



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

Moorings Bay Special Taxing District Advisory Committee September 16, 2003 – 9:00 a.m.

Chairman Pennington called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Ron Pennington, Chairman
Doug Finlay
Dan Spina

Staff:

Jon Staiger, Natural Resources Manager
Brenda Blair, Recording Specialist
Mannie Troia, Police Officer

Absent:

James Rozzi (excused)
Michael Williams (excused)

ANNOUNCEMENTSITEM 2

None.

ITEMS TO BE ADDEDITEM 3

The following item was added to the agenda: Save The Bays action to place an additional depth gauge in the channel at Doctors Pass.

APPROVAL OF MINUTESITEM 4

***MOTION** by Finlay to **APPROVE** the June 17, 2003 meeting minutes as presented; seconded by Pennington and carried 3-0 (Finlay-yes, Rozzi-absent, Spina-yes, Williams-absent, Pennington-yes).*

DISCUSSION OF PRIVATE AIDS TO NAVIGATION MAINTENANCEITEM 5

Chairman Pennington reported that Natural Resources Manager Jon Staiger made arrangements to utilize a contract let for annual waterways maintenance services by the City of Marco Island (Attachment 1). Dr. Staiger explained that based on Marco's competitive bidding process a purchase order had been forwarded to the City's Purchasing Department for execution in the current fiscal year. Chairman Pennington said that he would be available to meet with Development Services Director Ron Wallace and Dr. Staiger to ensure that the purchase order is indeed processed within the necessary time frame.

Dr. Staiger noted that following a reorganization, his department will now be under the umbrella of the Community Services Department beginning October 1, 2003, and that his office will eventually be relocated to the Community Services building on Riverside Circle.

A brief discussion ensued concerning the various maintenance issues outlined in the aforementioned purchase order. Dr. Staiger noted that he had inadvertently excluded the request to remove the "no wake" sign west of the south jetty. Chairman Pennington also noted that a buoy was to be replaced with a marker within a certain number of days and asked Dr. Staiger to also determine the status of this item. Member Spina asked whether the markers enumerated in the purchase order represented all markers required from Seagate Drive to Banyan Boulevard and whether they were in good condition. Chairman Pennington explained that there are no markers south of the Mooring Line Drive Bridge, except possibly a "no wake" marker, and that other than two "no wake" markers, none are north of Harbour Drive. Also in response to Member Spina, Chairman Pennington explained that there are procedures and times established to do the work, however, the purchase order had not yet been processed.

In further discussion, Member Finlay reported that the two "no wake" signs north of Harbour Drive are generally in good condition although a protruding board on the back of the northernmost sign could result in its loss to strong winds. He also suggested an additional marker be installed north of Marker 16 for advance warning of the shoal. Chairman Pennington reiterated that he would address aids to navigation with Dr. Staiger to resolve these issues, and in response to Member Spina, expressed the view that markers are still insufficient in number to contract for maintenance.

DISCUSSION OF DREDGING PERMIT APPLICATION PROCESSITEM 6

Natural Resources Manager Jon Staiger reported that City Council would the following day consider a contract with Suboceanic Consultants for engineering in conjunction with renewing the permits; estimated cost is \$11,500 to \$12,000.

Chairman Pennington noted that City Manager Robert Lee is proposing that each taxing district be assessed an annual fee of \$12,500 to underwrite a portion of Natural Resources and City Clerk staff salaries. Dr. Staiger further explained that in 1992 the City Council reaffirmed voter intent to fund various services, including obtaining permits, but that the City Manager and Finance Director Ann Marie Ricardi are endeavoring to persuade the taxing districts to also absorb a portion of other administrative costs. Chairman Pennington noted that language pertaining to administrative costs had not been included in the referendum but had been in a 1992 resolution reaffirming the taxing district. He said that although he was not personally opposed to the taxing district sharing in these costs, the City Council must make that determination since the Committee had no such authority. Member Spina suggested the City solicit Tourist Development Council (TDC) funds; however, Dr. Staiger noted that the TDC currently reimburses the taxing district for pass dredging which includes associated engineering costs and permit acquisition. He reiterated that the 1992 resolution by City Council clearly states that the administrative costs associated with the district are borne by the City and not the district. (See additional discussion on Page 3.)

Dr. Staiger then reviewed the estimated work and associated costs for permit renewal. If the contract is approved by City Council, Suboceanic Consultants would commence in the near future since permits will expire within approximately 5-6 months. Funds will be budgeted in the 2003-04 fiscal year.

DISCUSSION OF CLAM BAY SYSTEM ISSUESITEM 7

Natural Resources Manager Staiger reported that monitoring data of the flow through the culvert system by Pelican Bay Services District (PBSD) had been provided to Humiston & Moore Engineers for analysis. Ken Humiston of Humiston & Moore Engineers had conveyed that it appears the net flow is to the south rather than to the north, and there also appears to be adequate

water movement in both directions following the dredging project and deepening of the throat in Clam Pass.

**(Added Item).....ITEM 8
SAVE THE BAYS ACTION TO PLACE AN ADDITIONAL DEPTH GAUGE IN THE
CHANNEL AT DOCTORS PASS**

Chairman Pennington noted that the Save The Bays organization is installing an additional depth gauge which he had suggested be placed at Marker 5 since Marker 7 is already encumbered with signage. Member Spina explained that Save The Bays directed Bob Crawford of Suboceanic Consultants to construct another tide gauge to be installed at Marker 5, however, it is unknown when this will be accomplished. Chairman Pennington pointed out that this is needed since the gauge located outside Doctors Pass is often inoperative so that locating a tide gauge farther into the channel would reduce damage due to weather conditions. Members concurred with this proposal.

With regards to the prior discussion concerning the City's responsibility for paying for administrative services (see Item 6 above), Chairman Pennington suggested obtaining a legal opinion from City Attorney Robert Pritt relative to whether this Committee could make a recommendation on behalf of the taxing district, whether this was a commitment to the voters at the time the taxing district was established, and whether it was legal for City Council to rescind its prior resolution. Dr. Staiger noted that the fair share issue was outlined in a resolution and that a resolution can be superceded by another; however, the taxing district itself was established by ordinance. He agreed to contact the City Attorney in this regard. Chairman Pennington also requested that Dr. Staiger provide the Committee with copies of the financial status of the district for the new fiscal year.

Member Spina thanked the Committee for the tutorial on seawalls and Member Finlay for taking the time to inspect seawalls while traversing the waterways. This information resulted in his condominium community discovering and repairing the seawall.

In further discussion, it was determined that Dr. Staiger would provide draft minutes as soon as prepared so that they could be provided to various interested groups such as Save The Bays and the Moorings and Seagate Property Owners Association.

Member Finlay expressed concern with reference to unlit barges associated with a construction project at Indies West anchored side by side in the channel. Dr. Staiger agreed to request that Police & Emergency Services (PESD) contact the contractor to address this.

Member Finlay further noted that he had recently received clarification from City Engineer George Archibald that the collars on old pilings at the Park Shore and Harbour Bridges had in fact been installed correctly and were not intended to extend to the surrounding soil.

ADJOURN **ITEM 9**
10:28 a.m.

Ron Pennington, Chairman

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

Minutes prepared by:

Brenda A. Blair, Recording Specialist

Minutes Approved: _____