

July 16, 2009

MINUTES OF THE MEETING OF THE COLLIER COUNTY
CLAM BAY ADVISORY COMMITTEE

Naples, Florida, July 16, 2009

LET IT BE REMEMBERED, that the Collier County Clam Bay Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 2:30 P.M., North Collier Regional Park in the Administration Building in Naples, Florida, with the following members present:

Chairman: James A. Carroll
Vice Chairman: John Arceri
Ronald A. Glah
Noah Standridge (Excused)
Robert Rogers
Kathy B. Worley
David Roellig
Tahlmann Krumm, Jr.
David Farmer

ALSO PRESENT: Gary McAlpin, Director, Coastal Zone Management
Gail Hambright, Accountant
Colleen Greene, Assistant County Attorney

- I. Call to Order**
Chairman Carroll called the meeting to order at 2:32 PM
- II. Pledge of Allegiance**
The Pledge of Allegiance was recited.
- III. Roll Call**
Roll Call was taken and a quorum was established.
- IV. Changes and Approval of Agenda**
Mr. Arceri moved to approve the Agenda. Second by Mr. Krumm. Carried unanimously 8-0.
- V. Chairman's Comments**
 - 1. Role of Sub-Committee versus Main Committee Discussion**
Chairman Carroll noted with many of the Subcommittee tasks being completed, the Main Committee will handle any remaining issues unless otherwise required. An Agenda item is necessary for the next meeting to review how to complete the task assigned by the Board of County Commissioners given the deadlines imposed.
- VI. Approval of Minutes**
 - 1. April 16, 2009**
Mr. Krumm moved to approve the minutes of the April 16, 2009 meeting. Second by Mr. Arceri. Carried unanimously 8-0.
- VII. Staff Reports**
 - 1. Activities of BCC - Update**
Gary McAlpin, Director, Coastal Zone Management provided the updates.
 - a. Mission Statement**
The Board of County Commissioners approved the Mission Statement on May 26, 2009 with no modifications.
 - b. Permit Application**
The Board of County Commissioners approved the application submittal for the new 10-year permit on May 26, 2009.
The existing permit has expired, however, the regulating parties will accept a request for any necessary work in the event of a storm emergency.
The new permit will be a Joint Coastal Permit (JCP) issued by the Florida Department of Environmental Protection and the US Army Corps of Engineers.
Staff anticipates it will be approximately 9-12 months before the permit is issued.

c. Channel Marking

The Board of County Commissioners reviewed the Channel Marking Plan approved by the Committee on May 26, 2009. Various parties spoke on the issue and no decision was made.

Commissioner Coyle recommended a joint meeting be held May 29, 2009 between the Seagate Homeowners Association, Pelican Bay Foundation, Clam Bay Advisory Committee (CBAC) and Staff to see if an agreement for marking the channel could be reached.

Subsequent to the meeting, no agreement could be reached between the affected parties.

The item returned to the Board of County Commissioners on June 23, 2009 and the Channel Marking Plan was approved as originally proposed by the CBAC.

It was noted the Committee's work on this item has concluded.

Discussion occurred about the US Army Corps Engineers (USACE) issuing a statement the markers do not have to be the "red and green" markers.

Gary McAlpin noted the County has not received a copy of that statement.

Discussion occurred on a June 9, 2009 memorandum from Lanie Edward's of the Florida Department of Environmental Protection (FDEP) to County Staff, which indicated the FDEP permit will not require the installation of "navigational markers" and this statements possible impact on the BCC decision to mark the channel.

Gary McAlpin clarified there are two permits in question in reference to the Joint Coastal Permit previously issued, the FDEP permit and the USACE permit. The FDEP has indicated they will enforce the "informational signs" required in their permit, not the navigational channel markers. The USACE permit does require "navigational markers" to be installed and Staff has not received any statements to the contrary from the USACE.

Discussion occurred noting even if a permit does not require "navigational markers" be installed, does the County have an obligation to mark the channel to ensure the safe navigation of vessels?

d. Water Quality Study

It was noted the Committee's focus should now be on the Water Quality of the System.

VIII. New Business

1. Work Plan Review and Approval for Data Existing Modeling Review and Analysis as well as Collection of New Data.

Gary McAlpin provided the Executive Summary “*Work Plan and Approval for Existing Data and Modeling Review/Analysis and the collection of New Data required for the Water Quality Analysis.*”

He noted:

- The Study proposed by PBS&J was presented to the BCC on June 23, 2009 and Staff requested complete funding of the Study.
- The BCC authorized funding the “1st Phase” of the Study in the amount of \$120,000 (to review the existing data and collect the new data, etc. required in the proposed Study).
- The City of Naples has pledged an additional \$25,000 to aid in funding the Study.
- Upon completion of the Phase, the results will be presented to the BCC for discussion on moving forward with the “Modeling Phase.”

It was noted the CBAC should continue to stress the importance of the “Modeling Phase” of the study as the result flushing requirements, etc. will assist in maintaining the ongoing health of the System.

Discussion occurred noting the Florida Department of Environmental Protection is revising Water Quality Standards. Is the Study pre-mature and should it be postponed until the new standards have been adopted?

Gary McAlpin noted one aspect of the Study is to develop “unique standards” required to maintain the Water Quality in the Clam Bay System. Concern exists that uniform State of Florida Water Quality Standards may not pertain to all systems within the State and may be counterproductive to the health of some individual systems. This issue has been addressed by Dr. Tomasko of PBS&J.

Gary McAlpin noted in conclusion, Staff recommends the Clam Bay Advisory Group approve the Executive Summary.

Mr. Farmer left at 3:25 p.m.

Discussion occurred on why PBS&J was chosen to complete the work as other local firms have completed work in the past for the County and Pelican Bay Foundation. Some individuals/organizations have objected to PBS&J completing the Study.

Gary McAlpin noted PBS&J is qualified by the County to complete the work and has been chosen to provide a new “independent analysis” of the entire System.

Discussion ensued on the availability of funds to complete the remaining phases of the Study.

Gary McAlpin anticipates funds for the “Modeling Study” will be provided from Tourist Development Council funds and the “Peer Review” will require General Revenue funds.

Discussion occurred if Humiston and Moore and Terrell Hall and Assoc. should address the Committee on the results of their Studies previously conducted on the System.

Mr. Arceri moved to approve the first three steps of the Water Quality Program including Development of a Water Quality Program, Sediment and Biological Characterization and Physical Data Collection by PBS&J for a price of about \$140,000. (This Phase of) the Study to be completed by November and include in the Summary of the Report, the necessity of completing the Modeling Phase of the Study. Second by Mr. Krumm.

Speaker

Jerry Moffatt, Pelican Bay Services Division noted the Division has taken no formal position on engaging PBS&J to complete the new Study.

Motion carried unanimously 7-0.

2. Endorsement of an Inter-local Agreement with the City of Naples for \$25,000 Funding.

Gary McAlpin presented the Executive Summary “*Obtain the CBAC endorsement to obtain an Inter-local Agreement with the City of Naples for \$25,000 to share cost for the Developing a Water Quality Monitoring Program.*”

Mr. Krumm moved to approve the Executive Summary (Obtain the CBAC endorsement to obtain an Inter-local Agreement with the City of Naples for \$25,000 to share cost for the Developing a Water Quality Monitoring Program.) Second by Mr. Roellig. Carried unanimously 7-0.

IX. Old Business

1. Maintenance Dredging Permit - Update

Discussed under Staff Reports

2. Channel Marking Status/Progress - Update

Discussed under Staff Reports

3. Communications – Jim Carroll

Chairman Carroll outlined the necessity of providing public communications on the activities of the Clam Bay Advisory Committee (CBAC). The following was noted:

- There are no funds available for a direct mailing to the public.
- Concern the Naples Daily News does not cover the meeting and should they be contacted?
- A letter to the editor could be provided to local publications.

Speaker

Noreen Murray, Pelican Bay Resident recommended the Committee post any applicable communications on the “*Community Forum*” page of the Pelican Bay Website. She acknowledged there is confusion within the Pelican Bay Community over the tasks being undertaken by the CBAC.

X. Announcements

Gary McAlpin recommended if Committee members have concerns over CBAC items, they be addressed at their forums, not the Board of County Commission meetings. CBAC items will be presented to the BCC with “one voice.” This activity has the potential to negatively effect funding requests presented to the BCC.

XI. Committee Member Discussion

Mr. Arceri noted he has received public communications expressing concerns over conflicts between swimmers and boaters in Clam Pass and inquired if the CBAC is going to address the issue?

Gary McAlpin noted he has contacted Pelican Bay Foundation for 2 proposed informational signs/markers in the Pass and is in the process of developing the exact wording for the signs.

An update will be provided at the next meeting.

Ms. Worley noted there are outstanding items from Subcommittee tasks such as proposals by Consultants, etc.

It was noted these issues will be addressed by the CBAC at the next Regular meeting.

XII. Next Meeting Date

To be determined

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:06 PM.

**COLLIER COUNTY CLAM BAY ADVISORY
COMMITTEE**

James A. Carroll, Chairman

These Minutes approved by the Board/Committee on _____,
as presented _____ or as amended _____.