

October 20, 2004

BRIEF REPORT BY DAN SPINA REGARDING  
ADVISORY COMMITTEE MEETING OCTOBER 19, 2004  
AT CITY HALL COUNCIL CHAMBERS 9AM

NOTE: This meeting is televised frequently on Naples City Channel 12.

AGENDA: by David M. Lykins, Community Services Director

- 1-4. Roll Call; Announcements; Items to be added; Consideration of approval of minutes of Sept 21, 2004 meeting.
5. Response to FDEP request for additional information for permit application for maintenance dredging of Doctors Pass. A) Interlocal Agreement, Tourist Tax Funding for Doctors Pass.
6. Report of FDEP personnel visit.
7. Placement of shoal warning signs in Doctors Pass and vicinity.
8. Public Comment
9. Adjourn

ATTENDING WERE: Doug Finlay, Ron Pennington, Chm, James Rozzi, Dan Spina. Michael Williams was absent. David Lykins Community Services Director, Norman Beumel Senior Vice President Coastal Engineer, Coastal Planning & Engineering Inc. Boca Raton, FL, Denis Healy, Vice President Save The Bays Association, Inc.

THIS WAS A VERY GOOD MEETING., THE CHAIRMAN, RON PENNINGTON, WAS VERY GOOD.. IT WAS A LONG MEETING.

1. Spina requested the Chair to include discussion of the Engineer's and Advisory Committee response to Save The Bays Position Paper - Dredging Permit Application - October 10, 2004. Ron said it will be covered during the Engineer's presentation. Spina distributed copies of the position paper to all present. and for the record. Ron said he had distributed it to all the members of the Adv. Comm. I explained that I had not received a copy. Attached is copy of the Position Paper.
2. Spina distributed STB Oct. 18 E Mail from Mark Kincaid, PE, of Coastal Engineering, which included comments about the deterioration of the steel DP Tower at Doctors Pass. Ron also distributed a copy of the same memo which he received from Spina.
3. Ron distributed City of Naples Fund Summary Page regarding Mooring Bay Taxing District. This Provides Financial Summary and Budget Detail for Fiscal Year 2004-05. It is used by the City Council during budget meetings. Ron also distributed computer print outs of 2004 Balance Sheet and Revenue Report and Detail Budget Report.
4. Minutes were approved. They are six very tight pages and well done. There were no announcements.
5. AGENDA ITEM #5 - REPORT BY NORMAN BEUMEL.

Mr. Beumel used excellent slides. I think I will ask him for a set if we need them.. The slides covered all he has accumulated for the RAI response. He said he was waiting for the results of this meeting before he sent in the RAI response. Ron later asked him for a copy of the response to the RAI.

The application for the permit went in July 30, 2004. The RAI came in Sept 1, 2004. The USACE Public Notice was issued Oct 10, 2004. He will send in the response to FEDEP for the RAI very shortly.

Much discussion was on the Spoil Sites. It was decided, as per Mr. Beumel's recommendation, that we no longer use Spoil Site #1 because it is too close to hardbottom and would probably not be approved by FDEP. Instead we agreed to modify Spoil Site #2 so it would have the required capacity. It was noted that Spoil Site #2 does indeed have a positive effect on the beach and that residents can use the beach without being aware of the dredging going on. Spoil Site #2 is not close to the hardbottom.

This was a very long presentation. He also explained what was seen by the FDEP visitors who dove over the Spoil Sites on September 30, 2004 using Jim Rozzi's boat. We are grateful to Jim for his hospitality. Mr. Beumel thought the FDEP personnel were favorably impressed with what they saw under water, meaning that using the spoil sites over time, have not harmed the bottom. Hurricanes did not cause harm.

Mr. Beumel will submit to the FDEP, the surveys by Bill Lazear which were dated Sept. 2004.

AT THIS POINT CHAIRMAN PENNINGTON READ STB'S POSITION PAPER.

He read, line by line, asking the committee to make a decision for each of the six items. Mr. Beumel followed along.

These were the responses for each item of the Position Paper:

1. OK...Did not require a response.
2. Accepted. The application will request dredging exactly as was requested in 1995. See the drawing of 1995 in the Interlocal Agreement.
3. Accepted. The application will request dredging up to the Mooring Line Bridge. This was not permitted in 1995.
4. There was a long debate and discussion on this item. It was finally voted 3 yes 1 no, to reject dredging up to Windermere Condominium. Spina voted no. It was said, Bill Lazear and others, felt it was not needed now. It was decided to request dredging exactly as was done in 1995. Spina argued that what was done in 1995 proved to be bad and a dredger had to remove the "hump" near marker 16. He argued that deep draft boats would have a problem if the hump returned. Better to have it done correctly now, he said.

There was much discussion as to where was Windermere located and how many feet was it from Marker 16 to Windermere. A dimension in feet would have been helpful. It was estimated at about 200 feet. (Later Ed Ten Eyck reported he calculated it to be 285 feet using Latitude lines on the chart). Mr. Beumel said that the FDEP would probably ask for much data, especially if there was no problem, and the FDEP would cause three months delay in gathering the data.

5. OK. Did not require a response.
6. OK. Did not require a response.

A MOTION was made by Jim Rozzi and seconded and was approved unanimously, that we would monitor the area around Marker 16 and watch to see if it shoaled and then apply for permission to dredge.

Ron explained the Interlocal Agreement of September 5, 1995. Attached to it, is the drawing of Doctors Pass and Approaches that was permitted for the last dredging, and this is the way Mr. Beumel will apply for the forthcoming dredging, except he will ask for the change near the Mooring Line Bridge.

ITEM #6 OF THE AGENDA - FDEP VISIT

Ron explained, very nicely, how the idea of having FDEP personnel do diving at our spoil sites developed. They were at Marco for a meeting. As stated, Jim Rozzi, is a diver, and he entertained them on his boat. The FDEP personnel were favorably impressed with our hardbottom which has been able to withstand four hurricanes..

RON THEN EXPLAINED THE HISTORY OF SAVE THE BAYS.

It was a well done and touching explanation going back to 1981, when STB was organized. He explained what STB did and is doing to help. He explained Captain Fred White's role over the years.

He then explained how STB obtained the first permit for dredging and did dredging, by collecting funds, and how the City and STB were joint applicants and assignees on the last two permits. He explained recent developments, that the TDC was afraid of lawsuits, and wanted the grant receivers of TDC funds to be insured. He said the City of Naples owns Doctors Pass, and that is the entity to receive the permit. There was no discussion. He knows that STB disagrees with this thinking. STB is not a grant receiver, and STB will not cause negligence which would result in a suit against STB, a not for profit association. . Ron said a dredge can cause damage to a boat because of a pipe line. STB would want the dredger to comply with USCG rules on marking pipe lines, day and night, for example. This is part of the dredging contract.

#### AGENDA ITEM #7 - PLACEMENT OF SHOAL WARNING SIGNS IN DOCTOR PASS AND VICINITY.

Ron explained the signs were installed, but there were errors in location and the way signs faced. This is being corrected. Spina asked what is 'Local Knowledge'? The signs say: WARNING – Shifting Shoals in Pass and Approaches, Local Knowledge Required, Navigate with Care, Use Depth Sounder”.

He circulated four 11x17 inch drawings of the pass and approaches which were prepared by Bill Lazear and enlarged by Ed Ten Eyck. The charts were good local knowledge, not for navigation, to help boaters. He said he would make copies if any one requested and was going to try to get Boat US, West Marine and Boaters World to have copies for their customers. Dave Lykins was asked to see if the City could have them also. There were no objections to Spina's plans.

The Committee APPROVED the placement of the display notices in the Naples Daily News again for about two days.

Regarding the TOWER used for the DP LIGHT, Ron read the report by James Hirst, PE and Mark Kincaid, PE. Ron would see that both engineers read each report. This will be taken up at the next meeting.

Ron said he saw that the DP Light was operating in the day and not night. It is not reliable and he so advised Dave Lykins.

#### AGENDA ITEM # 8 PUBLIC COMMENT

Denis Healy was invited to speak. He said “Thank You!” to Ron and the Committee.

OTHER - Budget Information will be taken up at the next meeting. Ron explained the current mill rate and how the money is used and also kept in reserve.

Ron explained how a Florida Marine Patrol vessel went over the FDEP divers at high speed and ignored the Divers Flag.. He followed up by reporting this to the Patrol HQ. The patrol officer was newly assigned and went into Doctors Pass and came out at high speed.

NEXT MEETING: November 16<sup>th</sup>, 2004  
Meeting was adjourned at 11:15 AM

Report submitted by Dan Spina

Copy to: Norman Beumel, David Lykins, Denis Healy, the Adv Committee, Jim Hirst PE, Mark Kincaid. PE, Mayor Bill Barnett, City Manager Bob Lee, Dr. Jon Staiger.

The report will be on the STB Web Site. As stated, the meeting is also on City's TV Channel 12.

