MINUTES OF THE MEETING OF THE CONSERVATION COLLIER LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, May 9, 2011

LET IT BE REMEMBERED, the Conservation Collier Land Acquisition Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION at Administrative Building “F”, 3rd Floor, Collier County Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet
VICE CHAIRMAN: Annisa Karim
Tony Pires
Jeffrey Curl
Jeremy Sterk
Thomas Sobczak (Excused)
Clarence Tears
Lauren Gibson
(Vacancy)

ALSO PRESENT: Alexandra Sulecki, Conservation Collier Coordinator
Steve Williams, Assistant County Attorney
Cindy Erb, Real Property Management
Melissa Hennig, Prin. Environmental Spec., Program Man.
Barry Williams, Director, Parks and Recreation
Tony Ruberto, Project Manager, Parks and Recreation
I. Roll Call
Chairman Poteet called the meeting to order at 9:03AM. Roll call was taken and a quorum was established.

II. Approval of Agenda
Mr. Pires move to approve the Agenda. Second by Mr. Tears. Carried unanimously 7 – 0.

III. Approval of March 14, 2011 minutes
Mr. Curt moved to approve the minutes of the March 14, 2011 meeting subject to the following change:


Second by Mr. Pires. Carried unanimously 7 – 0.

IV. Old Business
A. Real Property Management Update
Cindy Erb, Real Property Management noted:
Winchester Head – closed on 53 parcels under agreement totaling 75.11 acres (47% of land area acquired).
Unit 53 – Red Maple Swamp – closed on all parcels under agreement except the CREW Land Trust parcels (68 parcels totaling 189.90 acres, 62% of land area acquired).

B. Gordon River Greenway Project – General update and lighting discussion
Alex Sulecki provided a memo to Conservation Collier Land Acquisition Advisory Committee Members from herself dated May 3, 2011 - Subject: “May 9, 2011 CCLAAC meeting. Gordon River Greenway, Agenda Item IV.B. Lighting for the Gordon River Greenway path and boardwalks.” She provided an update on the project highlighting:

- Based on potential environmental impacts, the Stakeholders are recommending a 100 foot span bridge.
- The Environmental Advisory Council reviewed the application for the Rezone and Special Treatment Permit and recommended the Board of County Commissioners (BCC) deny the applications based on concerns on the lack of a filter marsh for stormwater treatment and lack of use of pervious surfaces for the parking area and asphalt pathway.
- Staff did notify the EAC that pervious materials were considered however were impractical for the potential multi users (roller bladders, bicyclists, etc.) of the pathway. Additionally, maintenance concerns associated with ensuring the products remain pervious.
- Based on the comments, Parks and Recreation Staff are re-considering pervious materials for the parking areas.
- Staff has prepared an analysis on the costs of installing, operating and maintaining two types of exterior lighting - electric grid LED vs. solar
LED. The maintenance and operation costs are estimated over a 25 year period.

Staff is seeking direction from the Committee on two issues:
1. The possibility of appointing a representative from the Committee to act as their liaison and provide input on the project on behalf of the Committee, (or should Staff make the determinations as needed). Mr. Curl is currently the liaison and provides updates to the Committee.
2. A recommendation on how to light the proposed project (solar LED vs. electric grid LED).

Committee discussion occurred on the following:
- Requesting Staff and consultants review project documents to ensure there is consistency with plans and applications made available for review by the public and/or governing agencies.
- The pros and cons of utilizing solar lighting vs. grid electric lighting, whether lighting should be required, and if electric power will be required for other purposes in areas of the boardwalk (electrical outlets), etc.
- The Naples Rowing Club has expressed safety concerns over a bridge span (abutment span) of 66 feet and recommended it be 100 feet.

**Speaker**

**Doug Fee** expressed concern on the amount of funds proposed to be expended for the project. Some proposed expenditures, such as lighting may be unnecessary given the hours of operation of County Parks (dawn to dusk) and may have a negative effect on the funding of proposed amenities for other Conservation Collier Preserves (i.e. lack of boardwalk for Wetwoods).

**Mr. Pires** expressed concern on a possible Sunshine Law violation if a member is appointed to provide input on the project on behalf of the Committee.

**Steve Williams, Assistant County Attorney** noted if only one person from the Committee is present, and there are no consultations with other members regarding the input, it would not be a Sunshine Law violation.

**Ms. Karim moved to authorize Staff to make decisions on the project with Staff updating the full Committee as necessary. Mr. Curl to remain as Committee liaison and provide input to Staff (as required) regarding decisions. Second by Mr. Pires. Carried unanimously 7 – 0.**

**Ms. Karim moved for Staff to seek bids on both lighting options proposed (solar LED vs. electric grid LED) with the bid including estimated maintenance costs over a 25 year period with the lowest cost option being selected. Second by Mr. Pires.**
Committee discussion occurred noting lighting may be necessary due to multiple uses and it may be difficult for vendors to provide a bid including estimated maintenance costs. It may be more feasible to obtain the bids on the installation of the lighting and have Staff provide a comparison for estimated operation and maintenance costs so the Committee may select the least cost option with all factors being considered.

Mr. Sterk is opposed to the lighting and prefers dusk to dawn hours of operation.

Ms. Karim amended the motion for Staff to seek bids on both lighting options proposed (solar LED vs. electric grid LED) and provide an analysis of operation and maintenance costs for both options so the Committee may select the lowest overall cost option. Second by Mr. Pires. Carried unanimously 7 “yes” – 1 “no.” Chairman Poteet voted “no.”

C. Preserve Ordinance – Update
Melissa Hennig provided a draft copy of the “Preserve Ordinance” for review (Article 98, Chapter 4 Code of laws and Ordinances – Draft 3-16-11-MH). She noted the Ordinance has been developed in conjunction with the Parks and Recreation Department.

Ms. Karim expressed concern the Ordinance is proposed to be adopted under the Parks and Recreation Ordinance when 92% of the lands under the Ordinance’s jurisdiction are Conservation Collier lands.

It was noted the purpose of the Ordinance is to create an enforcement mechanism for unauthorized activities within Conservation Collier Preserves. The Parks and Recreation Department has Staff available to enforce activities within County Parks, where authorized.

Discussion occurred noting it is unclear under State Statutes whether the Park Rangers may conduct enforcement activities within Preserves,

Mr. Pires moved to recommend the Board of County Commissioners adopt the Preserve Ordinance” (Article 98, Chapter 4 Code of laws and Ordinances – Draft 3-16-11-MH) subject to the following:

1. Section 98-63 (a) line 1 - revise language from “...roller skates shall only be ridden on ...” to “...roller skates may only be used or operated on...”
2. Section 98-64 (d)c., line 1 - revise language from “…any animal, vehicle or bicycle to any tree...” to “…any animal, vehicle bicycle or hammock to any tree...”
3. Section 98-65 (r) line 1 – revise language from “Smoking is prohibited on trails for safety, litter and wildfire control purposes.” to “Smoking is prohibited on trails.”
4. Section 98-65 (t) line 2 – 5 – Eliminate sentence “Parents or guardians will be held strictly responsible...”
5. Section 98-65 (t) line 2 – revise language from “...any fireworks or explosives within preserve...” to “...any fireworks or explosives within or into preserve...”

6. Determination whether State of Florida Statutes addressing “firearms on public lands” may have an impact on the Ordinance and clarifying any language as necessary.

7. The County Attorney review of the Ordinance to ensure it is enforceable by County Park Rangers.

Second by Mr. Tears. Carried unanimously 7 – 0.

D. Budget - Update
1. Bond Early Pay-off
   Melissa Hennig reported the process required to pay off the Conservation Collier 2009 series bond early is ongoing.

V. New Business
A. BCI Area I – potential donation of funds for acquisition
   Melissa Hennig notified the Committee there is a potential donation of funds by an anonymous individual in the amount of $250,000 for the Programs acquisition of the BCI Area I parcel south of Pepper Ranch. The CREW Land Trust has indicated they will match the donation for a total donation of $500,000. The estimated value of the parcel is $822,500.

B. Annual Report
   Alex Sulecki provided a copy of the “Conservation Collier Annual Report - May 2011” for consideration.

The Committee recommended the following revisions to the Report.
1. Recognize the Outstanding Advisory Committee Members for the year.
2. Page 4, paragraph 7 line 1 – revise word “realtor” to “Realtor”
3. Staff ensure any necessary maps are large enough for ease of viewing.
4. Page 25 – Revise the chart to indicate Categories that are proposed for each Preserve and indicate the current status of the Preserves.

Speaker
Doug Fee expressed concern on the Committee’s designation of Wetwoods Preserve as a Category 5, with no amenities. The adopted Final Management Plan (FMP) indicates the Preserve will be open for public use with a boardwalk intended to be constructed. Given the location of the parcel and the potential for public use, requested the Committee reconsider the designation.

The Committee noted there is a physical access constraint associated with the property which needs to be addressed. When the FMP was adopted, it was anticipated there would be more funds available for the Programs amenities. The current category assigned may be reevaluated when financial conditions and/or access issues change.
Mr. Sterk moved approve the “Conservation Collier Annual Report - May 2011” subject to the above recommended revisions. Second by Mr. Pires. Carried unanimously 7 – 0.

Mr. Pires left at 10:45am

C. Pepper Ranch FMP
Alex Sulecki provided the “Pepper Ranch Preserve Land Management Plan - May 2011 – May 2021 (10-yr plan)” for consideration.

Ms. Karim moved to recommend the Board of County Commissioners adopt the Pepper Ranch Final Management Plan subject to the following:
- Page 63 Action item 3.3 - revise text to read “two”
- Page 63 Action item 3.4 – the document reflect the exact number of hogs taken.
- Reference the Board of County Commissioners discussion regarding methods of controlling the feral hog population.

Second by Mr. Curl. Carried unanimously 6 – 0.

D. Gordon River Greenway FMP
Alex Sulecki provided a copy of the “Gordon River Greenway Preserve Land Management Plan - May 2011 – May 2021 (10-yr plan)

Mr. Tears moved to recommend the Board of County Commissioners adopt the Gordon River Greenway Preserve Land Management Plan - May 2011 – May 2021 (10-yr plan). Second by Mr. Curl.

Speaker
Ellie Krier, Southwest Florida Land Preservation Trust recommended the following changes to the Plan:
Page 2 – recognize the public involvement of the Naples Zoo.
Page 49 – Goal 5 – ensure appropriate signage will be utilized for public education of the Conservation Collier Program.

Mr. Tears amended the motion to recommend the Board of County Commissioners adopt the Gordon River Greenway Preserve Land Management Plan - May 2011 – May 2021 (10-yr plan) subject to the revisions recommended by Ms. Krier. Second by Mr. Curl. Carried unanimously 6 – 0.

E. Shell Island Preserve FMP
Alex Sulecki provided a copy of the “Shell Island Preserve Addendum Land Management Plan - April 2011 -2015- Draft” for review. She noted the Plan will be an addendum to the Rookery Bay Management Plan.
Mr. Curl moved to recommend the Board of County Commissioners adopt the Shell Island Preserve Addendum Land Management Plan - April 2011 -2015-Draft. Second by Ms. Karim. Carried unanimously 6 – 0.

F. Pepper Ranch PHU Escrow Release
Melissa Hennig provided the Executive Summary “Pepper Ranch Preserve PHU Escrow Release” dated May 9, 2011 for consideration.
Ms. Karim expressed concern the Executive Summary reflects potential future uses of the access road by BCI.

Ms. Karim moved to recommend the Board of County Commissioners release the $250,000 held in escrow to Lake Trafford Ranch, LLLP, the Seller of Pepper Ranch Preserve and have Staff amend the language in the Executive Summary as necessary to address the Ms. Karim’s concern noted above. Second by Mr. Curl. Carried unanimously 6 – 0.

VI. Outstanding Advisory Committee Member Program
None

VII. Coordinator Communications
Alex Sulecki:
- Provided a copy of the Ordinance 2011-12 amending the Conservation Collier Ordinance.
- The vacancy on the Committee has been re-advertised.
- Staff is considering placing an item on the Agenda - “Major Issues Reports” where the Committee would be updated on land use applications which may affect Conservation Collier Preserves. The Growth Management Division will notify Conservation Collier Staff when applications are received which may affect Preserves. The following applications are under review:
  - Lost Groves Mine – (Caracara Preserve – Staff providing input on potential negative impacts)
  - Immokalee FLUM – (Pepper Ranch – no negative impact.)
  - Olde Cypress DRI Revisions – (Alligator Flag – no negative impact.)

VIII. Sub-Committee Meeting Reports
A. Outreach – Tony Pires, Chair
None

B. Lands Evaluation and Management – Jeremy Sterk, Chair
There was a meeting on 4/22/11 and the Pepper Ranch, Shell Island Preserve and Gordon River Greenway Management Plans were reviewed.

C. Ordinance Policy and Procedures – Annisa Karim, Chair
A meeting was held on April 29, 2011 where the Preserve Use Ordinance was discussed.
IX. Chair Committee Member Comments
   None

X. Public General Comments
   None

XI. Staff Comments
   Melissa Hennig noted:
   - The BCC will hear the Gopher Tortoise Reserve Policy on 5/10/11; the Pepper Ranch Cattle Lease on 5/24/11; the PHU Escrow Agreement on 5/24/11; the Conservation Collier Annual Report in June.

XII. Next Meeting
   The Committee determined to maintain the existing schedule, if there is not business to warrant a regular meeting. Staff will notify the Committee on a cancellation.

   There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:13A.M.

   Conservation Collier Land Acquisition Advisory Committee
   
   Bill Poteet, Chairman

   These minutes approved by the Board/Committee on July 11, 2011 as presented or as amended.