MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, NAPLES, FLORIDA, ON WEDNESDAY, DECEMBER 17, 1980, AT 9:04 A.M.

Present: R. B. Anderson Mayor

Harry Rothchild Wade H. Schroeder Randolph I. Thornton Edward A. Twerdahl Kenneth A. Wood Councilmen

Absent: C. C. Holland Councilman

Also present: Edward Smith, Assistant to the City Manager David W. Rynders, City Attorney Roger Barry, Community Development Director John McCord, City Engineer Reid Silverboard, Chief Planner Norris Ijams, Fire Chief Matt Patton, Fire Inspector Mark Wiltsie, Purchasing Agent

> Reverend Walter Lauster Clayton Bigg Ben Anderson Lloyd Sarty Baxter Kelly Ed Ranney Mr. & Mrs. Newton Wollter Charles Andrews Wilda Cooper William Tarpey William Hovey Lisa El-Kerdi Kenneth A. Lees Paul Crowley J. J. Dietzel Ed Giles Arnold Lamm Edward Kant Gilbert Weil Lyle Richardson M. W. Schryver Kenny Schryver Robert Russell Toivo Tammerk Robert Hall Dennis Lynch Kris Dane Tom Krause Cliff Barksdale

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News Media: Ed Warner, TV-9 Jim Lockhart, Naples Daily News Jerry Arnold, WRGI Brian Blanchard, Miami Herald Bob Barber, TV-9 Allen Bartlett, Fort Myers News Press

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:04 a.m.; whereupon Reverend Walter Lauster of the Church of God delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Special Meeting held November 24, 1980. <u>Mr. Thornton moved approval of the minutes as presented, seconded by</u> <u>Mr. Twerdahl</u> and carried by consensus. The Mayor then noted the minutes of the Workshop Meeting held on December 2, 1980 and the Regular Meeting held on December 3, 1980. It was the consensus of Council to approve these minutes with the following comment by Mr. Rothchild regarding Item 5-f. on the Agenda of the December 3, 1980 meeting: "I regret that I must have mis-spoke myself when I voted against the motion to adopt Ordinance 3677, as amended, on Second Reading. I should have voted for the motion with a demurrer with respect to the amendment".

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. Recommendation of the Planning Advisory Board to approve: Special Exception Petition No. 80-S16. Petitioners: William and Edna Hovey, Location: 930 7th Avenue South. Request to construct a 6 and 8 foot high fence in required side yard areas where fences are normally limited to 5 feet in height.

Assistant to the City Manager Smith read the below titled resolution by title for consideration by Council.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO CONSTRUCT A WOOD FENCE 6 FEET AND 8 FEET IN HEIGHT IN THE REQUIRED SIDE YARD AT 930 7TH AVENUE SOUTH, NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood felt that a block or cement foundation should be included to prevent erosion to which Roger Barry, Community Development Director, noted that it was his impression that the fence was for privacy and that the rock already placed there would aid in the prevention of erosion. Mr. Schroeder noted the number of special exceptions or variances involving fences that were brought before Council. Mr. Thornton moved adoption of Resolution 3687, seconded by Mr. Twerdahl and carried on roll call vote, 4-2 with Mr. Schroeder and Mr. Wood voting no.

AGENDA ITEM 4-b. Recommendation of the Planning Advisory Board to approve: Special Exception 80-517; and Variance Petition No. 80-V15. Petitoner: Lisa G. El-Kerdi. Location: 2575 Lantern Lane. Request to construct a 6 foot high wood fence in portions of the required front yard area where fences are normally limited to 3 feet in height the Planning Advisory Board recommended approval of a 5 foot high fence - and Request to permit construction of a 5 foot high chain link fence in required front yard area where chain link fences of any height are prohibited. 84 Assistant to the City Manager Smith read the below captioned resolution by title for consideration by Council.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.8 OF APPENDIX "A" -ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, AND GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A CHAIN LINK FENCE FIVE FEET IN HEIGHT AND A WOOD FENCE FIVE FEET IN HEIGHT AT 2575 LANTERN LANE, BEING LOT 64, LANTERN LAKE SECTION, PORT ROYAL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton noted the hand carried letter that was received this date from the Port Royal Club (Attachment #1) objecting to the fence. Mr. Twerdahl noted his opinion that many of the neighbors who spoke at the Planning Advisory Board's Public Hearing were misinterpreted. Clayton Bigg, member of the Planning Advisory Board, noted that had the Planning Advisory Board had the letter that Council received this date, they may have reversed their decision. Arnold Lamm, speaking as an official representative of the Port Royal Association, spoke against the petition noting that he felt it was precedent setting and he did not feel it met the requirements for a variance. Lisa El-Kerdi, petitioner, spoke in support of her petition citing the fact that her property was legally defined as having three front yards. Mr. Rothchild stated his feeling that in light of the letter of objection received this date, the whole matter should be referred back to the Planning Advisory Board. After further discussion, Mr. Thornton moved adoption of the resolution, seconded by Mr. Schroeder. Roger Barry, Community Development Director, noted that whether or not the petition met the variance requirements was a judgment call and the staff felt that it had. Following further discussion, Mr. Schroeder moved to call the question, seconded by Mr. Twerdahl and carried on roll call vote, 6-0. Mr. Thornton's motion to approve failed on roll call vote 3-3, with Messrs. Rothchild, Twerdahl and Wood voting no. Mr. Rothchild noted his feeling that this should have been referred back to the Planning Advisory Board which was his reason for voting no. It was the consensus of Council that this petition could be refiled with the existing paperwork and the fee waived.

AGENDA ITEM 4-c. First reading of an ordinance and Planning Advisory Board recommendation to approve: Proposed Zoning Ordinance Text Amendment Relative to the Definition of a "Ston An ordinance amending Section 14 (40) of Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, relating to the definition of the word "Story:; and providing an effective date. Purpose: To provide that carports and garages shall be considered to be a story in "Rl", single-family districts, "R 3-12" and "R3T-12", multi-family districts, and "PD" (designated for residential or transient lodging development) districts for the purpose of determining building heights.

Assistant to the City Manager Smith read the above referenced ordinance by title for Council's consideration on First Reading. It was noted that the definition of "story" in the proposed ordinance was faulty and Mayor Anderson asked Roger Barry, Community Development Director, to reword it. With this in mind, <u>Mr. Thornton moved approval of this ordinance on</u> First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

Let the record show that Mr. Twerdahl left the Council table at 10:15 a.m.

AGENDA ITEM 5. Request by M. W. Schryver for reinstatement of Petition #80-R-13 amendment to previously approved development plan - Park Shore Resort Club.

Mr. M. W. Schryver explained his request and City Attorney Rynders noted that the petitioner may be experiencing a difficulty with time constraints and that Council could authorize another Public Hearing on Second Reading for the proposed ordinance governing this matter, using the existing background material. The City Attorney suggested that Council direct the Clerk to re-advertise the ordinance that had been approved on First Reading for a Public Hearing on Second Reading for January 21 which meeting would follow the review of the matter by the Planning Advisory Board at their January 16th meeting. Mr. Thornton moved that the petition be reinstated and referred back to the Planning Advisory Board and that the Clerk advertise for a Second Reading for January 21, 1981, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Twerdahl being absent from the Council table. -3-

AGENDA ITEM 6. Request for scheduling of Public Hearing pursuant to above petition.

Inasmuch as the action on the previous Agenda Item (Item 5) covered this item, City Attorney Rynders noted that no action was necessary. <u>Mr. Rothchild moved to remove</u> this item from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Twerdahl being absent from the Council table.

Let the record show that Mr. Twerdahl returned to the Council table at 10:19 a.m.

Let the record show that Mayor Anderson recessed the meeting at 10:20 a.m. and reconvened it at 10:30 a.m. with the same members of Council present.

AGENDA ITEM 7. Discussion/action regarding land use - area surrounding Naples Airport. Requested by City Council at October 15, 1980, Regular Meeting.

In answer to Mayor Anderson's question about the necessary action on this item, Roger Barry, Community Development Director, noted the staff recommendation included in his memorandum to the City Manager dated December 9, 1980, which recommended that no more residential development be permitted in the Study Area; that the Comprehensive Plan be revised accordingly and the zoning be changed. Edward Kant, representing the Collier Development Corporation, and Kris Dane, representing W. W. Gilman, developer, spoke against this action inasmuch as they each had submitted preliminary applications for residential development of their land in this area. They cited the assessments for the water line installed in this area based on their proposed residential developments. Robert Hall, citizen, noted his understanding that the Airport Authority had taken a step towards their acquisition process as outlined in their Master Plan and Tom Krause, resident of Avion Park, spoke against a zoning change. After further discussion, <u>Mr. Thornton moved to accept the recommendation of the staff, seconded by Mr. Twerdahl</u>. Mr. Rothchild felt that there should have been some input by the parties affected by any recommended change in the use of the property before considering any changes.

Let the record show that Mr. Schroeder left the Council table at 11:14 a.m. ***

Following more discussion, Mr. Twerdahl called the question, seconded by Mr. Thornton and carried on roll call vote, 4-1 with Mr. Rothchild voting no and Mr. Schroeder being absent from the Council table.

Let the record show that Mr. Schroeder returned to the Council table at 11:16 a.m.

Mr. Thornton's motion then carried on roll call vote, 5-1 with Mr. Rothchild voting no. Subsequently, Mr. Schroeder moved that the staff not process any applications for development in the Study Area, seconded by Mr. Twerdahl and carried on roll call vote, 5-1 with Mr. Rothchild voting no.

AGENDA ITEM 8. Discussion/action regarding proposed County transit system. Requested by City Manager.

Mayor Anderson noted the presence of County Engineer Cliff Barksdale who presented himself before Council to answer any questions they may have concerning the Transit Study done by the County, a copy of which is on file in the City Clerk's office and a summary of which was included in the meeting packet for this date. After discussing the matter,

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Mr. Wood moved to oppose the transit system, seconded by Mr. Twerdahl. John McCord, City Engineer, pointed out the response from Mr. Barr of Barr, Dunlop, Traffic Consultants (Attachment #2). Robert Russell of the Citizens Advisory Committee; Lyle Richardson, president of the Naples Civic Association; Thad Forbes, president of the Royal Harbor Association and Arnold Lamm, Chairman of the Port Royal Public Service Committee spoke against a transit system at this time. Assistant to the City Manager Smith read the below titled resolution by title for Council's consideration.

A RESOLUTION OPPOSING A MASS TRANSIT SERVICE IN COLLIER COUNTY AT THE PRESENT TIME AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood rephrased his motion to adopt Resolution 3688, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute an agreement between the City of Naples and Sears, Roebuck and Co., relating to an easement for road right-of-way purposes; accepting said easement; and authorizing the Mayor and City Clerk to execute a Quitclaim Deed conveying said right-of-way to Collier County; and providing an effective date. Requested by City Manager.

Assistant to the City Manager Smith read the above captioned resolution by title for consideration by Council; whereupon Mr. Schroeder moved to adopt Resolution 3689, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 10. Acceptance of water main - Tall Pines subdivision, Requested by Engineering Department

Assistant to the City Manager Smith read the below referenced resolution by title for Council's consideration.

A RESOLUTION ACCEPTING A BILL OF SALE FROM GATH, INC. FOR WATER LINES INSTALLED WITHIN THE TALL PINES SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3690, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 11. First reading of ordinance. An ordinance amending Section 9-1(b) and (c) of the Code of Ordinances of the City of Naples, relating to the adoption of the National Fire Protection Association Code and Standards; and providing an effective date. Purpose: To provide for the adoption by reference of the 1980 edition of the National Fire Protection Association Code and Standards. Requested by Fire Chief.

Assistant to the City Manager Smith read the above titled ordinance by title for Council's consideration on First Reading; whereupon <u>Mr. Thornton moved approval of this</u> ordinance on First Reading, seconded by <u>Mr. Wood</u> and carried on roll call vote, 6-0.

AGENDA ITEM 12. A resolution requesting eligibility for the City of Naples to participate in the Federal Surplus Property Donation Program; designating the fire chief and purchasing agent as representatives for the City of Naples in acquiring such property; and providing an effective date. Requested by Fire Department.

Assistant to the City Manager Smith read the above captioned resolution by title for consideration by Council; whereupon Mr. Wood moved adoption of Resolution 3691, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 13. A resolution authorizing Brian McPherson to participate in ICMA deferred compensation plan in lieu of City retirement system. Requested by City Manager

Assistant to the City Manager Smith read the below reference resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING BRIAN MCPHERSON, ASSOCIATE ENGINEER/TRAFFIC, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT HE SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM ESTABLISHED FOR CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3692, seconded by Mr. Twerdahl and carried on roll call vote, 6-0. AGENDA ITEM 14. Purchasing:

AGENDA ITEM 14-a. Bid award - Skid Steer Loader with backhoe - Engineering - Streets and Drainage Division.

Assistant to the City Manager Smith read the below titled resolution by title for consideration by Council.

A RESOLUTION AWARDING BID FOR A SKID STEER LOADER WITH BACKHOE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3693, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 14-b. Bid award - Four sewage pumps - Public Works - Wastewater Division

Assistant to the City Manager Smith read the below captioned resolution by title for Council's consideration.

A RESOLUTION AWARDING BID FOR FOUR (4) SEWAGE PUMPS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3694, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 14-c. Bid rejection, authorization to redesign projects and submit for rebidding - New toilet facilities - Anthony Park; renovate community center - Cambier Park; renovate community center - River Park.

Assistant to the City Manager Smith read the below referenced resolution by title for consideration by Council.

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR CONSTRUCTION OF RESTROOM FACILITIES AT ANTHONY PARK AND RENOVATION TO THE COMMUNITY CENTERS AT CAMBIER PARK AND RIVER PARK; AUTHORIZING REDESIGN OF THE PROJECTS AND READVERTISEMENT FOR PUBLIC BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3695, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 14-d. Waive bidding procedure - Purchase of City Hall air conditioning equipment.

Assistant to the City Manager Smith read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF HONEYWELL, INC. OF TAMPA, FLORIDA, TO INSTALL A PNEUMATIC SYSTEM OF AUTOMATIC TEMPERATURE CONTROL IN THE CITY HALL COMPLEX, WAIVING THE REQUIREMENT FOR PUBLIC BIDDING THEREON; AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE CAPITAL IMPROVEMENT PROGRAM TO COVER THE COSTS OF SAID EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3696, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

CORRESPONDENCE AND COMMUNICATIONS

Mayor Anderson noted a letter he had composed concerning impact fees to be sent to the Collier County Board of Commissioners and the same letter to the Collier County School Board (Attachment #3) and he asked if it was Council's pleasure that he send it as presented. It was the consensus of Council that the letter as presented be sent.

Mayor Anderson asked City Attorney Rynders if there were any other actions that could be taken to oppose the transit system as proposed by the County and asked that the City Attorney be studying the matter and be ready with suggestions along these lines if the time came for such actions.

Council commended Norris Ijams, Fire Chief, for his comprehensive response to Council's request as to the City's preparedness with respect to a fire of disastrous magnitude in a large or tall building in the City. A copy of Chief Ijam's response addressed to City Manager Patterson is on file in the Clerk's office in the meeting packet for this date. Mr. Rothchild suggested that the news media disseminate the information contained in the letter.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:30 p.m.

R.B. Cenderson

R. B. Anderson, Mayor

anetCasor Janet Cason

city Clerk Ellen P. Marchall

Ellen P. Marshall Deputy Clerk

These minutes of the Naples City Council were approved on 01-07-81

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Re: Agendo Item H-b



ATTACHMENT #1

2900 Gordon Drive Naples, Fla. 33940

December 16, 1980

Mayor Roland Anderson 735 8th St. South Naples, Fla. 33940

> Re: Mrs. Lisa Gump El-Kerdi petitiion for a City variance to erect a fence on her property at 2575 Lantern Lane.

Dear Mayor Anderson:

It has just come to our attention that Port Royal has inadvertently given approval for the installation of a non-conforming fence on the El-Kerdi property.

By this letter, Port Royal withdraws its approval and would appreciate the Council dismissing the issuance of a variance.

-If this cannot be done at the Council meeting tomorrow, we would appreciate your postponing final action so that we have time to prepare evidence as to why the variance should be dismissed.

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Cordially yours,

Charles F(./Stromeyer Architectural Committee Chairman

cc: City Council Members

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ATTACHMENT #2 - page 1

BARR, DUNLOP & ASSOCIATES, INC.

A. Same

CONSULTING ENGINEERS AND PLANNERS

JOHN W. BARR, P.E., PRESIDENT A. R. DUNLOP, JR., P.E., VICE PRESIDENT 1719 SOUTH GADGDEN STREET POST OFFICE BOX 5985 TALLAHASSEE, FLORIDA 32301

December 12, 1980

City of Naples 735 8th Street, South Naples, Florida 33940

Attention: Mr. John R. McCord, P.E. City Engineer

Gentlemen:

Re: Proposed Transit System

As requested, we have reviewed the Florida DOT "Collier County Transit Study Final Report," dated August 1980, and the program proposed by the County to implement a transit system. The following are our review comments:

1. Need for Transit in Naples

As in most urban areas, there is a segment of the population of Naples which has a real need for transit service and would use it if it were provided. For the most part, these are citizens who do not have a car or who cannot drive a car, and who must travel about the area regularly or occasionally. Compared with other urban areas, it is likely that the Naples population contains more than an average number in this transit market group who are elderly and fewer than average who are low-to-middle income commuters. Others who would use transit service to some extent if it were available are auto owners who prefer transit because of parking and traffic problems, high fuel costs and/or fuel non-availability. Fuel trends make it clear that this latter market will increase in the future. The DOT study report does not quantify these markets of potential transit users, except in terms of average expectancies. We suggest that the need for transit in Naples is probably lower . than in most other cities of comparable size.

2. Value to the City

There is a community-wide public value to having a transit system in any urban area. Because it provides added mobility to the citizens of the community, enhances ability of the "transportation disadvantaged" to earn a living and be more independent, makes shopping areas, businesses, and places of employment accessible to more people, and provides more freedom of movement and an alternate mode, transit has value to the whole community, including the non-users of transit. These



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Mr. John R. McCord, P.E. December 12, 1980 Page Two

> values are not quantifiable, but in all cities which have transit, these values have been considered sufficient to justify substantial expenditures of general funds to "subsidize" transit.

Because of the general value to the community, it is often argued that the terms "subsidizing" and "operating deficit" are inappropriate when applied to transit. Few, if any, transit systems today pay for themselves out of the fare box. A system does well if 40 percent to 50 percent of the operating cost is covered by fare revenues. Those who believe transit has a high general value to the community argue that the net cost for transit service should be paid for by the general taxpayer just as are the costs for police, fire and utility services. On the other hand, it is noted that the DOT 1978 attitude survey indicated that approximately two-thirds of Naples' residents were unwilling for general tax funds to be used to finance transit.

Thus, it is a policy judgement and decision that must be made by the City of Naples as to whether or not the community value of transit service is worth the required cost to the general taxpayers. We believe that it very well may be. But it is very important that both the City and the County clearly understand the magnitudes of these costs, the risks of having fare revenues lower than the "conservative" estimates in the DOT report, and the risks of having higher capital and operating costs than those stated in the report. For this reason we have included further review comments on the proposed level of service, costs, revenues and system viability.

3. Level of Service

Generally, we believe that the recommended system, operating with two major north-south routes in Naples, using six buses on onehalf hour and one hour headways, is appropriate. Considering the strong attraction (23%) of downtown Naples and 8th Street, it appears that route changes to better serve 5th Avenue, South and 8th Street would be required. Interface with the "trolley" service also should be addressed.

4. Costs

We believe there is a high risk that the capital and operating costs estimated by Florida DOT will be exceeded. While the leasing costs during the two-year Service Development Project are set by Florida DOT, we believe the subsequent capital costs for purchasing buses at \$21,774 each are substantially underestimated. We also suggest that the operating and administrative costs may be low, expecially for salaries and because rent for garage and administrative space apparently was omitted. Shared garage operations probably would not be practical or efficient. Mr. John R. McCord, P.E. December 12, 1980 Page Three

5. Revenues and Viability

There seems to be no support for the setting of 50¢ as the proposed fare, other than the attitude survey response. However, our experience in fare elasticity analyses in other cities leads us to concur that this would be an appropriate fare. The ridership and fare revenue estimates in the report are labeled by Florida DOT as "conservative". This may be true, but it is not clear why or what the risk is of their being too liberal. It is noted that the estimates are based on averages experienced in other cities and related to characteristics of the population and of the proposed service. As cited in Item 1, above, Naples is atypical in a number of ways and, therefore, we believe there is risk of overestimating ridership and revenues.

Also, we did not find any proposed fare structure in which senior citizens are charged a reduced fare, a plan that may be a prerequisite for Federal assistance. This would be expected to lower the revenue projections.

The ratio of annual operating revenues (fares and advertising) to annual operating and administrative costs is an indicator of the "viability" of the transit system. A desirable ratio of .40 to .50 is achieved by many bus systems, although considerably lower ratios are tolerated, expecially where service is unusually expensive or needed in rural areas.

Based on the projected figures in the Florida DOT report, the viability ratios range from .216 in Year Two to .261 in Year Five. Total "deficits" (or net costs) to operate and administer the system range from \$172,605 in Year One to \$532,042 in Year Five. We suggest that there is substantial risk that the local (City and County) share of total expenditures could be 50 percent greater than those estimated by the Florida DOT, i.e. \$64,000 in the first year to \$347,000 in the fifth year. The County's portion of this should be deducted in evaluating the possible maximum cost to the City. While the viability ratios are low, the net costs to the taxpayers may or may not be considered too much to pay for the value the service will have to the community.

General Comments

In summary, the most important factor in the decision to participate or not participate in a transit service for Naples and Collier County is what value it has both to the potential users and to the community in general. Neither the City nor the County should enter into the program without clearly recognizing the risks and costs involved. It should be attractive to the City that the County is proposing to substantially assist in the funding; although future routes into outlying areas of the County will be expensive to

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Mr. John R. McCord, P.E. December 12, 1980 Page Four

> operate and have low revenue:cost ratios, the bulk of the users will be those County residents who are also City residents, and the "best" routes (from a revenue:cost standpoint) will be the routes within the City. We believe that the Service Development Project approach is the best from the City's standpoint, because of the risks, because it involves more Florida DOT participation, and because the City and County can withdraw after two years, without a major capital investment, if the service does not prove sufficiently popular or worthwhile. Before undertaking the program the City and County should establish criteria for defining "success" in evaluating the operation at the end of each year; e.g. a viability ratio of .20 or a load factor (average number on board + vehicle capacity) of .25. Finally, if the decision is made to launch the program, there must be a strong commitment to exert the best possible effort to make it a successful venture, by providing an excellent manager, good marketing, and adequate funding, including contingency reserves.

. If we may be of further assistance as you evaluate or implement this program, please let us know.

Respectfully submitted,

BARR, DUNLOP & ASSOCIATES, INC.

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John W. Barr, P.E. President

JWB:sdm

ATTACHMENT #3 - page 1

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE MAYOR

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·December 10, 1980

Hon. John Pistor, Chairman Board of County Commissioners Collier County Courthouse Complex East Tamiami Trail Naples, Florida 33942

Dear John:

The City Council has asked that I write a letter to you and to the School Board expressing our concern about the unusual increase in ad valorem taxes, principally due to the School Board levy. The resulting substantial increase in taxes for almost everyone has brought into focus the continued need for some kind of "impact fee".

As you know, the School Board instituted a policy over six years ago imposing an "impact fee" on some developers on a voluntary basis. This policy, although not enforceable by law, was moderately successful. Action by the School Board at that time to secure the passage or the enactment of a County ordinance giving force and effect to its policy was not successful. Subsequently, about a year or so ago, an ordinance was enacted by the County, endorsed by the City of Naples, but turned down by Everglades City. Apparently no further action has been taken by the County or School Board although the general principle of law, de minimis, seems to apply. More recently, the School Board submitted a so-called land dedication ordinance, but shortly after submission withdrew it, ostensibly because they had received a general two mill authorization to levy taxes for capital improvement purposes. As I understand it, this is where we stand today -- some six years after the need for an "impact fee" was demonstrated.

We are very strongly of the opinion that action needs to be taken by the Board of County Commissioners in conjunction with the School "Board to impose some kind of charge so that "growth might pay for growth". In my opinion, the land dedication ordinance has little merit as compared to an "impact fee" for two reasons -- first, it does not meet the requirement for capital funds, generating only about \$200,000 per year which is woefully inadequate; and second, because if it were to be enacted, it would likely forcelose any other action toward the establishment of a "growth" or "impact fee". Hon. John Pistor December 10, 1980 Page two

The City Attorney and members of the City staff would be happy to work with you and the School Board to the end that an "impact" or "growth fee" might be established by County ordinance as soon as possible. We would appreciate it if you would give this matter your early attention and accord it the importance that it so clearly merits.

Sincerely,

R. B. Cenderson

R. B. Anderson Mayor