



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

**Moorings Bay Citizens Advisory Committee Regular Meeting  
September 16, 2008 – 9:00 a.m.**

Vice Chairman Katz called the meeting to order and presided (8:57 a.m.).

**ROLL CALL .....ITEM 1**

**Present:**

Al Katz, Vice Chairman  
Michael Bozzo  
Harold Zink

**Absent:**

Merrill Kuller

**Also Present:**

Michael Bauer, Natural Resources Manager      Monique Krist, Administrative Specialist  
Jessica Rosenberg, Deputy City Clerk              Other interested citizens and visitors.

**ANNOUNCEMENTS .....ITEM 2**

Noting that Committee Chairman William Kroeschell had passed away recently, Vice Chairman Katz acknowledged his significant contributions to the Committee and entire community, particularly with regard to his knowledge of the Moorings Bay system.

**ITEMS TO BE ADDED .....ITEM 3**

Natural Resources Manager Michael Bauer requested the addition of Item 6A to discuss the millage levy for the Moorings Bay Special Taxing District; Vice Chairman Katz concurred, noting that the rate for the coming year had been reduced to 0.022 mils from 0.025 mils.

**ELECTION OF OFFICERS.....ITEM 4**

Vice Chairman Katz stated that election of officers was necessary due to the passing of Chairman William Kroeschell.

***MOTION by Bozzo to NOMINATE Al Katz to serve as Chairman of the Committee; seconded by Zink and unanimously carried (Bozzo-yes, Katz-yes, Kuller-absent, Zink-yes).***

***MOTION by Zink to NOMINATE Michael Bozzo to serve as Vice Chairman of the Committee; seconded by Katz and unanimously carried (Bozzo-yes, Katz-yes, Kuller-absent, Zink-yes).***

Chairman Katz questioned whether officers would then serve until the end of the calendar year and requested that the meeting minutes indicate term length. (*Editor’s Note: Pursuant to Section 1(e) of Resolution 06-11218, the term length for officers is one year with eligibility for reelection, although elections shall be conducted at the first meeting of each calendar year.*)

**APPROVAL OF MINUTES .....ITEM 5**

***MOTION by Bozzo to APPROVE the June 17, 2008, meeting minutes as submitted; seconded by Zink and unanimously carried (Bozzo-yes, Kuller-absent, Zink-yes, Katz-yes).***

**FINANCIAL REPORTS – JUNE AND JULY .....ITEM 6**

(It is noted for the record that a copy of the financial reports is contained in the file for this meeting in the City Clerk’s Office.) Chairman Katz described the taxing district’s fund balance of approximately \$900,000 as a significant reserve. In further discussion, Natural Resources Manager Michael Bauer confirmed that the \$4,025 payment to the Florida Department of Environmental Protection for the north jetty rehabilitation permit fee should be eligible for reimbursement from the Collier County Tourist Development Council (TDC). Citing submission of the United States Fish and Wildlife Service biological opinion to the regulatory agencies, the permit should therefore be issued very soon, he said. In response to Member Bozzo, he clarified that the jetty rehabilitation is considered a capital improvement project, although the permit fee may be excluded as a capital expense at a later date.

***MOTION by Bozzo to ACCEPT the June and July, 2008, financial reports; seconded by Zink and unanimously carried (Bozzo-yes, Kuller-absent, Zink-yes, Katz-yes).***

**TAXING DISTRICT MILLAGE RATE (ADDED ITEM) .....ITEM 6A**

Chairman Katz explained that former Committee Member Doug Finlay had contacted him regarding the reduction in the taxing district’s millage rate for the coming year. He therefore asked why the levy was reduced to 0.022 from 0.025. Natural Resources Manager Michael Bauer stated that approximately two to three years prior the Committee had decided to lower the millage rate to 0.0218, although a maximum of 0.5 mils is permitted. In response to Mr. Finlay’s inquiry, Finance Director Ann Marie Ricardi indicated that the proposed levy is the rollback rate of 0.022 mils, pursuant to recent property tax reform enacted by the State legislature.

Chairman Katz however said he did not recall the Committee’s authorization of a lower rate, requesting that staff provide additional information in this regard. In further discussion, Dr. Bauer said he believed it would not be possible for the Committee to enact a 0.025 levy, because of the above referenced property tax reform legislation, although he agreed to verify the maximum allowable rate. He also projected that the rate reduction would result in a decrease of approximately \$3,000 in annual revenue. Chairman Katz attributed the substantial fund balance to the 0.5 millage rate assessed when the taxing district was established. Member Bozzo questioned whether the balance was sufficient to cover future dredging projects; Chairman Katz pointed out that the Collier County Tourist Development Council (TDC) reimburses the City for the cost of dredging Doctors Pass. Dr. Bauer however noted that dredging of the perimeter access channel would likely exhaust the fund balance, and that a decrease in the TDC’s available funding would impact the taxing district in terms of dredging Doctors Pass.

**DISCUSSION OF MOORINGS BAY/CLAM BAY INTERACTIONS .....ITEM 7**

Natural Resources Manager Michael Bauer explained that Collier County has established a Clam Bay advisory committee composed of nine members, which will include representatives from the Pelican Bay, Seagate, and Naples Cay subdivisions. The committee will be charged with developing a management plan for the entire Clam Bay system, he noted, which will affect Moorings Bay, due to the connection of the two bodies through culverts at Seagate Drive. Member Zink asked whether the interests of the Moorings Bay system should be represented on the Clam Bay advisory committee; Dr. Bauer however indicated that it is too late in the process to have a dedicated seat for Moorings Bay, although it may be possible for residents of the area to seek an at-large seat. Chairman Katz nevertheless said he believed that participation by a

resident of Moorings Bay may be limited to a technically-oriented seat. He further explained that the underlying question is whether the water quality of Clam Bay affects or influences water quality in the Moorings Bay system, and if so, to what degree.

In further discussion, Dr. Bauer stated that water quality testing of the Moorings Bay system, funded by the taxing district, will commence in October 2008. Chairman Katz noted that previous water quality testing was performed quarterly by the Save the Bays organization, although the technique for obtaining samples and scope of analysis were less specific. He said he believed the issue of water quality in the Seagate canals had not been appropriately addressed, noting that the Moorings Bay and Clam Bay systems are connected through these canals. Dr. Bauer explained that the City will also collaborate with Collier County with regard to the management process for Clam Bay.

Dr. Bauer assured Member Bozzo that the Clam Bay advisory committee meetings will be open to the public, and that Gary McAlpin, the County's Coastal Zone Management Director, would have additional information regarding the meeting schedule. He also noted that the committee will advise and report to the Collier County Coastal Advisory Committee, whose members include two City representatives: Council Member John Sorey, III, and Dr. David Buser.

In further discussion, Chairman Katz clarified that the purview of the Clam Bay advisory committee is not limited to water quality, but also includes the installation of navigational markers.

**PROPOSED CHANGES TO CITY DOCK ORDINANCE.....ITEM 8**

Natural Resources Manager Michael Bauer provided the Committee with proposed revisions to the City's pier regulations in Section 56-93 of the Code of Ordinances (Attachment 1), noting that definitions had been included for terms such as catwalk, rafting, shore parallel, and walkway. Member Bozzo suggested the inclusion of illustrations to clarify each term; Chairman Katz concurred, but questioned whether illustrations were permitted in the Code. Dr. Bauer pointed out that illustrations may be included as an exhibit to a particular section and encouraged the Committee to provide him with input or sample drawings that depict unacceptable configurations.

Chairman Katz noted receipt of an email from former Committee Member Doug Finlay (Attachment 2), in which several questions are posed with regard to the proposed revisions. Mr. Katz said he believed the first question, regarding the issue of floating piers or lifts, had been adequately addressed in the revised draft. Citing Mr. Finlay's fourth question, he said he believed free-standing pilings should be addressed in the ordinance; Dr. Bauer agreed that it would be appropriate to specify limitations under general standards, such as maximum permissible distance from the seawall or shore. Chairman Katz referred to the sixth question which pertains to the length of a pier, noting that the existing ordinance's reliance on the location of the perimeter channel had been a point of contention in prior discussions. Dr. Bauer explained that the revised draft clarifies this provision with a reference to a depth of five feet mean low water (*MLW/lowest water level averaged over many tidal cycles*) as the shoreward boundary of the perimeter/access channel. In response to Chairman Katz, he confirmed that the proposed revisions would permit a pier of almost any length necessary to reach five feet MLW, but it may not exceed 25% of the waterway width. Mr. Katz asserted that the only means of ensuring piers do not exceed 15 to 20 feet in length would be to dredge the perimeter channel to the appropriate depth, as originally intended. Member Bozzo asked whether the set of aerial photographs depicting the location of the perimeter channel would continue to be utilized in evaluation of pier

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permit applications. (It is noted for the record that these photographs are available for review in the City Clerk’s Office.) Dr. Bauer suggested that the regulations move away from a reliance on that depiction of the perimeter channel, given past difficulties in interpreting the drawing.

Dr. Bauer stressed that the Committee must consider whether the property owner or taxing district would be responsible for dredging to five feet MLW. Member Zink noted that he was responsible for dredging at his property in order to access the channel. In further discussion, Chairman Katz and Member Bozzo agreed that it should be the responsibility of the property owner. Dr. Bauer therefore suggested eliminating the reference to five feet MLW and instead establishing a maximum length, provided there is consensus that the property owner will be responsible for any dredging required to gain sufficient depth. In response to Member Bozzo, he clarified that the provision limiting length to no more than 25% of the waterway width would no longer apply in that case. Chairman Katz noted that mitigation may be required when a property owner dredges to obtain access at 20 feet, due to the impact on natural resources; Dr. Bauer concurred.

In response to Member Bozzo, Dr. Bauer said he did not believe there was any area within Moorings Bay where 25% of the waterway width is greater than 20 feet; he also clarified that a boat may be docked on the outside of the pier (away from shore), provided that it does not impede navigation in the area. He also confirmed that affected property owner or neighborhood associations would have an opportunity to review the proposed revisions to Section 56-93.

Chairman Katz requested that staff further revise the ordinance to reflect that day’s discussion, including a provision limiting pier length to no more than 20 feet and the addition of diagrams and/or illustrations. Member Bozzo commended Dr. Bauer for his effort to improve the existing pier regulations.

**DOCTORS PASS UPDATE .....ITEM 9**

Natural Resources Manager Michael Bauer stated that the Doctors Pass dredging project will proceed in conjunction with the dredging on Wiggins Pass, which is a Collier County project. He further confirmed that the initial timeline indicated the project would be completed between winter 2008 and winter 2009, although dredging may not occur during sea turtle nesting season, which will commence on May 1. Dr. Bauer said he believed Gary McAlpin, Collier County Coastal Zone Management Director, had hired a firm to provide engineering and permitting services for the Doctors Pass/Wiggins Pass project. Chairman Katz requested an update in this regard at the Committee’s October meeting, stressing his hope that the County will proceed in a timely manner. In further discussion, Dr. Bauer agreed to invite Mr. McAlpin to the Committee’s next meeting.

**NORTH JETTY UPDATE.....ITEM 10**

Natural Resources Manager Michael Bauer stated that the north jetty rehabilitation must proceed prior to the beginning of sea turtle nesting season on May 1, 2009, in order to avoid a significant delay. He said he expected the regulatory agencies to issue a permit shortly, at which time, the construction project may be advertised. In response to Vice Chairman Bozzo, Dr. Bauer explained that State and Federal regulatory agencies reviewed the permit application to ensure the project would neither impede navigation nor impact natural resources, such as wildlife.

**PUBLIC COMMENT.....ITEM 11**

None.

**MEMBER COMMENTS .....ITEM 12**

Vice Chairman Bozzo requested that staff provide the Committee with volunteer service applications, so that Members may solicit applicants for the Moorings Bay Citizens Advisory

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Committee. Chairman Katz stated that the vacant position had been posted on the City’s website, noting that applicants must reside within the Moorings Bay special taxing district boundary. In further discussion, Natural Resources Manager Michael Bauer said he believed that all residents who pay taxes to the district are eligible for appointment, regardless of whether their property is on the waterfront.

**NEXT MEETING DATE – OCTOBER 21, 2008.....ITEM 13**

Following a brief discussion, the Committee rescheduled its October monthly meeting to October 14 at 9:00 a.m. at a location to be determined by staff. Chairman Katz noted that Administrative Specialist Monique Krist would address stormwater drain inlet insignias at the upcoming meeting.

**ADJOURN.....ITEM 14**

9:56 a.m.

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Al Katz, Chairman

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Michael Bauer, Ph.D.  
Natural Resources Manager

Minutes prepared by:

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Rachael McLean, Technical Writing Specialist

Minutes Approved: November 18, 2008

Sec. 56-93. Piers and boat lifts, siting and dimensions.

(a) *Definitions.* As used in this section:

Boat lift means any mechanical structure capable of lifting or raising a vessel clear of the water, and shall include 1 or more davits, overhead systems that lift vessels using detachable cables or slings, and cantilevered and pile-supported cradle or platform systems.

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Catwalk means a structure no more than two feet in width installed to provide cleaning, repair, or other labor-related access to a moored vessel or boat lift.

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Pier means any structure, whether floating or fixed in position, to which a vessel can be moored and that affords access to a vessel from the adjacent upland property. For the purpose of this section, "pier" and "dock" are synonymous.

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Shore normal means extending at a right angle, or perpendicular, from the alignment of the shoreline.

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Rafting means mooring or securing a vessel waterward of another vessel without any attachment to a fixed pier.

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Shore parallel means extending along the water's edge and parallel to the direction of the shoreline.

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Walkway means a structure no more than four feet in width installed to provide pedestrian access from land or a shore parallel pier to an offshore pier.

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Waterward means away from land and is generally in the direction of open, deep water.

(b) *General standards.*

(1) In no case shall a proposed pier be permitted that interferes with rights to navigate within the waterways of the City of Naples. Rafting to a vessel moored at a pier shall not be permitted.

(2) If a proposed pier is located above or adjacent to submerged natural resources such as seagrasses or oysters, the applicant may be required to avoid, minimize, or mitigate potential negative impacts to those resources before being issued a permit.

(3) No more than two (2) piers shall be permitted per single family residential lot. No more than one (1) walkway and one (1) catwalk shall be permitted per pier.

(4) Owners of waterfront property are required to have their premises properly numbered on a pier, seawall or separate post adjacent to the waterway. Properly numbered shall mean the conspicuous placement of Arabic-styled reflective numerals at least four inches high in such a location as to be readily visible and legible from the water.

(5) The shore normal dimension of a pier shall be restricted to a size such that:

a. The pier plus the vessel to be moored to the pier does not exceed 25 percent of the width of the waterway adjacent to the subject property; and

b. If the pier is to be combined with an outboard or offshore boat lift, the shore-normal dimension of the pier plus the boat lift also shall not exceed 25 percent of the aforementioned waterway width.

c. Applications for the construction of a pier must include drawings and information addressing the size of the vessel to be moored to that pier.

(6) If no specific subdivision standards, as set forth in subsection (c) of this section, are applicable, the shore parallel dimension of a pier shall not exceed the width of the rear yard, less the side yard setback dimensions for the subject zoning district. This restriction on encroachment into each side yard shall apply to both fixed and floating piers and to boat lifts.

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(c) Standards for specific subdivisions.

(1) *Aqualane Shores, including Phillip G. Rust Development, Elliott Subdivision, Marina Shores Replat, and Kluck Subdivision.*

- a. Side yard setback for piers, boat lifts, and vessels is 7 1/2 feet.
- b. Shore-normal dimension for a pier shall not exceed the smaller of 15 feet or 10 percent of the waterway width, whichever is more restrictive. For a boat lift or a combined pier and boat lift, the dimension shall not exceed the smaller of 25 feet or 25 percent. Freestanding mooring piles or dolphins shall comply with the same offshore dimension restriction as for boat lifts.

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(2) The shore-normal dimension of a pier shall be restricted to a size such that:  
a. The pier plus the vessel to be moored to the pier does not exceed 25 percent of the width of the waterway adjacent to the subject property, and  
b. If the pier is to be combined with an outboard or offshore boat lift, the shore-normal dimension of the pier plus the boat lift also shall not exceed 25 percent of the aforementioned waterway width.

(2) *Golden Shores and Oyster Bay.* The following standards apply to piers, vessels, and boat lifts.

- a. In canals 60 feet or less in width, a pier, moored vessel, and vessel/lift combination cannot exceed 25 percent of the width of the waterway adjacent to the subject property.
- b. In canals greater than 60 feet in width a 32-foot-wide centerline channel shall be maintained and a pier, moored vessel, and vessel/lift combination cannot exceed 50 percent of the remaining channel width adjacent to the subject property.

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(3) *Coquina Sands, the Moorings, and Park Shore.*

- a. Shore parallel piers may be no more than 8 feet in width. If water depth is less than - 5.0 MLW on the waterward end of a proposed pier, a shore normal pier no wider than 8 feet can be constructed waterward to that depth. Piers can be located and attached to the waterward end of a walkway at a right angle (90 degrees) to that walkway. Mooring piles, boat lifts, and catwalks can be located waterward of piers or walkways.
- b. Piers, boat lifts, mooring piles, or vessels shall not extend off shore into the Moorings Bay system access channel, as designated in section 52-96. That access channel is a designated area around the entire periphery of the Moorings Bay System, including Coquina Sands, the Moorings, and Park Shore, and lies generally 15 to 20 feet off shore but varies according to location and depth of the water. The channel is not dredged over its entirety and shall be considered as bounded on its shoreward side by the -5.0 MLW depth.

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Deleted: Mooring piles and boat lifts can be located off shore of piers, but no catwalks can be placed on the outboard sides of the lifts. None of the foregoing shall preclude the construction of a deck area upland of the top of the revetment or seawall cap, provided all other requirements of this section are met.  
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Exceptions to these restrictions may be granted, as described in section 52-96(c). Within the Moorings Subdivision, there are 11 platted lots with shorelines less than 45 feet in length (Unit 2, Block J, Lots 5, 29, 30, 36 and 37, Block Q, Lots 14 and 15, and Unit 7, Block Q, Lots 29, 30, 59, and 61). For those properties, the side yard setback restriction shall not apply.

(4) *Port Royal*. The pier restrictions for Port Royal are contained in section 58-121, and are part of the regulations for the R1-15A zone. In summary, they establish a 20-foot side yard setback for piers, lifts, piles, vessels on lifts and a 22-foot extension into the waterway from the toe of the revetment for all piers and lifts. If environmental conditions dictate a greater extension, the side yard setback increases 2 feet for every additional foot off shore the structure must extend.

**Deleted:** *Park Shore, Units 1, 3, and 4.* Piers shall not extend beyond the platted wharf limit line, said line being platted 15 feet off shore from the platted seawall and property line. Pier decks may be no more than 8 feet in width and walkways to them no wider than 6 feet. Piers must be T- or L-shaped. Mooring piles and boat lifts can be located off shore of piers, but no catwalks can be placed on the outboard sides of the lifts. ¶  
(5)

(5) *Royal Harbor*.

a. *All interior canals and waterways*. The shore-normal dimension for a pier shall not exceed the platted property line, said line being 5 feet off shore from the platted seawall line. There shall be no restriction on vessel width or beam other than that a pier and vessel cannot extend more than twenty-five percent (25%) of the way across the width of a waterway or canal.

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b. *Properties facing Naples Bay and Haldeman Creek*. The exposed location of these properties and the interactions of the wake-generated waves by reflection off vertical bulkheads, often dictate a shore-normal positioning of piers and boat lifts. Shore-normal dimensions shall be governed by the proximity of the primary and secondary navigation channels, the shore-parallel shoal, and the existing line of construction. Final dimensions shall be agreed upon by the property owner, the Royal Harbor Association, and the city manager.

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(c) *Exceptions*. In consideration of the fact that numerous canals and waterways have undulating, nonparallel shorelines, and dead-end areas where platted lots have minimal waterfront footage, exceptions to the side yard setback or the shore-normal dimension may be granted, upon approval of the city manager, in consultation with the property owner, the affected neighbors, and the subdivision property owners' association, if applicable. Decisions of the city manager are administrative decisions, and appeals of such decisions shall be pursued as set forth in section 2-84.

**Deleted:** (d) *Grandfathering of structures and vessels*. All piers, boat lifts, mooring piles, and vessels present on the effective date of the ordinance from which this section is derived shall be considered as grandfathered nonconformities, and shall not be required to conform to the various dimension restrictions contained in subsections (b) and (c) of this section. Property owners who believe that their piers, boat lifts, mooring piles, and/or vessels are nonconforming shall have a period of 120 days from the date of adoption of the ordinance from which this section is derived to request an inspection and formal determination from the city manager. If a positive determination is made, a brief description and sketch file for the subject property. ¶

(d) *Modifications for persons with disabilities*. To ensure that the above-referenced dimension and location criteria do not create problems for individuals with disabilities, the city manager shall have the ability to modify the criteria upon receipt of a written petition for such a modification. The petition shall describe the extent of modification needed to accommodate the disability.

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(Code 1994, § 110-94; Ord. No. 97-7948, § 1, 4-16-1997; Ord. No. 99-8638, § 2, 9-15-1999; Ord. No. 00-8902, §§ 3, 4, 8-16-2000; Ord. No. 01-9068, §§ 1, 2, 1-17-2001; Ord. No. 02-9554, § 1, 3-20-2002).

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**Mike Bauer**

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**From:** Djinlay@aol.com  
**Sent:** Monday, September 15, 2008 2:58 PM  
**To:** Mike Bauer; Lindap9043@aol.com; rkatz9500@comcast.net; cormacgiblin@gmail.com  
**Subject:** Proposed ordinance to Moorings Bay piers

Dear Mike,

I have looked at the proposed pier ordinance 56-93. There are several comments I want to make via e-mail as I will not be able to attend the MBCAC meeting.

1. Boat lifts. More floating lifts are appearing in the bay. These lifts do not seem to be addressed in the ordinance. In fact, it would seem a floating boat lift might be defined by the ordinance as a pier rather than a lift.

2. General standards. The ordinance limits a pier to no more than one walkway and one catwalk. Does this restriction prohibit the construction of a T-shaped, C-shaped, U-shaped, or other piers with or without a catwalk. It would seem to me it might.

3. Limits. Although there is a limit to the number of piers on a single family lot (2), there is not limit as to the number of boat lifts. If this is the intent, then that is fine.

4. Free standing pilings. Should there be any limits as to the placement of free standing pilings, which are often placed well beyond the pier? As an example, free standing pilings are addressed in the Aqualane Shores specifications.

5. Pier and vessels limited to 25% of channel width. There may be several locations that already violate this proposed restriction. One vessel on a boat lift off Windward Way. Another vessel that is moored in season at Admiralty Point. Neither of these locations has a nearby, opposing shore, like a canal. However, the dredged channel is close and relatively narrow at both locations.

6. I might be a bit confused as to how far out a pier can be constructed based on section (c), (3), a. If the depth is less than 5MLW the pier can be constructed out to 5' MLW. However, I believe an additional walkway (at 90° angle) can be added beyond 5' MLW as well as a boat lift, catwalk, and/or free standing pilings. If this is correct, I understand.

Mike, I make these comments because I not only boat Moorings Bay I also kayak it. And when I do kayak the bay I often go into each cove and bight so I have pretty good idea as to what type piers and boats are in the bay.

Thanks,

Doug Finlay

cc: Al Katz, Linda Penniman, Cormack Giblin

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Pssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

9/15/2008