



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

| -SUBJECT- | Ord. No. | Res. No. | Page |
|--|-------------|-------------|------|
| <u>ANNOUNCEMENTS</u> | | | |
| MAYOR BILLICK - None | | | 1 |
| CITY MANAGER JONES - None | | | 1 |
| <u>APPROVAL OF MINUTES</u> - Special Meeting, 07/31/85 | | | 1&2 |
| Workshop Meeting, 08/06/85 | | | |
| Regular Meeting, 08/07/85 | | | |
| <u>PURCHASING</u> | | | |
| -Approve bid award - Tractor/loader - Engineering Department | 85-4787 | | 1&2 |
| -Approve bid award - Communication equipment maintenance annual contract | 85-4788 | | 1&2 |
| -Auth. to issue change orders for chemicals for wastewater treatment and water production | 85-4789 | | 2 |
| <u>RESOLUTIONS</u> | | | |
| -Approve execution of contract w/Department of Natural Resources - open air shelter - <u>River Park</u> | 85-4790 | | 2 |
| -Approve Dredging Permit DR 85-4 - <u>Key Island Lagoon</u> - Gaynor | 85-4791 | | 2 |
| -Approve Alley Vacation Pet 85-AV1 - <u>Charles Long, Fleischmann Trustee</u> , bet. 2nd & 3rd Sts So and 13th & 14th Avs So | 85-4792 | | 2 |
| - <u>DENY</u> - Var Pet 85-V5 - encroachment in <u>front yard setback</u> - 2131 Forest Lane | FAILED | | 3 |
| -Approve Spec Ex Pet 85-S3 - Permit <u>drive-up window</u> - Kentucky Fried Chicken, 2800 Tamiami Trail No | 85-4793 | | 3&5 |
| -Approve Var Pet 85-V7 - Permit <u>chain link fence</u> - Naples United Church of Christ, 5200 Crayton Road | 85-4794 | | 4 |
| -Approve Spec Ex Pet 85-S15 - permit <u>day care facility</u> - Naples United Church of Christ, 5200 Crayton Road | 85-4795 | | 4 |
| -Approve Var Pet 85-V8 - permit <u>chain link fence</u> - Palmer Estates bet. Gordon Drive & Gulf and so. of 20th Av So | 85-4796 | | 4 |
| - <u>POSTPONE</u> Var Pet 85-V9 - permit <u>marquee & wall signs</u> - Naples Medical Center | 85- | | 5 |
| -Approve Var Pet 85-V10 - encroachment <u>front yard setback</u> - pool enclosure - 3898 Crayton Road | 85-4797 | | 5 |
| -Approve Nonconformity Pet 85-N2 - <u>expand a nonconforming transient facility</u> - Howard Johnson's restaurant, 221 9th St So | 85-4798 | | 6 |
| -Approve <u>interlocal agreement</u> w/Collier County & Everglades City - 5th & 6th cent gas tax | 85-4799 | | 6 |
| <u>DISCUSSION</u> | | | |
| -Re amending City/County Water/Sewer agreement - <u>POSTPONED TO SEPTEMBER 4, 1985</u> | | | 6 |
| -Re County's proposal to enact <u>impact fee for road construction and maintenance</u> | | | 6&7 |

| 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 | |

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES ITEM 8
PLANNING ADVISORY BOARD

---RESOLUTION 85-4792 ITEM 8-a

A RESOLUTION VACATING AND ABANDONING THE EAST 180 FEET OF AN EAST/WEST ALLEY LOCATED IN BLOCK 6, TIER 3, PLAN OF NAPLES, BETWEEN 2ND AND 3RD STREETS SOUTH AND 13TH AND 14TH AVENUES SOUTH, AND ACCEPTING A DEDICATION OF A 20 FOOT WIDE NORTH/SOUTH EASEMENT LOCATED IN BLOCK 6, TIER 3, PLAN OF NAPLES, BETWEEN 2ND AND 3RD STREETS SOUTH AND 13TH AND 14TH AVENUES SOUTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders explained that it had been necessary to move the north/south alley which is being dedicated to the City six (6) feet to the east. He further noted that this would change the legal description language; i.e. change "east 180 feet" to "east 174 feet" in the title and Section 1, and change "west 20 feet of Lot 19" to "east 20 feet of the west 26 feet of Lot 19" in Section 2. He further noted a potential problem in the chain of title to keep a reference to the six foot wide landscaped buffer incorporated in the resolution. He noted the petitioner's acceptance of a suggestion to make the effective date November 21, 1985, which would allow enough time to provide the buffer referred to in Section 1-B, if that stipulation was deleted. Attorney George Vega noted the presence of Charles Long, representing the Fleischmann Trustees, petitioner; architect Walter Keller; and Bierne Brown, Chef's Garden Restaurant, who were in agreement with the above discussion. It is noted for the record that through error, a motion and a second to adopt this resolution as amended was not made but, according to the City Attorney's opinion (Attachment #2), the Council was unanimously in favor of it.

*** RESOLUTION 85- ITEM 8-b

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.3F(1) OF THE ZONING ORDINANCE IN ORDER TO PERMIT CONSTRUCTION OF A 22 BY 24 FOOT, TWO CAR GARAGE, THAT WOULD ENCROACH THREE FEET INTO A FRONT-YARD SETBACK AREA AT AN EXISTING RESIDENCE LOCATED AT 2131 FOREST LANE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Billick noted the Planning Advisory Board's recommendation to deny this petition. Because the petitioner was not present, Mr. Schroeder confirmed with Community Development Director Barry that he had been notified that the matter would be heard by Council today.

MOTION: To ADOPT the resolution as presented.

| | | | | |
|------------|---|---|--|---|
| Anderson | | X | | X |
| Barnett | | | | X |
| Bledsoe | | | | X |
| Richardson | | | | X |
| Schroeder | X | | | X |
| Billick | | | | X |
| (0-6) | | | | |
| FAILED | | | | |

*** RESOLUTION 85-4793 ITEM 8-c

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A DRIVE-UP WINDOW FACILITY AT THE KENTUCKY FRIED CHICKEN RESTAURANT, 2800 TAMIAMI TRAIL NORTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

| | | | | |
|------------|---|---|--|---|
| Anderson | | | | X |
| Barnett | | | | X |
| Bledsoe | X | | | X |
| Richardson | | | | X |
| Schroeder | | X | | X |
| Billick | | | | X |
| (6-0) | | | | |

| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENT |
|---|--------|---------|------|----|--------|
| | | | YES | NO | |
| <p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD (Cont)</u> <u>ITEM 8 (Cont)</u></p> <p><u>---RESOLUTION 85-4794</u> <u>ITEM 8-d-1</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.8(A) AND (C) OF THE ZONING ORDINANCE IN ORDER TO PERMIT A FOUR FOOT HIGH CHAIN-LINK FENCE AROUND AN EXISTING PLAYGROUND AREA, PARTIALLY LOCATED IN THE FRONT-YARD SETBACK AREA OF THE NAPLES UNITED CHURCH OF CHRIST, 5200 CRAYTON ROAD, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>---RESOLUTION 85-4795</u> <u>ITEM 8-d-2</u></p> <p>A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A CHILD DAY-CARE FACILITY AS AN ACCESSORY USE AT NAPLES UNITED CHURCH OF CHRIST LOCATED AT 5200 CRAYTON ROAD; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted the presence of Reverend Mapes who would address Council if there were questions to be answered.</p> <p><u>Agenda Item 8-d-1</u> <u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p><u>Agenda Item 8-d-2</u> <u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p> <p><u>---RESOLUTION 85-4796</u> <u>ITEM 8-e</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.8(C) OF THE ZONING ORDINANCE IN ORDER TO PERMIT A FOUR FOOT HIGH CHAIN-LINK FENCE, WITH LANDSCAPING, IN FRONT-YARD SETBACK AREAS ALONG A PUBLIC BEACHWALK APPROXIMATELY 700 FEET IN LENGTH BETWEEN GORDON DRIVE AND THE GULF OF MEXICO, IMMEDIATELY SOUTH OF 20TH AVENUE SOUTH, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p> | | | | | |
| Anderson | X | | X | | |
| Barnett | | | X | | |
| Bledsoe | | | X | | |
| Richardson | | X | X | | |
| Schroeder | | | X | | |
| Billick (6-0) | | | X | | |
| Anderson | | | X | | |
| Barnett | X | | X | | |
| Bledsoe | | | X | | |
| Richardson | | | X | | |
| Schroeder | | X | X | | |
| Billick (6-0) | | | X | | |
| Anderson | | | X | | |
| Barnett | | X | X | | |
| Bledsoe | | | X | | |
| Richardson | | | X | | |
| Schroeder | X | | X | | X |
| Billick (5-1) | | | X | | |

| 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 | |

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD (Cont)

ITEM 8
(Cont)

RETURN TO RESOLUTION 85-4793

City Manager Jones noted that because the petitioner and his representative for Agenda Item 8-c had not been present when that item was discussed, they had asked to address Council about some of the conditions outlined in his memo dated August 9, 1985 (Attachment #3) and which were made a part of the resolution. It was the consensus of Council to hear their comments at this time. Mark Lamoureux, representing the petitioner, questioned the condition referred to under Planning Advisory Board (PAB) recommendations, Item 5. Mr. Schroeder explained that whenever a petitioner requests a special exception, he may be asked to bring other aspects of the property up to current standards. Mr. Lamoureux further questioned the elimination of the westernmost existing driveway as noted in Item 4. Richard Duffy, petitioner, spoke in support of retaining the driveway, but City Engineer McCord explained the reasons the recommendation had been made to eliminate it. He, however, noted that redesigning the driveway to narrow it and making it "Exit Only" would alleviate the anticipated problems. Mr. Duffy indicated his acceptance of this solution.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Billick
(6-0)

X
X
X
X
X
X

MOTION: To AMEND previously adopted Resolution 85-4793 to change Item 4 in the City Manager's memo to have the westernmost driveway redesigned to narrow it and mark it "Exit Only".

---RESOLUTION 85-

ITEM 8-f

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.22(F)(1)(D) OF THE ZONING ORDINANCE IN ORDER TO PERMIT A GROUND SIGN WITH APPROXIMATELY 30 SQUARE FEET OF AREA AT THE NAPLES MEDICAL CENTER, 831 4TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION 85-4797

ITEM 8-g

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.35(A) OF THE ZONING ORDINANCE IN ORDER TO PERMIT CONSTRUCTION OF A 24.5 BY 56 FOOT SCREEN ENCLOSURE AROUND AN EXISTING SWIMMING POOL DECK WITH AN 11.5 FOOT REAR-YARD SETBACK LOCATED AT 3898 CRAYTON ROAD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Joseph Boggs of Bruce Green & Associates, representing the petitioner, presented himself to Council to answer any questions.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Billick
(5-1)

X
X
X
X
X
X
X

MOTION: To ADOPT the resolution as presented.

| 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 | |
| <p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES</u> <u>ITEM 8</u> <u>PLANNING ADVISORY BOARD (Cont)</u> <u>(Cont)</u></p> | | | | | |
| <p>---<u>RESOLUTION 85-4798</u> <u>ITEM 8-h</u></p> | | | | | |
| <p>A RESOLUTION APPROVING EXPANSION OF A NON-CONFORMITY OF AN EXISTING TRANSIENT-LODGING FACILITY (I.E., MOTEL) AND RESTAURANT AT HOWARD JOHNSON'S MOTOR LODGE, 221 NINTH STREET SOUTH, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> | | | | | |
| <p>Title read by City Attorney Rynders.</p> | | | | | |
| <p>Architect Walter Keller, representing the petitioner, presented himself to answer any questions. Mr. Anderson noted that the proposed plan eliminated the existing nonconformities in the area being expanded.</p> | | | | | |
| <p><u>MOTION</u>: To <u>ADOPT</u> the resolution as presented.</p> | | | | | |
| <p>-----<u>END COMMUNITY DEVELOPMENT/PAB</u>-----</p> | | | | | |
| <p>---<u>RESOLUTION 85-4799</u> <u>ITEM 9</u></p> | | | | | |
| <p>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES PROVIDING FOR THE DISTRIBUTION OF PROCEEDS FROM THE LOCAL OPTION GAS TAX; AND PROVIDING AN EFFECTIVE DATE.</p> | | | | | |
| <p>Title read by City Attorney Rynders.</p> | | | | | |
| <p><u>MOTION</u>: To <u>ADOPT</u> the resolution as presented.</p> | | | | | |
| <p>*** *** ***</p> | | | | | |
| <p><u>DISCUSSION/ACTION WITH REFERENCE TO AMENDING</u> <u>ITEM 10</u> <u>THE CITY/COUNTY WATER/SEWER AGREEMENT.</u> Requested by City Manager.</p> | | | | | |
| <p>City Attorney Rynders noted there was no resolution for this item and that City Manager Jones' memo of August 16, 1985 (Attachment #5) requested that this item be delayed until the next meeting. <u>It was the consensus of Council to do so.</u></p> | | | | | |
| <p>*** *** ***</p> | | | | | |
| <p><u>DISCUSSION/ACTION CONCERNING THE PROPOSAL</u> <u>ITEM 11</u> <u>BY THE COLLIER COUNTY COMMISSION TO ENACT AN</u> <u>IMPACT FEE FOR ROAD CONSTRUCTION AND MAINTENANCE.</u> Requested by City Manager.</p> | | | | | |
| <p>City Attorney Rynders noted there was no resolution for this item but that City Manager Jones had included the minutes of the August 6th meeting of the County Commission where the Impact Committee presented its report (Attachment #6). Mayor Billick asked Councilman Richardson to take over the discussion; whereupon Mr. Richardson noted a handout he had distributed just prior to today's meeting. He asked for a ten minute break to give the Council time to review the information in the handout (Attachment #7).</p> | | | | | |
| <p>*** *** ***</p> | | | | | |
| <p><u>BREAK</u>: Recessed - 9:55 a.m. Reconvened - 10:10 a.m.</p> | | | | | |
| <p>*** *** ***</p> | | | | | |

Anderson
 Barnett
 Bledsce
 Richardson
 Schroeder
 Billick
 (6-0)

Anderson
 Barnett
 Bledsce
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 Schroeder
 Billick
 (6-0)

COUNCIL MEMBERS

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DISCUSSION/ACTION CONCERNING THE PROPOSAL ITEM 11
BY THE COLLIER COUNTY COMMISSION TO ENACT AN (Cont)
IMPACT FEE FOR ROAD CONSTRUCTION AND MAINTENANCE. (Cont)

Using charts for emphasis, Mr. Richardson reviewed the information in the handout he had distributed earlier. He explained that impact fees are collected for water and sewer installations and he felt the suggested impact fees for single-family homes and multi-family dwelling units were reasonable. He urged the Council to direct Mayor Billick to write a letter to the County Commission advocating an impact fee structure and opposing an increase in ad valorem taxes for road construction. It was the consensus of Council that the Mayor should write such a letter.

*** *** ***

CORRESPONDENCE AND COMMUNICATIONS - None

*** *** ***

ADJOURN: 10:36 a.m.

Janet Cason
Janet Cason
City Clerk

Stanley R. Billick
Stanley R. Billick, Mayor

Ellen P. Weigand
Ellen P. Weigand
Deputy Clerk

These minutes of the Naples City Council approved 09/04/85

Supplemental Attendance List - Regular Meeting, August 21, 1985

Reverend Robert Fox
Charles Andrews
Robert Russell
Tish Gray
Reverend Rick Mapes

Charles Long
George Vega
Mark Lamoureux
Walter Keller
Herb Anderson
Jack Goff

Jack Amaral
Bierne Brown
Gilbert Weil
Richard Duffy
Joseph Boggs

News Media

Ed Solberg, TV-9

Chuck Curry, Naples Daily
News

Lori Rozsa, Miami Herald

Other interested citizens and visitors.

*City of Naples*

--- MEMO ---

TO: PAT WEIGAND, DEPUTY CLERK
FROM: DAVID W. RYNDERS, CITY ATTORNEY
DATE: AUGUST 21, 1985
RE: RESOLUTION VACATING APPROXIMATELY 174 FEET
CHARLES M. LONG, TRUSTEE

Regarding your advice to me that no motion and second was made on the vacation resolution, please note in your minutes that through error motion and second were omitted but that the council voted unanimously in favor of it and the Mayor determined that the issue was settled. The Mayor is the parliamentarian and his determination on these matters is final unless the city council disapproves them. No further action is necessary in view of the unanimous agreement of the council.

DWR/plr



AGENDA ITEM #8-C
8/21/85

ATTACHMENT #3 - page 1

City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council
 FROM: Franklin C. Jones, City Manager
 SUBJECT: Special Exception Petition 85-S3 for a drive-up window at the Kentucky Fried Chicken Restaurant.
 Petitioner: Richard L. Duffy
 DATE: August 9, 1985

Background:

The petitioner is requesting to operate a drive-up window facility at a restaurant in an existing commercial development. Operation of the window facility would require the redesigning of the parking area at the subject development.

PAB Recommendation:

The PAB conducted a public hearing for this petition at its meeting on August 1, 1985 and recommended approval, subject to the following conditions:

1. The owner of the subject property is to record a restrictive covenant which indicates that the two parcels that make up the property must function as one (in terms of parking and shared accessways/driveways) as long as the drive-up window remains in operation as currently proposed, and/or until each parcel can conform separately to all applicable city ordinances.

The restrictive covenant is to be subject to the City Attorney's approval, and a copy of it must be submitted to the city when applying for city permits.

2. The proposed accessway next to the drive-up window must be a minimum of 12 feet wide.
3. Additional landscaping is required in the existing landscape areas next to U.S. 41 and 28th Avenue North. A detailed landscaping plan must be approved by the city before any permits are issued.
4. The westernmost existing driveway to 28th Avenue North is to be eliminated.
5. The asphalt in the right-of-way for 28th Avenue North (approximately a ten-foot width from the south edge of the sidewalk) is to be removed and replaced with a sodded swale that meets city-approved grades, except for areas needed to accommodate driveway turnouts at the intersection at U.S. 41.

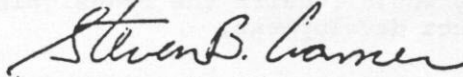
TO: Mayor & City Council
FROM: Franklin C. Jones, C.M.
SUBJECT: Special Exception Petition 85-S3

Page 2.

ATTACHMENT #5 - page 2

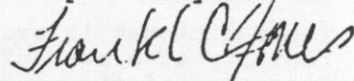
6. The existing grass islands adjacent to 28th Avenue North are to be converted to stormwater retention rock basins and the perimeter curb is to be removed.
7. A minimum six inch high "lay-on" curb is to be installed adjacent to the drive-up window and is to be continuous from the east building face to approximately 24 feet west of the drive-up window lane.
8. An on-site traffic control signing and marking plan is to be submitted to the Engineering/Traffic Department for their review and approval before any city permits are issued for the drive-up window.

Prepared by:



Steven B. Cramer
Chief Planner

Respectfully submitted,



Franklin C. Jones
City Manager

AGENDA ITEM # 8-F
8/21/85

BUDD HINES AND THOMPSON

ATTORNEYS AND COUNSELORS AT LAW
A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

ATTACHMENT #4

SOUTHEAST BANK BUILDING
SUITE 303
1010 FIFTH AVENUE SOUTH
NAPLES, FLORIDA 33940

DAVID G. BUDD, CHARTERED
ROBERT G. HINES, CHARTERED
STEPHEN ROBERT THOMPSON, CHARTERED

(813) 263-7700

August 19, 1985

Office of City Manager
City of Naples
735 Eighth Street South
Naples, Florida 33940

Re: City Council Meeting August 21, 1985

Dear Sir:

I am writing as a follow up to my telephone conversation earlier today with your office regarding the captioned meeting.

My client, Naples Medical & Professional Center, Inc., is on the agenda for that meeting in connection with a variance petition. Due to a scheduling conflict, my client has requested that I request that their appearance be postponed from the captioned date until the City Council meeting on September 18, 1985.

Please feel free to give me a call should you have any questions with regard to this request.

Very truly yours,

Stephen Robert Thompson

SRT:hw



XC: MAYOR, COUNCIL
COMMUNITY DEV.



AGENDA ITEM #10
8/21/85

City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: AMENDMENT OF CITY/COUNTY WATER/SEWER AGREEMENT
DATE: AUGUST 16, 1985

The amendments to the Water/Sewer Agreement that the staff was planning to discuss at this meeting have not been finalized and further meetings are needed with the County utility staff. For this reason I am requesting that this item be removed from the agenda and we will reschedule it at the appropriate time.

Respectfully submitted,

Franklin C. Jones
City Manager

FCJ/tan



AGENDA ITEM #11
8/21/85

City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: PROPOSED ROAD INFRASTRUCTURE IMPACT FEES
DATE: AUGUST 16, 1985

The County Commission has scheduled a workshop session for Wednesday, August 21, to discuss a road infrastructure impact fee proposal. We have placed this item on the agenda for discussion/action to allow the City Council to take a position on this proposal if you wish.

I am attaching the minutes from the County Commission meeting of August 6, where the impact fee committee presented its report. As other information is available from the County we will distribute it to the Council

Sincerely,

Franklin C. Jones
City Manager

FCJ/tan
enc.

EMPLOYEE SERVICE AWARDS (PERSONNEL) - PRESENTED

Commissioner Voss distributed the following Employee Service Awards:

- Edward Torroni - Parks & Recreation 10 years (absent)
- Felix Reynoso - Road & Bridge 10 years
- William Spencer - Engineering 5 years
- Jeronimo Salas - Road & Bridge 5 years

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DISCUSSION RE ROAD INFRASTRUCTURE IMPACT FEE COMMITTEE REPORT - WORKSHOP DATE FOR THIS ITEM TO BE ANNOUNCED LATER

Mr. Clifford Barksdale, Chairman of the Road Infrastructure Impact Fee Committee, explained that the report issued by this Committee contains much information and concludes with three recommendations. He said a shortfall of approximately \$4,000,000 per year for the program was identified. He said the Committee looked at between fifteen and twenty methods of generating additional revenue and narrowed them to three methods deemed to be fair, feasible and within the purview of the Board of County Commissioners. He explained that information used by the Committee members was obtained from the MPO and Staff on what the road needs for Collier County would be over a ten year program. He reported that, after four meetings, the group agreed on a shortfall of \$40,000,000 for the next ten years, and added it was the general consensus of the members that road maintenance should be funded by an ad valorem tax and since all citizens of Collier County enjoy the use of the roads it should be a County-wide responsibility.

Mr. Barksdale said there was a dilemma as to how to allocate growth needs versus continued or existing needs and eight indices were reviewed to obtain a percentage of those costs that could be attributed to growth and a percentage that could be attributed to current needs. He explained all but two methods were eliminated and a consensus was reached by the Committee to average those two methods which resulted in a recommendation that 42% of the shortfall should be paid through the current population of ad valorem taxes and 58% was attributed to growth. He explained the method of achieving these percentages was reached by dividing the amount of the current immediate road needs by the total road needs in 1995 which resulted in 22%. He said, considering that current households today versus total households was 62%, the average was 42%, and added if those numbers are applied to the

1985
17
dollar values, the Committee Report indicates that the ad valorem portion would require .183 mills to raise that portion of the money with an impact fee of \$265.00 per unit. He said this is only applying the impact fee to residential units and that the group did not go into a method of distributing the total amount of impact fees throughout new commercial construction. He said the impact fee would be lower if the total cost were distributed through commercial and residential units.

Mr. Barksdale said that the Report concluded that the gasoline tax, strictly a user-based tax, was the best method of funding the County's road needs, adding that the members are aware this tax is a State controlled process and the Report recommended that the Board of County Commissioners seek new funding sources through the Legislature by increasing the gas tax. He pointed out that the State has authorized an additional two cents gas tax since the Report was issued and that revenue was not included in the Report.

Mr. Barksdale said another recommendation of the Committee was for the Board to shift two of the current 4 Cent Gas Option Tax, now used for road maintenance, to construction and replace it with ad valorem tax to be used only for maintenance which would cost .145 mills.

Mr. Barksdale explained that the third recommendation was for the County to adopt a plan which would be a combination of ad valorem tax and impact fees for future growth and the total millage would be .328 mills.

In response to Commissioner Voss, Mr. Barksdale said his Committee did not consider any impact fee on motels and businesses. He said the members did not discuss the distribution of the impact fee as was done in the previous Impact Fee Study. He said the Committee members pointed out in its Report that they did not recommend an impact fee solely on residential units but merely listed their recommendations to show an indication of what the amount would be.

In answer to Commissioner Hasse, Mr. Barksdale said that he read Dr. Peterson's and Mr. Richardson's minority reports which were submitted after the Infrastructure Committee issued the final report.

Commissioner Pistor said the State passed a law which would place restrictions on the use of ad valorem taxes for road and bridge and Mr. Barksdale said he had only heard about this law on 8/5/85, but it was his understanding that the County could not levy a special tax for the Road and Bridge Fund, however, the County could still levy a tax to the General Fund, with which Assistant County Attorney Cuyler agreed.

18 The following persons spoke in opposition to Impact Fees siting such fees are unfair, would discourage businesses to locate in Collier County, would make it difficult for young people to own homes, and suggested other sources of revenue such as a County automobile tag:

Mr. Tom Shields, President of Collier County Builders and Contractors Association.

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Mr. Arthur Davis, member of Collier County Builders and Contractors Association.

Mr. Bill Stone, of Collier County Builders and Contractors Assn.

Mr. Don Barber, member of the Infrastructure Impact Advisory Committee, who disagreed with the methodology used by that Committee to reach the aforementioned percentages and explained his computation which resulted in a 60% to be paid by current residents and 40% to be paid by future residents instead of the Committee's recommendation of 58% and 42%, and he said with the 5th and 6th cent gas tax the road needs for the next five years could be met.

Mr. Ronald Bell, member of the Naples Area Board of Realtors.

Dr. Floyd Peterson, member of the Infrastructure Impact Advisory Committee, stated for the record that he withdrew his minority report but added the percentages should have been applied to the total \$40,000,000 shortfall instead of \$30,000,000 as the Report states.

Mr. Barksdale said, from a personal standpoint, in reviewing the tentative budget and the five year road program and considering the revenue source that is available with the 5th and 6th Cent Option Gas Tax, it was his opinion that there will be sufficient funds without levying any ad valorem tax or impact fee to fund the road program for the next three years. He suggested waiting to see what funds are generated by the 5th and 6th Cent Option Gas Tax and review the subject during the coming year in order to obtain the correct percentages and averages and then the County can implement a road program based on facts. He said the population increase from 1973 to 1984 is approximately 70,000 which averaged 13.4% per year and from 1985 to 1995, the period which was considered in the Committee Report, there was approximately the same 70,000 increase considered with an average increase of only 6.4% compared with the 13.4% for the prior 14 years. He said during the 14 year period there was 3 cents for the majority of that period and an additional 9th cent was approved by referendum. He stated, since that time, an additional 6 cents of gas tax is available for road construction which is over 60% more revenue in the road construction program as opposed to only 6.4% growth in population which is why he has concluded there is no need for enactment of an impact fee this year.

indicates the current revenue available from gas tax, not including the additional 2¢ optional, and at the end of ten years the projection is for a total revenue of approximately 33 million dollars and needs of 66.6 million which results in a shortfall of approximately 34 million dollars. He said in the next year or two there will not be a large shortfall, however, the shortfall becomes larger as the end of the ten year period is approached.

Mr. Archibald explained that the graph depicts that Collier County is going from a rural road system to an urban road system and during the next one to three years there will not be a crises, however, in five to ten years the County would have a crises. He showed a chart which shows the addition of the 2 Cent Option Gas Tax and explained that will mean the shortfall will be reduced by approximately \$1,000,000 a year. He said the longer the County waits to provide solutions to the road needs more money will be needed and if five years passes before there is any discussion about the need for ad valorem tax or an impact fee, the impact fee will be much higher than what has been mentioned this date.

Mr. Archibald explained the last diagram depicting the addition of a small impact fee, at this time, and said the long-term needs would be practically met.

Mr. Kuck added that the charts show road construction costs over the next ten years based on today's dollars and the revenue is based on current consumption of gasoline estimated at 60 million gallons per year in Collier County. He said inflation of road costs versus increased gas consumption would offset themselves over the next ten years. He said the County should address the problem of the shortfall in the road program over the next year. He said the Committee recommended that whatever plan is adopted, that a Committee should be formed to reanalyze the situation on a two to three year basis to make any necessary adjustments to the plan.

Item #5

PETITION PU-85-9C, MAPLES FLORIDA CONGREGATION OF JEHOVA'S WITNESS, INC. RE PROVISIONAL USE "1" OF ESTATES FOR A CHURCH - CONTINUED TO 9/24/85

Commissioner Hasse moved, seconded by Commissioner Pistor and carried unanimously, that Petition PU-85-9C, Maples Florida Congregation of Jehova's Witness, Inc. regarding Provisional Use "1" of Estates for a church be continued to 9/24/85.

METROPOLITAN PLANNING ORGANIZATION

- ORGANIZATION WAS STARTED TWO YEARS AGO WHEN METROPOLITAN AREA EXCEEDED 5,000.
- MEMBERSHIP OF ORGANIZATION IS MADE UP OF 2 COUNTY COMMISSIONERS, CHAIRMAN OF THE COUNTY COMMISSION, THE MAYOR AND 1 CITY COUNCILMAN.
- TECHNICAL ADVISORY COMMITTEE AND CITIZENS ADVISORY COMMITTEE
- COUNTY PLANNING DEPARTMENT AND CONSULTANT FUNDED BY D.O.T.
- STATEWIDE, THERE ARE 21 MPO'S WHO MEET WITH DOT FOR LOCAL INPUT ON ROAD NEEDS AND TO INITIATE AND LOBBY FOR ROAD CONSTRUCTION FUNDS.

CHARTS

1. AREA GROWTH OUTLOOK
 2. TRAVEL GROWTH BASED ON APPROVED DEVELOPMENTS WITH UP TO 40 YEAR BUILD-OUT
 3. TOTAL ROAD NEEDS PLANS THROUGH 1995
 4. COST FEASIBILITY PLAN THROUGH 1995
- COMBINATION OF THE MPO STUDY AND REFINEMENT BY COUNTY STAFF RESULT IN NEED FOR NEW ROAD CONSTRUCTION OF \$67,600,000 THROUGH 1995. REVENUES TO BE EXPECTED ARE \$29,400,000 OVER THE NEXT 10 YEARS. SHORTFALL OF NEEDS = \$48,200,000 OVER THE 10 YEAR PERIOD. IT WAS AGREED THAT THE TARGET SHOULD BE \$40,000,000 SHORTFALL, OR \$4,000,000 A YEAR, TO FUND THE

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ROAD INFRASTRUCTURE ADVISORY COMMITTEE (RIAC)

THIS GROUP WAS FORMED IN DECEMBER, 1984 BY THE COUNTY COMMISSION IDENTIFY THE SOURCES OF INCOME TO FUND NEW ROAD CONSTRUCTION IN THE COUNTY AND MAKE RECOMMENDATIONS TO THE COUNTY COMMISSION REGARDING THEIR FINDINGS. IT WAS MADE UP OF 9 PEOPLE APPOINTED BY THE COUNTY COMMISSION, NONE OF WHOM REPRESENTED THE CITY, PER SE. THE COMMITTEE WROTE A MAJORITY REPORT ON MAY 16, 1985, IN WHICH THEY RECOMMENDED THE FOLLOWING ACTIONS:

1. OFFICIALLY REQUEST REPRESENTATIVE MARY ELLEN HAWKINS AND SENATOR FRANK MANN TO PREPARE, INTRODUCE AND SUPPORT LEGISLATION TO PERMIT ANY OR ALL OF THE ABOVE RECOMMENDED FUNDING SOURCES FOR NEW ROAD CONSTRUCTION.
2. SHIFT THE 3RD AND 4TH CENT OF THE CURRENT 4¢ GAS TAX OPTION TO NEW ROAD CONSTRUCTION AND PROVIDE FOR ROAD MAINTENANCE THROUGH AD VALOREM TAXES DURING THE 10-YEAR PERIOD THROUGH 1995. THE COUNTY MUST RE-ADOPT THESE GAS TAX OPTIONS PRIOR TO THEIR FIVE-YEAR EXPIRATION DATE.
3. ADOPT A PLAN SIMILAR TO SOURCE #7 (COMBINATION AD VALOREM TAX AND IMPACT FEES) TO PROVIDE FOR OUR IMMEDIATE NEEDS AND TO PROVIDE FOR THE OPPORTUNITY TO MODIFY AND ADJUST THAT PROGRAM AS OTHER SOURCES BECOME AVAILABLE FROM TIME-TO-TIME AS NECESSARY. SUCH SOURCES MAY BE DEVELOPER CONTRIBUTIONS OR SPECIAL ASSESSMENTS.

SUMMARY

AS CHAIRMAN OF THE MPO, I OBSERVED MOST OF THE ROAD INFRASTRUCTURE ADVISORY COMMITTEE (RIAC) MEETINGS AND FEEL THEY DID A VERY GOOD JOB CONSIDERING THE DIFFICULT SUBJECT AND THE MAKE-UP OF THE COMMITTEE.

I HAVE ATTENDED MANY MEETINGS REGARDING A PROPOSED IMPACT FEE ORDINANCE AT THE COUNTY AS WELL AS THE RIAC AND THEY HAVE HEARD FROM MANY LOCAL GROUPS, PRIMARILY THE CONSTRUCTION AND REALTOR GROUPS AND THE LEAGUE OF WOMEN VOTERS. IT CONCERNS ME THAT THEY NEVER HEAR THE FEELINGS OF THE RESIDENTS OF THE CITY OF NAPLES. AS A RESULT, I WOULD LIKE TO POINT OUT THE FOLLOWING:

ONE OF THE GROUPS, AS OF THIS MONTH, CONTINUES TO INSIST THAT "IN COLLIER COUNTY GROWTH PAYS FOR GROWTH AND MORE". I AM CONVINCED THAT THIS IS NOT FACTUAL AND IN DISCUSSION WITH OUR PROPERTY APPRAISER, FIND THAT THE ANNUAL ASSESSED VALUATION INCREASE CURRENTLY APPROXIMATES \$673,000,000. 70% OR \$473,000,000 RESULTS FROM INFLATION, REASSESSMENT AND ADDITIONS. 30% OR \$200,000,000 RESULTS FROM NEW CONSTRUCTION OR GROWTH. I DO NOT SEE ANY LOGIC IN THE STATEMENT THAT GROWTH PAYS FOR GROWTH IN THE AREA OF ASSESSED VALUATION.

SINCE THE REPORT OF THE RIAC, THE LEGISLATURE, AT THE URGING OF THE DOT AND THE 21 STATEWIDE MPO'S, AUTHORIZED COUNTIES TO PASS A 5TH AND 6TH CENT GAS TAX FOR NEW CONSTRUCTION OF ROADS. OUR COUNTY COMMISSION HAS ALREADY IMPOSED THIS ADDITIONAL TAX FOR NEW ROAD CONSTRUCTION.

AT THIS TIME MAINTENANCE OF THE COUNTY ROAD SYSTEM IS BEING PAID FOR BY A COMBINATION OF THE 3RD AND 4TH CENT GAS TAX ALONG WITH A ROAD AND BRIDGE FUND AND SOME SPECIAL TAXING DISTRICT MONEY ADDED TO SALES TAX AND OTHER INCOME.

THE COMMITTEE'S THIRD RECOMMENDATION WAS A COMBINATION OF AD VALOREM TAX AND IMPACT FEES, MAKING IT PRETTY OBVIOUS THAT THE COMMITTEE FELT AN IMPACT FEE FOR ROAD CONSTRUCTION SHOULD BE A PART OF THE FUNDING PROCEDURE. PURELY AS A GUIDELINE THE COMMITTEE SUGGESTED A FEE OF \$266 PER DWELLING UNIT.

WHEN YOU JOIN NEW CLUBS OR GROUPS IN A COMMUNITY, YOU ARE ASKED TO PAY AN INITIATION FEE WHICH IS YOUR SHARE OF THE EXISTING FACILITIES. IT IS NOT SURPRISING THAT WHEN YOU BUILD A NEW HOME IN THE COUNTY, YOU SHOULD PAY A FEE FOR ARTERIAL ROADS THAT ARE BUILT TO GET TO THAT HOME. THERE IS IN EXISTENCE A DRAFT OF A ROAD IMPACT FEE ORDINANCE DATED JULY 24, 1984, WHICH REPRESENTS A LOT OF WORK ON THE PART OF THE STAFF AND A PAID CONSULTANT. IT RECOMMENDS AN IMPACT FEE ON A SINGLE FAMILY DWELLING UNIT OF \$408.54, AND MULTI-FAMILY DWELLING UNITS OF \$214.68. THESE ARE BASED ON THE MILES DRIVEN BY PEOPLE LIVING IN THOSE TYPES OF DWELLING UNITS. IT DOES NOT SEEM TOO MUCH TO ASK A PERSON WHO MIGHT BE PURCHASING A \$60,000 CONDO TO PAY LESS THAN ONE-HALF OF ONE PERCENT OF THE SELLING PRICE FOR ROADS ABAILABLE TO THEM.

RECOMMENDATIONS

THE 3RD AND 4TH CENT GAS TAX NOW BEING USED TO MAINTAIN THE ROAD SYSTEM SHOULD BE RE-ALLOCATED TO NEW ROAD CONSTRUCTION AS SOON AS POSSIBLE.

WE SHOULD CONTINUE TO ALLOCATE THE 5TH AND 6TH CENT GAS TAX RECENTLY PASSED TO NEW ROAD CONSTRUCTION.

REFINE AND ADOPT THE ROAD IMPACT FEE ORDINANCE DRAFT OF JULY 24, 1984 WHICH IS IN ACCORDANCE WITH PRINCIPLES ESTABLISHED BY THE FLORIDA SUPREME COURT IN 1976. THE DRAFT IS THE RESULT OF NINE MONTHS WORK ON THE PART OF THE STAFF AND A CONSULTANT WHO WAS PAID APPROXIMATELY \$15,000.

THE COUNTY COMMISSION STOPPED WORK ON THIS ORDINANCE AND SET UP THE ROAD INFRASTRUCTURE ADVISORY COMMITTEE WHO HAVE NOW MADE THEIR FINAL REPORT.

WE WILL EITHER PAY FOR ROADS NOW OR PAY FOR THEM LATER AND I THINK IT IS TIME THAT WE ASK OUR COUNTY COMMISSION TO MAKE A DECISION AND ADOPT THE PROPOSED IMPACT FEE.

L.S. RICHARDSON

8/20/85