



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - Absent			
-VICE-MAYOR SCHROEDER - None			1
-CITY MANAGER JONES - noted the sale of W/S Bonds, Series 1984-B at Special Meeting, January 30, 1985			1
-CITY ATTORNEY RYNDERS - introduced Town Crier Gene Poyant who made an announcement about Centennial Costume Ball			1
- introduced Centennial coordinator Charles Dauray who presented complimentary tickets to costume ball to Councilmen			1
<u>APPROVAL OF MINUTES</u> - Special Meeting, 01/30/85 Regular Meeting, 01/16/85			1
<u>PURCHASING</u>			
-Waive bids - purchase microcomputer equipment on state contract IBM		85-4655	1&3
-Waive bids - purchase microcomputer equipment on state contract Tandy Corporation		85-4656	2&3
-Award bid - limerock & cover material		85-4657	2&3
-Award bid - lift station telemetry system		85-4658	2&3
-Award bid - pressurized vacuum truck		85-4659	2&3
-Award bid - 20 front loading refuse containers		85-4660	2&3
<u>RESOLUTIONS</u>			
-Accept esmt, right turn, Fleischmann Blvd & U.S. 41		85-4661	3
-Approve 6 mos. extension - temporary use permit, Coastland Chrysler		85-4662	3
-Approve Variance Pet. CCL 84-3, Waldorf Towers, 3377 Gulf Shore Blvd No (Coastal Construction Setback)		85-4663	3
-Approve procedure to review sewer main ext. appl.		85-4665	5
<u>REMOVED FROM AGENDA</u> - ratification of contract w/F.O.P.		85-_____	5
<u>ORDINANCES - SECOND READING</u>			
-Adopt amended Comprehensive Plan	85-4664		3
- FIRST READING			
-Approve limiting terms of P.A.B. members	85-_____		4
<u>DISCUSSION</u>			
-Discussion with reference to possible requirement of a survey at a particular point during building construction to verify that structure is in compliance with setback requirements.			4
-Discussion of penalties for contractors working without required permits.			4&5
-Discussion/action concerning annual report and future duties of Parks & Recreation Advisory Board.			5

City Council Chambers
 735 Eighth Street South
 Naples, Florida 33940



Time 9:25 a.m.
 Date February 6, 1985

Vice-Mayor Schroeder called the meeting to order and presided as Chairman.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<u>ROLL CALL:</u>					
Present: R. B. Anderson					
William E. Barnett					
William F. Bledsoe					
Lyle S. Richardson					
Wade H. Schroeder					
Kenneth A. Wood					
Councilmen					
Absent: Stanley R. Billick					
Mayor					
Also present:					
Franklin C. Jones, City Manager					
Norris Ijams, Fire Chief					
David W. Rynders, City Attorney					
John McCord, City Engineer					
Roger Barry, Community Development Director					
Steve Cramer, Chief Planner					
Gerry Gronvold, Utilities Engineer					
Stewart Unangst, Purchasing Agent					
Ellen Weigand, Deputy Clerk					
See Attachment #1 - Supplemental Attendance list					
<u>INVOCATION:</u> Mr. Charles St. John					
Naples Church of Christ					

<u>ANNOUNCEMENTS</u>					
Vice-Mayor Schroeder - None					
City Manager Jones - noted the sale of the Water/Sewer Bonds, Series 1984-B at a Special Meeting, January 30, 1985.					
City Attorney Rynders - noted the presence of Gene Poyant, Town Crier, who then made an announcement concerning the upcoming Centennial Costume Ball to be held February 16. The City Attorney then noted the presence of Charles Dauray, coordinator for the Centennial activities. Mr. Dauray directed Mr. & Mrs. Ken Connors to present complimentary tickets to the Councilmen for the Costume Ball and outlined further activities scheduled throughout the 1985 Centennial year.					
-----CONSENT AGENDA-----					
<u>APPROVAL OF MINUTES</u> - Special Meeting, 01/08/85 Regular Meeting, 01/16/85					
<u>PURCHASING</u>					
---RESOLUTION 85-4655					
A RESOLUTION AUTHORIZING THE PURCHASE OF MICROCOMPUTER EQUIPMENT UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.					
Title not read.					

COUNCIL MEMBERS

M O T I O N	S E C O N D	VOTE		A B S E N T
		Y E S	N O	

CONSENT AGENDA (CONT)

PURCHASING (Cont)

ITEM 5 (Cont)

---RESOLUTION 85-4656

ITEM 5-b

A RESOLUTION AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FOR THE POLICE DEPARTMENT UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION 85-4657

ITEM 5-c

A RESOLUTION AWARDED THE BID FOR PURCHASE FROM VARIOUS VENDORS, ENUMERATED HEREIN, LIMEROCK AND COVER MATERIAL FOR THE STREETS & DRAINAGE DIVISION OF THE ENGINEERING DEPARTMENT AND THE WASTEWATER COLLECTION DIVISION OF THE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

*** **

---RESOLUTION 85-4658

ITEM 5-d

A RESOLUTION AWARDED THE BID FOR INSTALLATION OF A LIFT STATION TELEMETRY AND CONTROL SYSTEM FOR THE WASTEWATER TREATMENT DIVISION, PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

*** **

---RESOLUTION 85-4659

ITEM 5-e

A RESOLUTION AWARDED THE BID FOR PURCHASE OF A PRESSURIZED VACUUM CLEANER TRUCK FOR THE WASTEWATER COLLECTION DIVISION, PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

*** **

---RESOLUTION 85-4660

ITEM 5-f

A RESOLUTION AWARDED THE BID FOR THE PURCHASE OF TWENTY (20) FRONT-LOADING REFUSE CONTAINERS FOR THE COMMERCIAL SANITATION DIVISION, PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<u>CONSENT AGENDA (Cont)</u>					
--- <u>RESOLUTION 85-4661</u> <u>ITEM 6</u>					
A RESOLUTION ACCEPTING AN EASEMENT FOR STREET MODIFICATION PURPOSES FROM NAPLES SHOPPING, LTD., HARDEN INVESTMENTS ASSOCIATES-V, LTD., NAPLES DEVELOPMENT, INC., AND THE TRUSTEES OF ITEM XI AND XII OF THE WILL OF JULIUS FLEISCHMANN, DECEASED; AND PROVIDING AN EFFECTIVE DATE.					
Title not read.					
*** *** ***					
--- <u>RESOLUTION 85-4662</u> <u>ITEM 7</u>					
A RESOLUTION EXTENDING FOR SIX (6) MONTHS AUTHORIZATION FOR COASTLAND CHRYSLER/PLYMOUTH TO USE TEMPORARY FACILITIES AT 2640 TAMiami TRAIL, NORTH, AS A SALES AND SHOWROOM AREA; AND PROVIDING AN EFFECTIVE DATE.					
Title not read.					
<u>MOTION:</u> To <u>APPROVE</u> the minutes and <u>ADOPT</u> the resolutions as presented.					
----- <u>END CONSENT AGENDA</u> -----					
----- <u>ADVERTISED PUBLIC HEARINGS</u> -----					
--- <u>RESOLUTION 85-4663</u> <u>ITEM 8</u>					
A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A SWIMMING POOL, BULKHEAD WALL, DECKING AND STAIRWAY AT 3377 GULF SHORE BOULEVARD NORTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
PUBLIC HEARING: Opened - 9:41 a.m. Closed - 9:42 a.m.					
Stanley Hole, representing the petitioner, told Council he was present to answer any questions that may arise, and to note the petitioner's agreement to the stipulations in the resolution.					
<u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.					
*** *** ***					
--- <u>ORDINANCE 85-4664</u> <u>ITEM 9</u>					
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, PROVIDING ELEMENTS FOR FUTURE LAND USE AND DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADOPT AN AMENDED COMPREHENSIVE PLAN PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT.					
Title read by City Attorney Rynders.					
PUBLIC HEARING: Opened - 9:43 a.m. Closed - 9:44 a.m.					
No one present to speak for or against.					
*** *** ***					
Mr. Richardson left the Council Chamber - 9:43 a.m.					
*** *** ***					
<u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented on Second Reading.					
----- <u>END ADVERTISED PUBLIC HEARINGS</u> -----					

Anderson
Barnett
Bledsoe
Richardson
Wood
Billick
Schroeder

Anderson
Barnett
Bledsoe
Richardson
Wood
Billick
Schroeder
(6-0)

Anderson
Barnett
Bledsoe
Richardson
Wood
Billick
Schroeder
(5-0)

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

-----FIRST READINGS-----

ORDINANCE 85-

ITEM 10

AN ORDINANCE AMENDING SECTION 1A-60 ENTITLED "CREATION; COMPOSITION; QUALIFICATIONS, TERM, REMOVAL OF MEMBERS" OF ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO LIMIT THE TERMS OF OFFICE OF MEMBERS OF THE PLANNING ADVISORY BOARD TO TWO CONSECUTIVE THREE-YEAR TERMS.

Title read by City Attorney Rynders.

*** **

Mr. Richardson returned to the Council Chamber - 9:45 a.m.

*** **

Mr. Anderson suggested that a schedule be added to stagger the terms to which City Attorney Rynders replied that the terms were staggered and would continue to work out that way.

MOTION: To APPROVE the ordinance as presented on First Reading.

-----END FIRST READINGS-----

DISCUSSION WITH REFERENCE TO POSSIBLE REQUIREMENT OF A SURVEY AT A PARTICULAR POINT DURING BUILDING CONSTRUCTION TO VERIFY THAT STRUCTURE IS IN COMPLIANCE WITH SETBACK REQUIREMENTS.

ITEM 11

Requested by Community Development Department

City Attorney Rynders noted there was no resolution or ordinance prepared for this item at this time. City Manager Jones reviewed the information in his memo dated January 29, 1985 (Attachment #2) and noted the sample ordinance from Sanibel (Attachment #3). The City Attorney noted that this would increase the City's share of liability for undetected errors in the future. Community Development Director Barry stated his opinion that instituting this ordinance would lessen the opportunity for liability on the City's part, to which the City Attorney agreed. Ed McMahon, speaking for the Old Naples Association, suggested that in lieu of passing this ordinance the building inspector simply measure from the center of each street to the foundations to ascertain the proper location of a structure. Mr. Barry pointed out that some streets are not properly centered in the right-of-way and this method would not be very accurate. He stated his preference for having a surveyor's map to verify the location of a proposed structure. Mr. Anderson asked that the City Manager circulate the proposed ordinance to the contractors' groups and civic associations.

MOTION: To DIRECT the City Attorney to work with the City Manager and the Community Development Director to draw up an appropriate ordinance.

*** **

DISCUSSION OF PENALTIES FOR CONTRACTORS WORKING WITHOUT REQUIRED PERMITS. Pursuant to Council discussion at Regular Meeting of January 16, 1985

ITEM 12

Mr. Anderson noted his agreement with City Manager Jones' recommendations in his memo dated January 28, 1985 (Attachment #4). Mr. Barnett also agreed. Ed McMahon, representing the Old Naples Association, asked if there might be a conflict of interest by having the Contractors' Examining Board censure contractors; Community Development Director Barry responded with his opinion that the contractors would "clean their own house".

Anderson
Barnett
Bledsoe
Richardson
Wood
Billick
Schroeder
(6-0)

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Anderson
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COUNCIL MEMBERS

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DISCUSSION OF PENALTIES FOR CONTRACTORS WORKING WITHOUT REQUIRED PERMITS.

ITEM 12 (Cont)

Mr. Anderson suggested that any workers who appear to be on a job and have a truck without competency card numbers displayed should be checked for a permit for that job. Mr. Barry further stated that the Board would be better able to handle each situation on a case-by-case basis and would send their recommendations to Council.

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DISCUSSION/ACTION CONCERNING ANNUAL REPORT AND FUTURE DUTIES OF PARKS & RECREATION ADVISORY BOARD. Requested by City Manager

ITEM 13

City Manager Jones noted that the annual report from the Parks & Recreation Advisory Board had been provided each Councilman and that he planned to meet with the Board at their next meeting. He said he would report at the next regular Council meeting.

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RESOLUTION 85-4665

ITEM 14

A RESOLUTION PROVIDING A PROCEDURE BY WHICH CERTAIN SEWER MAIN EXTENSIONS MAY BE REVIEWED AND APPROVED BY CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Jones.

City Manager Jones reviewed the information in his memorandum dated February 1, 1985 (Attachment #5). He noted this would allow construction of mains so they could be connected as the sewer plant expansion allowed. Mr. Schroeder stated his opinion that the staff could approve these applications rather than bringing them to Council because of their technical nature. Mr. Richardson questioned the need for legislation at this time, to which City Attorney Rynders explained that it would be necessary for Council to step back from the moratorium.

Anderson	X	X		
Barnett		X		
Bledsoe	X	X		
Richardson			X	
Wood		X		
Billick				X
Schroeder		X		
(4-2)				

MOTION: To ADOPT the resolution as presented.

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RESOLUTION 85-

ITEM 15

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE FRATERNAL ORDER OF POLICE, COLLIER COUNTY LODGE NO. 38; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

City Manager Jones noted that some "housekeeping" matters had come up and the contract was not ready for ratification at this time. It was the consensus of council to REMOVE this item from the Agenda.

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COUNCIL
MEMBERS

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CORRESPONDENCE & COMMUNICATIONS - None

ADJOURN: 10:26 a.m.

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
Janet Cason
City Clerk

Ellen P. Weigand
Ellen P. Weigand
Deputy Clerk

These minutes of the Naples City Council approved FEB 20 1985

Supplemental Attendance list - Regular Meeting, February 6, 1985

Mr. Charles St. John
Charles Andrews
Tish Gray
Herb Anderson
Stanley Hole
Charles Dauray

Lou Branding
Gene Lapurn
Ed McMahon
Joseph Dinunzio
George Hermanson
Virginia Newman

Robert Galloway
Robert Russell
Gene Poyant
Marshall Davenport
Bill Hill
Mr. & Mrs. Ken Connors

News Media

Ed Solberg, TV-9
Anna-Marie Carsello, TV-9
Randy Sell, TV-9

Denes Husty, News Press
Beverly Cameron, WINK TV-11
Mary Armbruster, WEVU TV-26
Curt Johnson, WEVU TV-26

Chuck Curry, Naples Daily News
Kathleen Petersen,
Naples Daily News

Other interested citizens and visitors.



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council
 FROM: Franklin C. Jones, City Manager
 SUBJECT: Building Setbacks/Survey Required
 DATE: January 29, 1985

Background:

As you know, both the Contractors Examining Board and the Planning Advisory Board recently recommended that the city require a survey to ensure compliance with our building setback requirements.

We agree with their recommendations. Although we have started to visually check the setbacks on each construction job, that will not ensure compliance; and it places the burden and the liability on the city, which we do not think is appropriate. The owner and the builder should be responsible for locating a structure in accordance with the approved plans and in accordance with the city's code provisions.

The only way to know precisely where a building is located relative to property lines and setbacks, is to have a survey made at an early enough point in the construction process to permit corrections if necessary.

Such a survey is a normal part of the construction process, so the required submittal of this information to the city should not significantly increase the cost of construction or cause unreasonable delays.

For your general information, we have attached a City of Sanibel ordinance which requires such a survey. Collier County is considering the adoption of a similar ordinance.

Staff Recommendation:

We recommend that the City Council direct staff to prepare a draft ordinance that would require a building permit holder to submit a survey to the city indicating the location of the foundation or pilings of a new building in relation to all applicable setback lines.

We will review the draft ordinance with the interested appointed Boards of the city and the Collier County Builders and Contractors Association before bringing the matter back to the City Council.

Respectfully submitted,

Franklin C. Jones
 Franklin C. Jones
 City Manager

Prepared by:

Roger Barry
 Roger Barry
 Community Development Director

CITY OF SANIBEL

ORDINANCE NO. 80 - 26

AN ORDINANCE AMENDING SECTION 108.2(c) OF THE STANDARD BUILDING CODE, ADOPTED AS THE SANIBEL BUILDING CODE PURSUANT TO SANIBEL ORDINANCE 75-25 AS AMENDED, TO PROVIDE THAT THE PERMIT HOLDER OF A BUILDING PROJECT SHALL SUBMIT TO THE BUILDING OFFICIAL A CERTIFIED SURVEY DEPICTING THE LOCATION OF THE FOUNDATION OR PILINGS AS BUILT IN RELATION TO ALL APPLICABLE SET-BACK LINES ESTABLISHED BY THE SANIBEL COMPREHENSIVE LAND USE PLAN; TO PROVIDE THAT THE PERMIT HOLDER OF A BUILDING PROJECT SHALL SUBMIT TO THE BUILDING OFFICIAL A CERTIFIED SURVEY DEPICTING THE ELEVATION OF THE LOWEST HABITABLE FLOOR OR LOWEST PORTION OF THE HORIZONTAL STRUCTURAL MEMBER OF THE LOWEST FLOOR AS APPLICABLE AS BUILT IN RELATION TO MEAN SEA LEVEL; PROVIDING FOR A FLOOD ELEVATION INSPECTION; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is recognized that violations and infractions of the Comprehensive Land Use Plan set-back provisions and the Flood and Storm Proofing elements can be best corrected or avoided if detected at the earliest possible stage of the construction process; and,

WHEREAS, it is the intent of the City Council by adopting this ordinance that a viable and orderly procedure be implemented to detect such violations and infractions at the earliest possible time and to encourage more careful construction practices with regard to the placement of structures vis-a-vis the Comprehensive Land Use Plan set-back provisions and the Flood and Storm Proofing element.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Lee County, Florida:

Section 1. That Section 108.2(c) of the Standard Building Code, adopted as the Sanibel Building Code pursuant to Sanibel Ordinance 75-25 as amended, is hereby amended to read as follows in its entirety:

(c) The Building Official upon notification from the permit holder or his agent shall make the following inspections of buildings and such

other inspections as may be necessary, and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the law.

Foundation Inspection: To be made after trenches are excavated and forms erected or pilings installed. It is the duty of the permit holder to submit to the building official, within 21 calendar days of this inspection, a survey map depicting the foundation or pilings as installed and the location of said foundation or pilings, precisely dimensioned in relation to each and every lot or setback line as established by the Sanibel Comprehensive Land Use Plan, or as established by conditions attached to the development permit, applicable to the permitted structure and the property upon which said structure is being constructed. Said survey shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Also, within the same 21 calendar day period as referred to hereinabove, the permit holder shall submit to the building official an overlay or a supplemental drawing to the above referenced survey map legibly depicting all proposed projecting perimeter parts of the structure, including, but not limited to, roof overhangs and exterior stairs, precisely dimensioned in relation to each and every lot or setback line, as established by the Sanibel Comprehensive Land Use Plan, or as established by conditions attached to the development permit, applicable to the permitted structure and the property upon which said structure is being constructed.

Said overlay or supplemental drawing shall be certified by the builder, contractor or his agent. Any work done within the 21 day calendar period and prior to the submission of a survey or overlay required hereby shall be at the permit holder's risk. The building official shall review the survey, supplemental drawing, overlay and certifications provided for hereby and approve same if all setback requirements can be met. Deficiencies or encroachments detected by such review shall be corrected by the permit holder forthwith and prior to further progressive work being permitted to proceed. Failure to submit the survey, overlay, supplemental drawing, and certifications required hereby or failure to make said corrections shall be cause to issue a stop-work order for the project.

Flood Elevation Inspection: To be made after the lowest habitable floor as defined in the Sanibel Comprehensive Land Use Plan, Part 3.7, is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas the inspection is to be made after placement of the horizontal structural members of the lowest floor. Within 21 calendar days of establishment of the lowest habitable floor elevation, by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a survey map indicating the elevation of the lowest habitable floor, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean

sea level. Said survey shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. The term "mean sea level" for the purpose of this subsection shall be as established from the National Geodetic Vertical Survey of 1929 Datum. Any work done within the 21 day calendar period and prior to submission of the survey map shall be at the permit holder's risk. The Building Official shall review the Flood Elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Frame Inspection: To be made after the roof, all framing, fire-blocking and bracing is in place and all pipes, chimneys, and vents are complete.

Final Inspection: To be made after the building is completed and ready for occupancy.

Section 2. Code of Ordinances.

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the City of Sanibel, as an addition thereto, and shall be appropriately numbered and renumbered to conform to the uniform numbering system of the Code upon such inclusion.

Section 3. Severance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 4. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any other part, it shall be severed and the remainder shall have the full force and effect and be liberally construed.

Section 5. Effective Date.

This Ordinance shall take effect on the 17th day of September, 1980.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida this 17th day of September, 1980.

ATTEST:

C. Duane White
Member of Council

Bernard H. ...
City Clerk

Member of Council

Francis P. ...
Mayor

Member of Council

[Signature]
Member of Council

August 19, 1980 First Reading

August 22, 1980 Publication Date

September 17, 1980 Second Reading

Filed in the Office of the City Clerk this 17th day of September, 1980.

APPROVED AS TO FORM:
September 17, 1980

Bernard H. ...
City Clerk

Neal D. Bowers
City Attorney



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council
 FROM: Franklin C. Jones, City Manager
 SUBJECT: Penalties for Contractors Working Without Permits
 DATE: January 28, 1985

Background:

The Contractors Examining Board recently recommended that contractors doing work without required permits be fined for a first time offense, have their competency card suspended for a second offense and revoked for a third offense.

Dave Rynders has researched the question of a fine (see attached memo) and his conclusion is that not very much would be gained by establishing a specific fine in our code since the actual fine is established in county court by a county judge.

The City Code (see attached sections) currently provides for a suspension or revocation of a contractor's City Competency card. It is our opinion that the existing regulations are adequate and appropriate, but should be invoked more extensively than they have been in the past.

In the past seven years only two contractors' competency cards have been suspended, and they were suspended based on a formal complaint by a property owner and for breach of contract.

Staff Recommendation:

We recommend that the Contractors Examining Board consider suspending or revoking a contractor's competency card who does work in the city without first obtaining the necessary permits.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
 City Manager

Prepared by:

W. Barry

Walter Barry
 Community Development Director



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: MORATORIUM ON SEWER MAIN EXTENSIONS

DATE: FEBRUARY 1, 1985

BACKGROUND: In 1980 the City Council adopted a resolution declaring a moratorium on main extensions to the City's sewer system. The purpose of the moratorium was to protect the City from being in a position to have to connect more users to our system than the plant capacity would allow. The execution of a consent agreement with the Florida Department of Environmental Regulation has permitted us to expand our plant capacity on an interim basis, pending the completion of the permanent plant expansion construction. In addition, it is often possible to schedule main extensions so that the actual requirement for treatment capacity is many months in the future.

ANALYSIS: In order to allow for a reasonable process by which main extensions could be approved during this construction period I would suggest that we revise the current moratorium. The City would actually receive a benefit by permitting main extensions to begin so that customers would be connecting to the system as the expansion in capacity is completed. I would also suggest that the Council approve a procedure whereby applications for main extensions would now be accepted and brought to the Council for review.

This review would include a determination of the treatment capacity that the extension would require; the time of the completion of the main extension and the connection of their customers; and the current status of treatment plant capacity available at the time of the review and at the time of the actual connection.

RECOMMENDATION: The attached resolution would amend the existing moratorium and provide for the Council to review and approve sewer main extensions as capacity becomes available.

Respectfully submitted,

Franklin C. Jones
 Franklin C. Jones
 City Manager

FCJ/tan