



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

Moorings Bay Special Taxing District Advisory Committee October 19, 2004 – 9:01 a.m.

Chairman Pennington called the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

Ron Pennington, Chairman
Doug Finlay
James Rozzi
Dan Spina

Absent:

Michael Williams

Also Present:

David Lykins, Community Services Director
Elizabeth Rogers, Recording Specialist
Karon Kateley, Administrative Specialist II
Norman Beumel, Coastal Planning & Engineering

Other interested citizens and visitors.

ANNOUNCEMENTS.....ITEM 2

None.

ITEMS TO BE ADDED.....ITEM 3

Item 7a – Review of Financial Reports.

APPROVAL OF MINUTES.....ITEM 4

MOTION by Rozzi to ***APPROVE*** the September 21, 2004 meeting minutes as presented; seconded by Finlay and carried 4-0 (Finlay-yes, Rozzi-yes, Spina-yes, Williams-absent, Pennington-yes).

.....ITEM 5 RESPONSE TO FDEP REQUEST FOR ADDITIONAL INFORMATION FOR PERMIT APPLICATION FOR MAINTENANCE DREDGING OF DOCTORS PASS

Norman Beumel, Coastal Planning & Engineering (CP&E), gave a presentation depicting the status of the permit for this project. (A copy of the presentation is contained in the file for this meeting in the City Clerk's Office.) He enumerated design modifications, such as deleting the northerly while maintaining the southerly extension; returning to the previously permitted depths specified in the Inlet Management Plan; and the revision of Spoil Sites 1 and 2.

Mr. Beumel expressed disappointment with the 45 days taken by the Army Corps of Engineers (ACOE) to disperse public notices to other federal permitting agencies, such as the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration (NOAA). These agencies in turn are allotted 30 days in which to respond. Mr. Beumel said that he anticipated receipt of the ACOE's reply by approximately November 15.

Mr. Beumel indicated that he believed the September 30 site visit by Florida Department of Environmental Protection (FDEP) had reduced concerns regarding the quality of nearshore hardbottom. Noting that Member Rozzi and marine biologist Vladimir Kosmyrin had observed the outer edge of the shoal while swimming and had noted a minimal amount of seagrass, he said. Later in the meeting, Mr. Beumel advised that FDEP had indicated that additional samples should not be required since sand sampling data had been found in the Inlet Management Plan; nevertheless, if required, surface samples would suffice.

Mr. Beumel stated that he would submit video transects (continuous television pictures of the nearshore gulf floor, which are back and forth at right angles and parallel to the shoreline) that had been collected during countywide research, as well as the recent Collier County shorebird inventory report. Because beach spoil disposal is not intended, he said, it will be unnecessary to document the existence of an ordinance protecting sea turtles from lighting. In the absence of as-built drawings, Mr. Beumel also noted that submission of photographs, documentation, and historical accounts of the jetty construction should suffice.

Mr. Beumel then noted that he and Natural Resources Manager Jon Staiger had determined that any impact to adjacent seawalls or bulkheads had been attributed to structural failure rather than to previous dredging. He further noted that he would submit the bulkhead impact report, as well as Dr. Staiger's detailed explanation of previous construction methodologies.

In response to Mr. Beumel, Community Services Director David Lykins noted that the permit fee process had commenced. Mr. Beumel then indicated that a draft permit would be issued only upon FDEP's receipt of the necessary fee.

Mr. Beumel reported the following new data as being ready for submission: September 2004 surveys by Bill Lazear (Save the Bays, Inc.); 1998 seagrass mapping and FDEP September 30 site visit notes; and sand data contained in the Inlet Management Plan. He further advised that the FDEP must approve the spoil areas prior to their submission with channel dredging easement drawings.

Mr. Beumel reviewed the most recent Save the Bays survey, depictions of various cross sections, and multiple drawings illustrating Spoil Sites 1 and 2. Regarding the south channel, he stated that permission would be requested to maintain an eight foot depth to Mooring Line Drive Bridge.

Concerning Spoil Site 1, Mr. Beumel noted that minimal abatement of the southern portion, and narrowing the west side by 50 feet, would cause approximately one acre of hardbottom impact, which would require mitigation in excess of \$500,000. Following Mr. Beumel's recommendation and a brief discussion, the Committee offered consensus authorizing CP&E to eliminate Spoil Site 1 and increase the capacity of Spoil Site 2 to 55,000 cubic yards. In response to Member Rozzi, Mr. Beumel then stated that the sole negative impact would be the increased cost.

Chairman Pennington read the "Save the Bays Position Paper" into the record (Attachment 1). He then explained that he had advised Save the Bays that the Department of Natural Resources (DNR) had some years before denied permission to entirely remove the flood tide shoal due to its environmental impact. In response to Chairman Pennington, Mr. Beumel affirmed that this dredging would reduce the shoal to its 1991 post-dredging size, and Chairman Pennington

clarified that it would include removal of the south portion of the shoal. He then stated that the plan is to extend the south channel cut sufficiently to remove the shoal.

Mr. Beumel cautioned that while he believed that FDEP would concur with the need for additional dredging, extending the dredging to Harbour Drive Bridge could increase the level of complexity in the permitting process. He therefore recommended requesting modification at a later date. Member Rozzi also recommended deleting the request to extend the north jetty dredging so as to maintain the project within the confines of the existing permit. Furthermore, he recommended that the Moorings Bay Special Taxing District monitor the area in the vicinity of the Windermere Condominium and, should the shoaling present a concern, file an application to dredge concurrent with the next remedial pass dredging; Chairman Pennington concurred. Chairman Pennington confirmed that there are no shoaling issues between the existing permit parameters and Harbour Drive Bridge. In response to Member Rozzi, Mr. Beumel said that he anticipated a delay resulting from inclusion of the northern extension; however, it was then uncertain what delays would result from additional FDEP requirements. In further response, he estimated that it could take three months to receive guidance from the permitting agencies and to complete environmental surveys. This would cause both state and federal evaluations to be more complex and would result in permitting delays. Additionally, Mr. Beumel confirmed that his recommendation is to exclude the north channel extension.

MOTION by Rozzi to SUBMIT THE PERMIT APPLICATION based on the parameters of the original permit application, with the exception of the extension request on the south end of the channel; seconded by Finlay, and carried 3-1 (Finlay-yes, Rozzi-yes, Spina-no, Williams-absent, Pennington-yes).

Mr. Beumel recommended that the aforementioned monitoring be extended to include the east channel.

MOTION by Rozzi that the MOORINGS BAY SPECIAL TAXING DISTRICT MONITOR the water depth from the northern boundary of the existing permit, north to Harbour Drive Bridge, and if the results disclose a navigational problem, move to modify the existing permit to allow dredging the channel at the next remedial dredging for Doctors Pass; seconded by Spina, and carried 4-0 (Finlay-yes, Rozzi-yes, Spina-yes, Williams-absent, Pennington-yes).

Recess: 10:23 a.m. to 10:29 a.m. It is noted for the record that the same Members were present when the meeting reconvened.

Mr. Beumel agreed to provide an electronic version of the Request for Additional Information (RAI) to the Committee and others who may request it. Member Rozzi also suggested providing a copy to Save the Bays for publication on its website. Mr. Beumel then estimated that the RAI would be available on the CP&F website the following Monday.

Chairman Pennington noted inclusion in the meeting packet of the Interlocal Agreement between the City and Collier County relative to the District millage rate, and the Doctors Pass Maintenance Dredging Long Range Budget Estimate, which projects Doctors Pass funding for the next ten years. (Copies of these documents are contained in the file for this meeting in the City Clerk's Office.) He then said that the Long Range Budget Estimate had been submitted to the Tourist Development Council (TDC) and had been reviewed at the last Collier Coastal Advisory Committee (CCAC) meeting. In conclusion, Chairman Pennington requested that Mr. Beumel advise the necessary parties that no mitigation will occur.

PLACEMENT OF SHOAL WARNING SIGNS IN DOCTORS PASS AND VICINITY

Chairman Pennington expressed appreciation to Director Lykins for assigning to Dockmaster Michael Klein the responsibility to inspect and coordinate maintenance of signage and navigation aids in the Moorings Bay system. He then indicated that shoal warning signs incorrectly placed or facing the wrong direction would be corrected.

Naples Dock & Marine Services had notified Dockmaster Klein that the entire platform and light structure at Doctors Pass would require replacement due to deterioration, Chairman Pennington said. He then stated that engineering consultant Jim Hurst had reported evidence of significant corrosion and delamination of the light, which would cause its life expectancy to be just two years; therefore, Mr. Hurst recommended simultaneous replacement of both the platform and structure with a composite material rather than steel or concrete. Furthermore, Chairman Pennington indicated that he would disseminate Mr. Hurst's forthcoming report to the Committee and, later in the meeting, recommended that replacement of the structure and platform be addressed at the next meeting. In addition, he read into the record an e-mail between Member Spina and Mark Kinkaid, of Coastal Engineering (Attachment 2), and subsequently said that he would forward a copy to Mr. Hurst. Chairman Pennington directed staff to investigate the functionality of the light, due to conflicting reports from various Members.

Regarding the term "local knowledge" depicted on the most recently installed signage, Director Lykins indicated that the City refers individuals to the Save the Bays website to obtain the most recent tidal, shoaling, and depth information. Director Lykins also agreed to once again publish a newspaper notice indicating the danger of shifting shoals in the Bay.

(ADDED ITEM).....ITEM 7a

REVIEW OF FINANCIAL REPORTS

Chairman Pennington reviewed the Moorings Bay Financial Summary for Fiscal Year 2004-05 (a copy of which is contained in the file for this meeting in the City Clerk's Office). From 2000 to 2001, the millage rate had been reduced from .1 to .05 mills; the current rate of .025 mills has been sustained since 2002, and is sufficient to maintain the fund, he said. Ad valorem assessments and interest have increased the fund from \$767,000 the previous year to the current total available resources of \$817,084. Current year expenditures include signage and newspaper advertisements, he said.

In response to Member Rozzi, Director Lykins explained that the budget statistics had been prepared several months prior, based upon preliminary estimates; however, the information contained in the ten-year plan designates an estimated \$598,000 expenditure request to the Tourist Development Council (TDC) and only \$513,000 is included in the Taxing District budget. Although there is a slight discrepancy, the ability exists to amend the budget to accommodate the additional cost, he said. Director Lykins affirmed that upon grant approval, billing could be submitted for direct funding from the TDC. In further response, Chairman Pennington noted that the estimated \$750,000 Net Assets also funds emergencies, such as potential hurricane damage or cleanup, which, per interlocal agreement, TDC revenues would not reimburse.

Chairman Pennington noted that a report including revenue and expenditures had also been provided (a copy of which is contained in the file for this meeting in the City Clerk's Office). Director Lykins explained that the Taxing District does not compensate the City for labor costs incurred while maintaining items such as the lights, signage and navigational aids. Furthermore,

expenditures attributable to the Taxing District fund would include cost of signage, piling replacement, or anything requiring the services of a contractor. Chairman Pennington affirmed for Member Spina that surface debris removal is charged to the Taxing District, except when cleanup is required due to a fish kill. Member Rozzi suggested generating a simple enumeration of initial Taxing District obligations which had however been subsequently fully reimbursed. Chairman Pennington, however, pointed out that the legislation establishing the Taxing District enumerates the expenditures it is required to fund.

PUBLIC COMMENT.....ITEM 8

None.

Prior to consideration of the following item, Chairman Pennington announced that the next meeting would be Tuesday, November 16, when consideration would be given to replacement of the Doctors Pass light. He then stated that the estimate by Naples Dock & Marine Services is \$17,500 to replace the current piling with one consisting of concrete. This would include the piling, platform, and installation. Chairman Pennington reiterated that he would forward a copy of Mr. Hurst's report to Committee Members, and Mr. Beumel would advise him as to the website that would contain the RAI.

REPORT OF FDEP PERSONNEL SITE VISIT.....ITEM 6

Chairman Pennington reported that he had accompanied three FDEP divers, Member Rozzi and Mr. Beumel for two separate dives, with five site locations each. However, he had immediately contacted the Florida Marine Patrol when one of its vessels had approached the dive site, south of Doctors Pass, at an excessive rate of speed. He said he had been assured of corrective measures relative to the speed this officer travels, but he had also learned that the officer had been responding to a call regarding a fishing violation in Doctors Pass.

Chairman Pennington stated that the site visit had determined that a very environmentally active hardbottom exists, which consists of sponges, hard and soft coral, and a number of other marine life and plants. He then stated that Dr. Vladimir Kosmynin had been employed by the FDEP for three years, and has a PhD in Coral Marine Biology. Member Rozzi and Dr. Kosmynin subsequently examined coral beneath a pier near Mr. Rozzi's home and the nearby shoal. Member Rozzi advised that beds of sea grass were nonexistent.

ADJOURN.....ITEM 9

11:21 a.m.

Ron Pennington, Chairman

Jon C. Staiger, Ph.D.
Natural Resources Manager

Minutes prepared by:

Elizabeth Rogers, Recording Specialist

Minutes Approved: _____

SAVE THE BAYS POSITION PAPER
DREDGING PERMIT APPLICATION

October 19, 2004

This permit application is at the point where decisions are needed on what to include in the current application to dredge Doctors Pass and Moorings Bay. The following represents the position of Save The Bays:

1. The proposal in Application for the dredging the area from the outer Marker "DP" through the Pass is satisfactory.
2. The proposal for dredging the area inside the Pass is satisfactory except that the south end of the flood tide shoal should be removed up to the present shoal marker. This shoal continues to grow and should be cut back not only as an aid to navigation but also to avoid an increase in the unsightly visible portion of the shoal at low tide. Many residents of the area would like to eliminate the unsightly island altogether.
3. The shoal in the south channel, around the shoal marker, should be removed so as not to restrict navigation into Bowline Bay. If FDEP finds a problem with issuing the permit further to Mooring Line Drive Bridge, it will not be critical as most deeper draft boats are unable to go under the Bridge anyway.
4. Extending the dredging up to the Harbour Drive Bridge is desirable but not critical at this time as there is considerable natural flushing in this area. The dredging should be included up to the Windermere Condominium rather than just to Marker "16" as with the current permit. There is a tendency to shoal just north of Marker "16" but it is a relatively slow process.
5. Dredging of the east channel is satisfactory as indicated, but in the future we should file for an amendment to dredge the former channel northward around the corner to meet up with the deeper water there.
6. We agree that extending Spoil Site 2 southward to handle more spoil to reduce the effect on hardbottom is a very desirable approach.

Approved By

Marilyn Tempest, President