported that the Clam Bay monitoring work will be rebid and that the new bids will be available for Board action at the March Board meeting. Mr. Dorrill reported on a staff meeting with Mr. Adam Northrup, our County Purchasing Agent, who recommended a resolicitation of fee proposals which would include a revised scope and elements; the BCC and the Collier County Procurement Department would not be in favor of violating County Purchasing Policy by supporting a selection of a contractor who was not low bid. Mr. Dorrill reported that there will be a separate solicitation for water quality monitoring and biological services.

UPDATE ON MANGROVE STRESS

Mr. Tim Hall, an ecologist with Turrell, Hall & Assoc., reported on the stressed condition of some mangroves in Upper Clam Bay and strategies to be undertaken to reduce standing water in Upper Clam Bay and to expedite the issuance of a ten-year dredging permit.

Mr. Dorrill reported that the infra-red aerials of Clam Bay are expected to be available shortly and forwarded to Mr. Hall for review of the mangrove stressed areas. He has requested Humiston & Moore to provide a fee proposal for construction plans in advance of the receipt of the dredging permit. He has also obtained quotes for the clearing and maintenance of the coastal swale at the south end of Bay Colony Beach Club.

Mr. Ted Raia commented on the need for tidal readings immediately east of the channel.

LANDSCAPING EASEMENT DOCUMENT

Mr. Cravens motioned, Mr. Ventress seconded to approve the landscaping easement document. After much discussion, Mr. Cravens withdrew his motion when he learned that the County Attorney had not reviewed the document.

Mr. Ted Raia commented on the landscape responsibilities of the private associations. Dr. Joseph Doyle commented on how PBSB funds should not be used to maintain private property. Ms. Mary Johnson commented on the public interest in maintaining the Rte. 41 berm.

Dr. Trecker motioned, Mr. Cravens seconded to approve the landscaping easement document without Item #6. The motion carried 5-4 with Ms. O'Brien, Dr. Chicurel, Mr. Dawson, and Mr. Hirniak dissenting.

LANDSCAPING GOALS AND GUIDELINES

Dr. Chicurel discussed the old CIP Landscaping Goals, terminated by the PBSB Board, which created unintended consequences and flawed design elements. The design elements created unsafe lines of sight at intersections by utilizing the wrong plants and not leveling medians, resulting in obscured sight lines for vehicles and pedestrians. The unintended consequences include an increase in water usage as well as an increase in labor costs resulting from the replacement of sod with plants.

Dr. Chicurel motioned, Mr. Cravens seconded that the PBSB Board approve the new Pelican Bay Landscaping Goals and Guidelines as written and unanimously approved by the Landscape & Safety Committee. The motion carried unanimously.

LANDSCAPING ON RIGHT-OF-WAY NEAR NAPLES GRANDE AND MARKETPLACE

Ms. O'Brien reported that representatives of the Naples Grande and Marketplace have verbally requested that the PBSB maintain the landscaping in the public right-of-way adjacent to their properties. Mr. Dorrill reported that the PBSB does not have the authority in our ordinance to maintain these landscape areas and that an amendment to the PBSB ordinance would be required to do such work. Mr. Cravens commented on the inappropriateness of maintaining these landscape areas. Dr. Joseph Doyle commented on the need for easements if the PBSB were to begin maintaining these additional areas.

COMMERCIAL MEMBER BOARD VACANCY

Mr. Cravens motioned, Dr. Trecker seconded that the PBSD Board recommends to the BCC that Mr. Jacob Damouni be appointed as a commercial member to the PBSD Board. The motion carried unanimously.

MANAGEMENT OF PRIVATE LAKES

Mr. Dawson commented on the benefits of water testing of the private lakes, and the inequity of reducing the costs of those associations with private lakes and spreading additional costs to the other associations. Mr. Cravens commented on the benefits to all residents of improved water quality in Clam Bay. Ms. O'Brien commented on the need for additional water quality data of the private lakes which are 16% of total lake surface area in Pelican Bay.

Mr. Dave Cook commented on the benefit of a poll on water quality and infrastructure management. Dr. Joseph Doyle commented on the need to provide nutrient level data to the associations.

Dr. Trecker motioned, Mr. Cravens seconded that the PBSD approach each association with responsibility for maintaining a private lake and ask whether that association would agree to provide an easement to the PBSD for access to and maintenance of that lake. The response from the association would be non-binding. The motion failed 5-4 with Ms. O'Brien, Dr. Chicurel, Mr. Dawson, Mr. Streckenbein, and Mr. Ventress dissenting.

STATUS OF COMPLETED APPROVED MINUTES FROM MAY 2014 TO SEPTEMBER 2015

Ms. O'Brien reported that there are 14 sets of 2014 and 2015 PBSD Board Regular Session minutes and multiple committee meeting minutes which are not in the form of approved minutes (which incorporate the approved edits into the draft minutes and are signed by the Chairman) posted on the County Clerk's and PBSD websites. Mr. Dorrill reported that under Florida Sunshine Law meeting minutes are not required to be signed by the Chairman and approved changes are not required to be incorporated. Ms. Linda Roth commented on the need to follow Florida Sunshine Law and post approved accurate final minutes for both the PBSD Board and committees on the County Clerk's website in a timely fashion.

Ms. O'Brien motioned, Mr. Cravens seconded that we ask the staff to go back to the PBSD Board Regular Session minutes from May 2014 to current and retroactively make sure that they are all in approved format and signed. Approved format means that all the changes that have been approved by the Board are incorporated into the draft minutes from May 2014 to current. The motion carried 8-1 with Dr. Chicurel dissenting.

Ms. O'Brien motioned, Dr. Trecker seconded that we ask the staff to go back to the PBSD committee meeting minutes from May 2014 to current and retroactively make sure that they are all in approved format and signed. Approved format means that all the changes that have been approved by the respective committee

are incorporated into the draft minutes from May 2014 to current. The motion failed 8-1 with Dr. Chicurel, Mr. Cravens, Mr. Dawson, Mr. Hirniak, Mr. Shepherd, Mr. Streckenbein, Dr. Trecker and Mr. Ventress dissenting.

AD HOC COMMITTEE TO REVIEW PBSD ORDINANCE

Ms. O'Brien provided written details on her decision not to appoint an ad hoc committee to discuss the PBSD ordinance and the roles of the PBSD Board, County Manager & PBSD Administrator.

Dr. Trecker said his understanding was that the PBSD Board (1) is an advisory board to the County, (2) has no autonomy, (3) is appointed by the BCC and any member can be removed at any time for any reason, (4) can have its responsibilities and roles changed by the BCC at any time, and (5) has no enforcement power. He suggested that the Board of County Commissioners has ultimate policy making powers and all ultimate decisions in control relating to the operations are retained by the Office of the County Manager. As a consequence, Dr. Trecker concluded that the PBSD Board should provide broad policy guidance to the staff.

Ms. O'Brien motioned, Mr. Streckenbein seconded that the PBSD Board establish a cut-off level for spending capital funds of \$25,000. Mr. Dorrill expressed opposition to this motion as it is inconsistent with the County's Purchasing Ordinance and thresholds that have been established by a higher authority. As a result, Mr. Streckenbein withdrew his second and the motion died.

Ms. O'Brien requested that the Budget Committee discuss and recommend guidelines for expenditures that exceed the approved budget.

MAINTENANCE OF IRRIGATION SPRINKLERS

Ms. O'Brien requested staff to suggest possible ways to provide regular irrigation checks at least along Pelican Bay Blvd. and Gulf Park Drive. Mr. Dorrill discussed the process in place for residents to report irrigation problems to the PBSD telephone line 24 hours/day where staff or an answering service relays all irrigation issues to Mr. Bolick who may send in a crew for an immediate repair or irrigation shut-off when necessary.

ADMINISTRATOR'S REPORT

JANUARY FINANCIAL REPORT

Mr. Cravens motioned, Dr. Trecker seconded to approve the January financial report. The motion carried unanimously.

COMMITTEE REPORTS

BUDGET

Mr. Streckenbein reported that the Budget Committee met on January 25. The consensus of the committee is that the overall goal of the FY17 budget is to build a budget based on community needs. Operating expense line items which are historically underbudgeted and result in subsequent budget amendments should be, if necessary, budgeted at a higher amount.

CLAM BAY

Ms. Jacob reported that all Clam Bay tidal gauges are operating and communicating remotely. Ms. O'Brien stated that the PBSO goal is for staff to have access to real-time data from the tidal gauges.

LANDSCAPE & SAFETY

Dr. Chicurel reported that the Landscape & Safety Committee met on January 11 and the following items were discussed and/or acted upon.

1. The issue of car carriers parking on Pelican Bay Blvd. was discussed with representatives of the CCSO. Although it is illegal to park on County streets in Pelican Bay, enforcement is difficult and warnings or citations are at the discretion of the CCSO deputy. Mr. Dorrill offered a recommendation that the PBF and PBSO staffs explore finding a close offsite alternative for car carriers to use.

2. The committee voted unanimously to ask the full PBSO Board to approve new Landscaping Goals and Guidelines.

3. Remediation of issues at the corners of Pelican Bay Blvd. at Avalon and L'Ambiance are underway involving replanting of Asiatic Jasmine and pathway repairs. The utility box at the 4-way stop will be painted, if possible, to camouflage it and make it less obvious.

4. The extra police patrols from 6PM to 11PM are ongoing. The stats from 11/20/15 to 01/06/16 are: 142 warnings and 12 citations. The overwhelming majority of traffic violations are vehicles not stopping at stop signs; number two is speeding.

5. Discussion of the traffic patterns at the Pelican Bay North and Rte. 41 exit resulted in the suggestion that staff ask the County if the vehicles exiting Trail Blvd. could have their traffic light delayed to allow vehicles exiting Pelican Bay Blvd. onto Rte. 41 some appropriate number of seconds to make unimpeded left turns onto Rte. 41 or to proceed across Rte. 41 to Trail Blvd.

WATER MANAGEMENT

Mr. Cravens commended the PBSO on a successful Water Quality Workshop.

CHAIRMAN'S REPORT

INFORMATION TO BOARD MEMBERS

Ms. O'Brien discussed the benefits of regular updates from staff which would result in fewer committee meetings and she suggested further discussion of this issue on the next agenda.

UNFINISHED BUSINESS

UPDATE ON OAK LAKE SANCTUARY SWALE

Mr. Dorrill reported on resoliciting a proposal from Surety Construction to re-grade our portion of the Oak Lake Sanctuary Swale rip rap project which included removal of exotics. A change order to this existing contract is needed for additional rip rap, bahia sod, and pine straw to complete the project. The new fee proposal will be brought forward to the March PBSO Board meeting.

ADJOURNMENT

The meeting was adjourned at 3:53 p.m.

Susan O'Brien

Susan O'Brien, Chairman

Minutes approved [] *as presented* OR [] *as amended* ON [03/02/16] *date*