

**REPORT TO SAVE THE BAYS MEMBERS:
OF THE MAY 18, 2004 MEETING OF THE MOORINGS BAY SYSTEM
SPECIAL TAXING DISTRICT ADVISORY COMMITTEE**

The meeting was held at the City Hall Council Chambers at 9AM. Attending were: Ron Pennington, Chairman Doug Finlay, Jim Rozzi, Dan Spina and Michael Williams.

**Also present were: Dr. Jon Staiger, Naples Natural Resources Manager
Norman H. Beumel, Senior Vice President. Coastal Engineer,
Coastal Planning and Engineering Inc. 2481 NW Boca Raton
Blvd, Boca Raton, FL 33431 561-391-8102 Fax 561-391-9116
Cel 561-212-0665
Marilyn Tempest, President, Save The Bays Association, Inc.**

AGENDA:

**The agenda was distributed by E-Mail. There were only two items to be discussed:
1) Dredging of Doctors Pass and obtaining the permits. 2) Removal of Surface
Trash (debris) from the Moorings Bay System. A policy proposal by David Lykins,
Community Services Director.**

MINUTES OF LAST MEETING:

**The last meeting was April 20, 2004. The minutes will be distributed by E Mail.
Not yet received.**

DISCUSSION AND CONCLUSIONS:

1) DREDGING AND PERMITS AND MARKER TWO:

The meeting started with important questions. Has anyone advised the Council of the bad situation at Doctors Pass? How did this happen? Has anyone raised an alarm? Chairman advised his opinion that regardless of any complaints to the Council, nothing would have changed. Staiger said Council has nothing to do with it. The City Manager and City Attorney are involved. They are influenced by Risk Management.

The Chairman then introduced Norman Beumel, the Engineer in charge of the project. I expected the Engineer to explain his program as written in his Feb. 17, 2004 9 page, letter to Dr. Staiger, which is now over 90 days ago. The letter requested a fee of \$56,772 to do the seven tasks, outlined by his firm, in the letter.

Instead, the Chairman chose a more direct approach, and asked Mr. Beumel several questions regarding when the tasks would be completed. He wanted dates. The Chairman concluded that dredging would have to begin next year.

It was concluded that an emergency dredging, this year, would have to be pursued. The FDEP permit was still valid. The Corps permit was expired and the Corps would have to be petitioned. The FDEP has to approve.

No bathymetric pre dredge survey would be taken now, instead, the two April 27 drawings by Bill Lazear, of Save The Bays, would be used to communicate with the Corps. Spina distributed these drawings to the Advisory Committee at the beginning of this meeting.

Marilyn Tempest distributed a Save The Bays Paper entitled “Dredging of Doctors Pass” to the committee. It also had the two drawings attached. She addressed the committee. Her paper is an attachment to this report. It is two pages of very excellent questions, trying to understand the City process and how things like this happen. The Committee did not try to answer her questions.

After the meeting, Ron Pennington wrote a May 18th E Mail memo to the City Manager, which explained what happened at this meeting. It is a very good report and is an attachment to this report. (It was previously distributed to the Board and Committee of Save The Bays.)

Mr. Beumel, will write another letter, replacing his Feb 17 letter, which will focus on the emergency approach.

Regarding Marker 2 still missing, there has been no notice in the newspaper. Dr. Staiger is still working on the problem. We do not know if the Miami Coast Guard, Aids to Navigation Office, has been informed for the required mention in the Coast Guard Notice To Mariners.

IMPORTANT: Spina, once again, pleaded for TEMPORARY MARKERS, to be placed for Marker 2 and at the shoals indicated by Bill Lazear’s drawings. The Chairman does not seem to be supporting this because he feels they will be washed away. Spina feels good strong markers are possible, including dolphin at Marker Two. The funds are available. It is very frustrating. Chairman will support PVC tubing as temporary markers. The engineer Norman Beumel and Dr. Staiger were so directed.

IMPORTANT: Spina reminded the engineer that SAVE THE BAYS requires 11x17 masters of drawings of surveys which are based on MLLW and not NGVD. This was approved by the former City Manger. If there are costs they will be paid by Save The Bays. Save The Bays cannot distribute to its 1000 members, drawings which are in the area of 3x5 feet. This is why we need 11x17 inch masters. Our Tide gauges are based on MLLW. The FDEP requires large drawings and NGVD.

IMPORTANT: Spina drew attention to the next to last paragraph of page one of the TEMPEST paper. This pertains to determining a QUALIFIED BIDDER. We must not repeat the mistakes which were forced by the Legal Department with the

last dredging contract. They required we accept the lowest bidder who was not a qualified because he had a Performance Bond. This committee and the engineer were overruled by the Legal Department when they were advised of the error.

The contractor was later removed from the job. The City invoked the Performance Bond and the insurance company has dissolved, and to this day, the city has not been reimbursed.

Errors were: "Accepting" because it was lowest bid. Not inspecting equipment to see if it was suitable for the Pass, the Gulf, and the job, screening rocks. Not requiring mobilization by a specific date to insure work would begin while the weather was cooperating. All this was explained to the former Mayor, who concurred.

The Council, will meet next day, May 19, to approve the second reading of the ordinance required by the city. Mr. Beumel feels he can begin his work now, because he expects approval of the ordinance, and a work order is certain.

Save The Bays contacted the Chairman and offered funds to allow the engineer to begin his work much earlier. The Chairman declined saying, funds were not the problem.

2) REMOVAL OF SURFACE TRASH (DEBRIS) AND LYKINS DRAFT:

Dr. Staiger distributed a memo dated May 17, 2004, from Davis Lykins, which was just received. The committee took five minutes to read it.

It is entitled **RE: MOORINGS BAY WATERWAYS AND CANAL CLEANUP.**

A copy is attached to this report. The comments of this committee were given to Dr. Staiger for handling.

Mr. Lykins expects to update the draft **POLICY**, which is included with his paper, by the next June meeting.

Spina had these comments:

- a. It is not satisfactory to give owners and condos the responsibility to remove trash from under docks and along seawalls. It is the city's responsibility according to the taxing referendum.

- b. The term “routine cleanup”, used in PURPOSE, has to be defined. What “is” it? What is it “not”?
- c. The Advisory Committee agreed that the POLICY should show that the City will respond when a resident or condo requests removal of trash from under the docks or against seawalls. The wind moves the trash to these locations.
- d. Mr. Lykins should be sensitive to, and use the term Moorings Bay System, instead of Moorings Bay Waterways. The System extends from Banyan Blvd to Seagate. There are more than one bay in this System, such as Moorings Bay, which is south of the Harbour Drive Bridge, Venetian Bay, which is north of the Harbour Drive Bridge to Seagate, and Hurricane Harbor, which is south of the Mooring Line Drive Bridge to Banyan Blvd.

Next Meeting: Third Tuesday of June at 9AM, June 15, 2004.

Adjourn; The meeting adjourned at 10:45 AM.

General Spina Comments: At long last we have met the Engineer. It is sad that we have to declare an emergency. We knew better! We have a Pass Maintenance & Beach Renourishment Plan. The sand is overwhelming us! The policy proposal by David Lykins is great progress. Trash Removal was never well organized by the City since the establishment of the Special Taxing District, many years ago.

**Dan Spina
May 21, 2004.**

**C c: Mr. Norman Buemel
Mr. David Lykins
Mr. Ron Pennington and the Asdvisory Committee
Dr. Jon Staiger
Ms. Marliyn Tempest
Mr. Bob Lee**