



City of Naples

-SUBJECT-	Ord. No.	Res. No.	Page
ANNOUNCEMENTS:			
MAYOR PUTZELL: Introduced George Henderson, member of the Naples Police Volunteer Corps, as the new Sargeant-At-Arms.			1
CITY MANAGER JONES: None.			1
COUNCILMAN ANDERSON-MCDONALD: Advised Council of a proposed ordinance before the Collier County Commissioners regarding the restriction of open alcohol containers within the compartment of a car, by either the driver or the passengers, while it is being operated.			1
APPROVAL OF MINUTES:			
December 10, 1986, Workshop Meeting			
December 10, 1986, Special Meeting			2
PURCHASING:			
-BID AWARD resurface three (3) tennis courts at Cambier Park and Eight (8) racquetball courts at Fleischmann Park.		87-5177	2
-BID AWARD renovations to the Lowdermilk Park Pavilion.		87-5178	2
-BID AWARD four (4) sets of ten (10) row aluminum bleachers at Fleischmann Park.		87-5179	3
-BID AWARD one (1) 300 horsepower electric motor, water plant #2.		87-5180	3
-BID AWARD one (1) vertical turbine pump.		87-5181	3
-BID AWARD one (1) 14" pump discharge automatic rubber-seated check valve, water plant #2.		87-5182	4
-BID AWARD one (1) 300 horsepower motor starter, water plant #2.		87-5183	4
RESOLUTIONS:			
-DENY variance from the Coastal Construction Setback Line to permit construction of a rock revetment seaward of an existing vertical seawall.		87-_____	4
-APPROVE rescheduling of public hearing in conjunction with the Collier DRI application.		87-5184	13
-APPROVE confirmation of the Mayor's and City Manager's actions regarding the execution of local government Comprehensive Planning Assistance Program Contract.		87-5185	13
ORDINANCES - First Reading:			
-APPROVE addition of Section 9-7, Chapter 9 of the Code of Ordinances relating to the Fire Protection Code (sprinklers).		87-_____	7
-APPROVE amending Section 15-01 of the Code of Ordinances, relating to misdemeanor laws of the State of Florida.		87-_____	10
-APPROVE amending Chapter 23 of the Code of Ordinances, ratifying and approving existing parking and traffic regulation signs.		87-_____	11
-APPROVE amending Section 11-3.1 of the Code of Ordinances, providing reimbursement to property owners or developers for costs incurred in installing water or sewer lines larger than 12".		87-_____	11
-APPROVE omnibus corrections ordinance amending the Code of Ordinances, to amend or delete ineffective or unnecessary provisions from the Municipal Code and Charter.		87-_____	12
-APPROVE amending Article X of Chapter 8 of the Code of Ordinances, pertaining to the National Flood Insurance Program.		87-_____	12

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	
Anderson-McDonald		X		X	
Barnett				X	
Bledsoe				X	
Crawford				X	
Graver				X	
Richardson		X		X	
Putzell (7-0)				X	

Title not read.

See discussion for item 5-e.

*** *** ***

---RESOLUTION NO. 87-5182 Item 5-g

A RESOLUTION AWARDED THE BID FOR ONE (1) 14" PUMP DISCHARGE AUTOMATIC RUBBER-SEATED CHECK VALVE TO PROPERLY STOP AND START A 300 HORSEPOWER ELECTRIC PUMP AT WATER PLANT #2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Henry Pratt Company
Aurora, Illinois
\$9,320.00

Title not read.

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---RESOLUTION NO. 87-5183 Item 5-h

A RESOLUTION AWARDED THE BID FOR PROVIDING AND INSTALLING ONE (1) 300 HORSEPOWER MOTOR STARTER TO START A 300 HORSEPOWER ELECTRIC HIGH SERVICE PUMP AND MOTOR AT WATER PLANT #2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Collier Electric Company
Naples, Florida
\$26,300.00

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

*** *** ***

-----END CONSENT AGENDA-----

-----ADVERTISED PUBLIC HEARINGS-----

---RESOLUTION NO. 87- Item 6

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A ROCK REVETMENT SEAWARD OF AN EXISTING VERTICAL CONCRETE SEAWALL AT 1717 GULF SHORE BOULEVARD, NORTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:14 a.m.
Closed: 9:40 a.m.

Dr. Jon Staiger, Natural Resources Manager, explained to Council that the petitioner was requesting a variance to allow construction of a rock revetment in front of an existing seawall. The reason for this request, Dr. Staiger continued, was

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	

that in the past this seawall has suffered considerable damage from erosion caused by severe storms. Dr. Staiger advised that the Florida Department of Natural Resources had granted the petitioner a permit for the proposed revetment and further that he believed this construction would be more environmentally sound than the current wall. In support of his opinion, Dr. Staiger advised that Dr. William Johnson (the engineer of record) has agreed to a condition to the variance that requires determination of the location of a protruding rock groin on the north property line which would be a factor in establishing the location of the proposed revetment (Attachment #2).

Dr. William Johnson, representing the petitioner, advised that the main purpose of the proposed revetment was to absorb wave energy, thus creating a larger beach to exist in front of the revetment. Dr. Johnson then presented Council with a series of pictures illustrating damage to the seawall from a storm that occurred in September, 1985.

Mr. Richardson asked if there were seawalls to the north and south of the petitioner's property. Dr. Johnson advised that directly north of the property was another seawall without a revetment and directly south was a dune, heavily vegetated with seaoats, and then another seawall. Mr. Richardson asked how, if this variance were approved, it would affect the property directly to the north. Dr. Johnson said that this property would not realize much difference; the wave action coming from the southwest, however, would be attenuated and would produce less scouring on their property.

Citizen Ronald Pennington, spoke in opposition to the proposed variance and presented photographs to illustrate his position. Mr. Pennington referenced a five-foot public access across a rock wall in the Moorings which at the present time is impassible because of erosion of sand away from the bottom step. He expressed concern that the proposed revetment would cause a similar situation. He also noted that there presently are times when it is impossible to walk on the public beach past the Embassy Club because of the high water level.

Mr. Stephen Cox, grounds manager and representative for the Gulf Shore Colony Club, voiced the opposition of those residents to the proposed variance. He presented Council with pictures of existing problems regarding various revetments and also provided a list of questions (Attachment #3) for Council to consider. Mr. Cox noted that not only does the public have a difficult time continuing along the beach past the Royal Palm Club, but the beach patrol personnel on their all-terrain vehicles also have difficulty. He expressed concern that if this revetment were built, it could create a tidal pool between it and the existing seawall, an area where sea trash and dead fish would collect.

Mr. Herbert Kixmiller, resident of Gulf Shore Colony, expressed his concern that this proposed revetment might cause the beach in front of their building to erode faster, also requiring them to construct a revetment which would create a burden of cost to residents.

Mr. Graver moved that the request be disapproved

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	

because the public beach access would be restricted. Mr. Crawford seconded for purposes of discussion and suggested that the proposed revetment be studied more thoroughly before making a decision.

Mayor Putzell asked how far the petitioner's existing swimming pool was from the seawall. Dr. Johnson advised that there were between 12 and 14 feet of space between. Mayor Putzell said that he believed this request could be a preview of what the people who live on and near the beach might be dealing with should a big storm create substantial erosion and the desire to rebuild close to the beaches as at present.

Mayor Putzell expressed concern that the revetment would be just a temporary form of erosion control and would not serve a useful purpose for the public.

Mr. Graver advised that during his participation on the Beach Renourishment Committee, he had learned that the seawalls contribute greatly to erosion problems. This revetment, he continued, would be 9 to 10 feet from the seawall and would compound already existing problems. Dr. Staiger, however, explained that this revetment could actually prevent the potential collapse of the existing seawall and that the Royal Palm Club revetment was a poor comparison because it was inadequate, poorly constructed, and not maintained.

Mr. Bledsoe asked what progress has been made regarding the State of Florida's program to renourish the beaches. Dr. Staiger explained that according to an unofficial source, the State plans to begin their beach renourishment in the Naples area some time within the next 5 to 6 years.

Dr. Johnson then interjected his opinion that the rock revetment under consideration would help, not hinder, the longevity and stability of the beach. Mayor Putzell asked Dr. Johnson to comment on the possibility of a "tide pool" which was one of Mr. Cox's concerns. Dr. Johnson opined that if the winds were coming from a southwesterly direction, the revetment would actually diminish the velocity of the waves which might accumulate more sand and eliminate the formation of a tidal pool.

Mr. Crawford asked if there were any other solutions besides the proposed rock revetment. Dr. Johnson responded that neither he nor the Department of Natural Resources knew of any. Mr. Crawford gave an example of how this same type of proposal in another city had brought disastrous results.

Mrs. Anderson-McDonald asked Dr. Staiger if he had examined the dilapidated revetment at the Royal Palm Club. Dr. Staiger said that he indeed had seen this revetment and further that it was not big enough to help the situation, but it still has not worsened it. Dr. Staiger explained that the sand is swept down the Coast from the north without more sand replacing what has eroded.

Mrs. Anderson-McDonald asked if the petitioner would be responsible for vegetation once the revetment was built. Dr. Staiger advised that one of the stipulations of the variance was that whatever was excavated would be revegetated.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 01/07/87

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	

reviewed similar fire codes from the Sarasota and Tampa areas and, in comparison, the proposed Naples version would be the "model code" from this standpoint.

Mr. David Bennett, representing the President's Council of The Civic Association, advised that his group unanimously supported the ordinance.

Mr. Robert Forsythe, Chairman of the Ad Hoc Sprinkler Committee, advised Council that the Committee still supports their 4-3 vote in opposition to this ordinance amendment. This proposed ordinance is, he said, the most stringent in the State of Florida and respectfully requested that it be modified.

Mr. Mario Lamendola, representing the local chapter of the American Institute of Architects (AIA), advised that his group agreed unanimously to support the majority vote of the special Ad Hoc Sprinkler Committee. Mayor Putzell said, however, that he recalled Mr. Lamendola stating that he was concerned with the cost factor first and foremost, not human safety, but Mr. Lamendola refuted this by stating that cost was only one of the factors his group was concerned about.

Mr. Bill Jones, general contractor, advised that he strongly opposed the ordinance. He quoted an article from the October/November, 1983, issue of Southern Building which stated that most fire fatalities occur in private dwellings. Mr. Barnett asked how the figures in that article compared with statistics for 1987. Mr. Jones said that while sprinklers were needed in commercial and highrise apartment complexes, he did not believe that there was a need for sprinklers in places such as small convenience stores.

(In response to Mr. Graver, Mr. Jones presented each member of Council a copy of the fire code from Sarasota, a copy of which is retained in the meeting packet filed with the City Clerk's Office.)

Mayor Putzell questioned Mr. Bill Jones, further about his basis for objecting to the ordinance and Mr. Jones said that, if passed, consumers would be hurt by cost adjustments. When Mayor Putzell asked for an average cost estimate on the installation of sprinklers, Mr. Jones advised that he did not have the information available to him at this time.

Mr. Jones, however, continued to express concern about the ordinance, this time that there would not be adequate water pressure to support the sprinklers. Mayor Putzell assured him that the ordinance would include specifications to maintain the appropriate water pressure.

Mr. Graver asked what type of cost reduction was provided by insurance companies and Mrs. Anderson-McDonald advised that according to the studies shown at the December 3, 1986, workshop (a copy of which can be reviewed in the City Clerk's Office from the meeting packet), sprinklered buildings enjoy a savings of almost 50%; however, the vandalism and other miscellaneous rates for these buildings reduce the savings to 27% (based on a restaurant scenario).

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	

sprinkler system saved a man who was on fire in his kitchen as well as his sleeping children, and also a commercial fire wherein 85 people died out of a possible 4,000 fatalities because sprinklers were in use. He urged Council to make sprinklers mandatory.

Dr. Jon Staiger, Naples Natural Resources Manager, voiced his support of the ordinance stating that a fire was a traumatic thing for anyone to go through. He said that sprinklers were an important factor in deterring fires.

Mrs. Anderson-McDonald moved that the ordinance be passed with the following change: in Section 9-7(a) after "residential" add "construction of a four-family or more". Mr. Graver seconded.

Mrs. Anderson-McDonald advised that she had spoken with members of the public and was of the opinion that they did not want their personal property rights infringed upon; however, she did believe sprinklers were important for mercantile buildings, etc. She suggested that the Fire Department begin a public awareness program to further educate the citizens of Naples regarding fire prevention. Mrs. Anderson-McDonald presented each Council member with a hand-out (Attachment #4) depicting a four-family unit. Each unit must form an "envelope" of an hour's burn of the walls and ceiling, she said. There must also be a fire wall from the floor to the roof. Mrs. Anderson-McDonald stated that she believed residents of a 1 to 4 unit residential structure were informed enough not to require sprinklers.

Fire Chief Ijams, in response, said that it would be difficult to inspect each and every residential structure, but he would be willing to attempt the task. He said, however, that even duplex structures needed to be sprinklered.

Mr. Graver asked what the requirement would be regarding water pressure for a duplex residential structure. Chief Ijams advised that it would depend on the square footage.

Mr. Crawford suggested that the motion include single-family residential as well as commercial. Mayor Putzell asked for a vote on Mrs. Anderson-McDonald's motion, which failed (3-4).

Mayor Putzell shared a personal experience with Council regarding a single-family house fire and supported Mr. Crawford's suggestion.

Mr. Bledsoe said that he felt the cost of sprinkler systems would decrease once they become mandatory.

MOTION: To APPROVE the ordinance as presented at first reading, changing the third line in Section 9-7(b) to read "what existing structures."

---ORDINANCE NO. 87-

Item 8

AN ORDINANCE AMENDING SECTION 15-01 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO MISDEMEANOR LAWS OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO READOPT CURRENT MISDEMEANOR LAWS OF THE STATE OF FLORIDA.

Anderson-McDonald	X		X		
Barnett					X
Bledsoe					X
Crawford					X
Graver		X	X		
Richardson			X		
Putzell (3-4)					X
Anderson-McDonald					X
Barnett				X	
Bledsoe		X	X		
Crawford	X		X		
Graver			X		
Richardson			X		
Putzell (6-1)			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	

by the City staff that he would need to install a 12" water line instead of his requested 10" line. Mr. Johnson asked Council to reconsider the ordinance to include 12" water lines or to allow his client to receive reimbursement from adjoining property owners as they connect to the line.

City Manager Jones assured Council that the staff was comfortable with the ordinance as it was presented at this morning's meeting. He then commented on Mr. Johnson's request by advising that the City was only providing interim water service to that area and further that the City was under no obligation to reimburse him as others connected to the line, as delineated in the Code of Ordinances. In response to Mrs. Anderson-McDonald, City Manager Jones advised that he did not support Mr. Johnson's request because his client's property was outside the City's service area.

Mr. Barnett expressed concern regarding the cost of the lines over 12" and asked who would be responsible for determining if the requested reimbursement was a fair price. City Manager Jones advised that the staff would compare prices and require the developers/owners to submit documents substantiating their request.

MOTION: To APPROVE the ordinance as presented at first reading.

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---ORDINANCE NO. 87- Item 11

AN OMNIBUS CORRECTIONS ORDINANCE AMENDING THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF NAPLES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND OR DELETE INEFFECTIVE OR UNNECESSARY PROVISIONS FROM THE MUNICIPAL CODE AND THE CHARTER OF THE CITY OF NAPLES.

Title read by City Attorney Rynders.

City Attorney Rynders referenced a memo sent to Council delineating the proposed changes (Attachment #5). He explained that these changes do not in any way affect the actual operation of the City.

Mayor Putzell agreed that these were not substantive changes and further that this proposed ordinance was the result of a thorough reading of the charter some months ago. He then suggested that should any Council member, staff member, or citizen come upon provisions in the Charter that need to be corrected or changed for this reason, they should advise the City Attorney's office.

MOTION: To APPROVE the ordinance as presented at first reading.

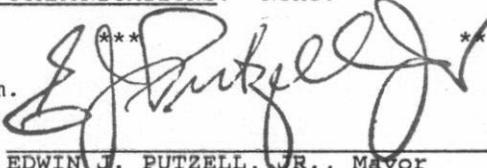
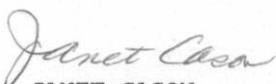
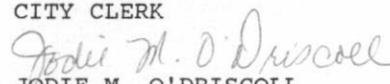
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---ORDINANCE NO. 87- Item 12

AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM (FIP) FLOOD INSURANCE RATE MAP; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADOPT CERTAIN CONSTRUCTION-RELATED FLOODPLAIN MANAGEMENT REGULATIONS. -12-

Anderson-McDonald	X		X		
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson		X	X		
Putzell (7-0)			X		

Anderson-McDonald	X		X		
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson			X		
Putzell (7-0)			X		

	M O T I O N	S E C O N D	VOTE			A B S E N T
			Y E S	N O		
COUNCIL MEMBERS						
Title read by City Attorney Rynders. Community Development Director Barry advised that this proposed ordinance was to reflect amendments in the National Flood Insurance Program adopted in May, 1986, and further that he recommended approval. <u>MOTION:</u> To APPROVE the ordinance as presented at first reading. *** **			X	X		X
-----END FIRST READINGS----- ---RESOLUTION NO. 87-5184 Item 13 A RESOLUTION RESCHEDULING THE PUBLIC HEARING DATE IN CONJUNCTION WITH THE "COLLIER DRI" APPLICATION FOR DEVELOPMENT APPROVAL/DRI #10-8586-59; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. No one present to speak for or against. <u>MOTION:</u> To APPROVE the resolution as presented. *** **			X	X		
---RESOLUTION NO. 87-5185 Item 14 A RESOLUTION CONFIRMING THE ACTIONS OF THE MAYOR AND CITY MANAGER REGARDING THE EXECUTION BY THE CITY OF THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, LOCAL GOVERNMENT COMPREHENSIVE PLANNING ASSISTANCE PROGRAM CONTRACT, TO ASSIST THE CITY IN COMPLYING WITH THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. City Manager Jones advised that it was necessary for the Mayor to execute this contract before Council's approval to assure that the City would be eligible in a timely fashion to receive \$24,000 in grant funds to offset the cost of the State-mandated Comprehensive Plan revision. <u>MOTION:</u> To APPROVE the resolution as presented. *** **			X	X		
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> None. *** **						
<u>ADJOURN:</u> 11:40 a.m.  EDWIN J. PUTZELL, JR., Mayor						
 JANET CASON CITY CLERK  JODIE M. O'DRISCOLL DEPUTY CLERK						
JAN 21 '87						
These minutes were approved on _____ -13-						

SUPPLEMENTAL ATTENDANCE LIST

Charles Andrews	Egon Hill	Stephen E. Cox
Harry Sharo	Keith Wilson	Ed Smith
John Rice	William Johnson	Ron Pennington
Reverend Walter Cross	Red Holland	Herb Anderson
Mario Lamendola	David S. Bennett	Robert E. Forsythe
Herbert Kixmiller	Kenneth R. Johnson	Bill Jones
J. Dudley Goodlette	Gary Carlson	Joseph Herms
Harry Shaw		

NEWS MEDIA

Donna Winn, TV-9	Kevin Parks, News Press
Pete Scovill, TV-9	Lori Rosza, Miami Herald
Marty Bonvechio, Naples Daily News	



AGENDA ITEM #6
1/7/87

City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: EMBASSY CLUB COASTAL CONSTRUCTION SETBACK LINE VARIANCE
CCSL 86-10

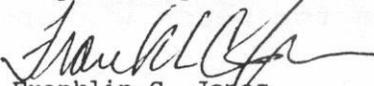
DATE: JANUARY 6, 1987

Several recent storms that have moved a considerable amount of sand on our beach prompted a reinspection of the Embassy Club beachfront. This reinspection, carried out on January 5, 1987, indicated a potential problem for pedestrian access in front of the Embassy Club because of the close proximity of a shore-normal rock groin, located on the north property line, and the north end of the proposed revetment. As designed, the toe of the revetment will extend 14 feet from the Embassy Club seawall. The groin appears to approach to within 15 feet of the seawall. A storm from the southwest could remove enough sand from the area to present a rock barrier to pedestrian traffic.

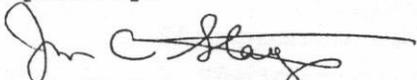
Questions about this problem have also been independently raised by several concerned citizens, including residents of the Gulfshore Colony, immediately north of the Embassy Club.

We recommend an additional condition to approval of the variance request: In order to ensure sufficient clearance between the shore-normal rock groin and the north end of the proposed revetment, the area will be examined prior to revetment installation. When excavation commences and the area between the inshore end of the rock groin and the Embassy Club seawall is excavated, the engineer of record, William J. Johnson, Ph.D., P.E., and the Natural Resources Manager will examine the area and determine the exact termination point of the revetment to maintain unimpeded pedestrian access.

Respectfully submitted,


Franklin C. Jones
City Manager

Prepared by:


Jon C. Staiger, Ph.D.
Natural Resources Manager

JCS/ca

January 7, 1987

To: Mayor Putzell and City Council

From: Gulfshore Colony Club; 1785 Gulfshore Blvd. N.
Naples, Florida

Subject: Questions pertaining to Embassy Club Condominium's
requested variance to allow construction of a
rock revetment seaward of their existing seawall.

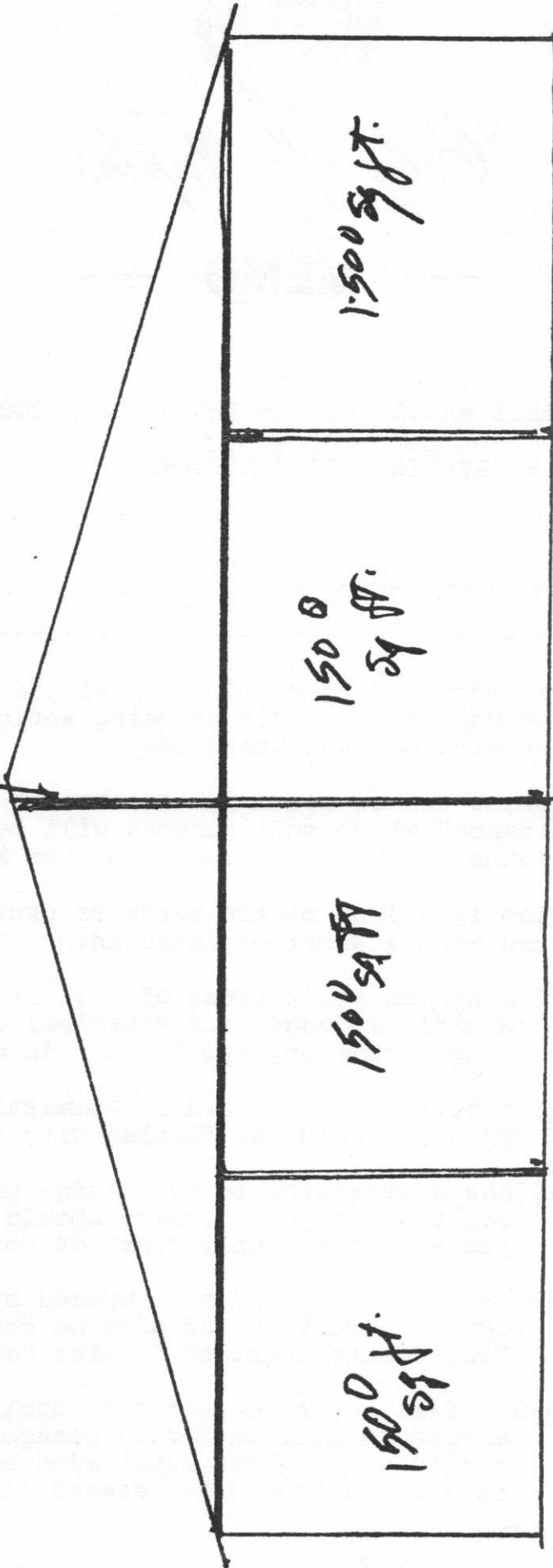
Questions:

- *1) Could the projection of Embassy's seawall (revetment) tend to form an area of entrapment, or bay, for sea trash, debris, etc.?
- *2) Could this projected revetment have a reverse effect and create an area of water entrapment (or tide pool) at the inside corner where the two seawalls meet?
- *3) Embassy's seawall is 17 to 18 inches higher than Gulfshore Colony Club's seawall. According to the plan, the top rocks of the proposed revetment would be within 2 feet of the top of Embassy's seawall. Could, if the revetment was successful in building sand, a drifting of sand build around their corner and go over our seawall and onto our grass areas?
- *4) Could this revetment eventually turn into a situation similar to the one at Royal Palm Club's seawall where the bared revetment (never held sand) runs directly into the sea groin creating a rocky and hazardous area for beach walkers to climb over?
- 5) Finally, what if any of these previously questioned situations (negative) results?
Would the situations be corrected?
By whom would they be corrected?
Who would bare the expense and responsibility for the corrections?
Who would have the final say on when corrections were necessary?

* photographs and sketches submitted to clarify these points.

man.

1 hr. work per wood



CoBE requires reparation over 3000 sq. ft. be divided by a Draft stop



City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: DAVID W. RYNDERS, CITY ATTORNEY
 DATE: OCTOBER 13, 1986
 RE: GENERAL CODE UPDATE

I am hereby recommending elimination of the following provisions of the Naples City Code as being antiquated, superseded or in conflict with current State law.

These revisions can be accomplished through one "Omnibus Corrections Ordinance" whose sole purpose will be to delete these ineffective and unnecessary provisions from the Municipal Code.

The following is a list of the words or provisions I recommend to be deleted with a short explanation:

- SECTION 1-2 contains definitions of the City Treasurer, Municipal judge, and Municipal court which no longer have any application in our city.
- SECTION 1-6 refers to the "Board of Commissioners." This phrase should say "Naples City Council."
- SECTION 1-8 has a reference to the "judge of the municipal court of the City" which should read as "the judge of the County Court of Collier County."
- SECTION 1-9 pertains to judgments imposed by "the municipal court." This should also be changed to refer to "the County Court of Collier County."
- SECTION 1A-3 refers to the director of public works being appointed assistant city manager. This provision has been superseded by City reorganization and should be deleted in its entirety.

- SECTION 1A-5 refers to a provision of the Florida Statutes dealing with drunk drivers. This section no longer has any application to us in the absence of a municipal court and should be repealed in its entirety.
- SECTION 1A-24 should be revised to reflect the renaming of the Parks and Recreation Department to the Department of Community Services.
- SECTION 1A-27 should be similarly revised to refer to the Utilities Department.
- SECTION 1A-28, which adopts the organizational chart, should be revised to reflect the change in name of the Department of Community Services.
- CHAPTER 6, regarding bankrupt, fire, closing out, etc., should be deleted in its entirety as this Chapter has been superseded by Florida Statutes.
- SECTION 7-7.2 deals with a special anchorage area which was adopted in the hopes of obtaining the approval of the U. S. Coast Guard of an anchorage near the City docks. Application was made for approval and firmly rejected. Consequently, that section has no effect application and should be repealed. At such time as the Coast Guard may indicate its willingness to reconsider, that ordinance can be readopted.
- SECTION 10-4. The reference to Public Works should be changed to the Utilities Department.
- SECTION 10-9. There are several references to the Director of Public Works which should be changed to the Utilities Department.
- SECTION 11-4(D). Reference to Sewer Department should be changed to the Utilities Department.
- SECTION 13 deals with milk and milk products which are now regulated by the State. The citations to Chapter 502 F.S. in that City Code Chapter are outdated. The Health Department regulates this area quite well without the assistance of this provision of the City Code; and, consequently, the entire chapter can be repealed.
- SECTIONS 20-3, 20-4 AND 20-4.1 deal with assessment of swamp lands which have been platted and improved. The City no longer has any power to assess property, the same being handled exclusively by the County Property Appraiser.

Therefore, these three (3) sections could be repealed.

SECTION 20-5 requires that Fourth Street be maintained as through thoroughfare from 14th Avenue South to the "South property line." This has been ignored and is no longer a feasible proposal and should be repealed.

SECTION 20-6 similarly imposes a requirement on platted streets in Sun Terrace subdivision. The usefulness of this section, adopted in 1956, has long ago expired.

SECTION 23-1.1 imposes a speed limit on railroad traffic in the City. Since all railroad lines have been removed from the City, this section is superfluous.

SECTION 23-5 refers to play streets. The City no longer has "play streets" and this section can be repealed.

SECTION 23-14(C)(2) refers to the effective hours of operation of parking meters in a city parking lot where the parking meters have been removed. This section can be safely deleted.

SECTION 26-7. The reference to the Water Department should be changed to Utilities Department and the reference to the Board of Health should be changed to the County Health Department.

SECTION 26-9. Reference to the Water Department should be changed to the Utilities Department.

SECTION 26-10. Reference to the Water Department should be changed to the Utilities Department.

SECTION 26-12. Reference to the Water Department should be changed to the Utilities Department.

ARTICLE IX. COASTAL CONSTRUCTION CODE. Sections 4.4 and 4.5 are added to the code as they were inadvertently omitted from the Ordinance adopted by Council on September 17, 1986, amending the "Coastal Zone Protection Act of 1985."

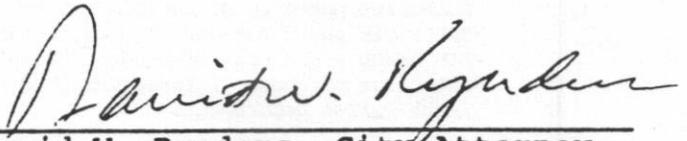
SECTION 15.12(b)(3) of the Charter is corrected to read:
"That there is sufficient reason to believe that a rebid of the item will not generate additional competitive bids.

This completes the list of changes which are ministerial. That is to say, these provisions are inoperative as they appear

now and their removal or change is merely a clerical act having no impact on operations or procedures.

As I have previously indicated, there is a second category of material in the Code in which perhaps difficult language was originally employed and some updating and modernization might be helpful. It has been our past practice to polish up these particular areas as they come under our scrutiny in our normal business of the City. Changes in these areas affect a number of interests in the City and should not be made on a wholesale basis without consultation with these interests. An example of these are the sections on noise control and the sections on the building codes. It is my recommendation to take these various provisions up when specific requests from the several departments involved are received or as they arise during the normal course of our business.

I apologize that this project which I thought I would complete in one month has instead taken six months.



David W. Rynders, City Attorney

DWR/plr