



*City of Naples*

City Council Minutes

Workshop Meeting 04/08/87

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

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out that without the proper equipment and additional manpower it was nearly impossible to enforce a speed limit on the Bay.

Mr. Crawford noted that waves tend to dissipate over long distances, such as the wider portion of Naples Bay. He suggested that a "stop light" effect could be achieved if the narrower passages were no wake - idle speed and the wider portions unrestricted. Mayor Putzell concurred.

In response to Mr. Crawford's suggestion, Mr. Barnett noted that some commercial boating representatives were proposing a "Volunteer Watch" to report offenders to the police via marine radio. The police, however, cannot cite offenders unless they witness the offense, he added.

Mr. Bledsoe noted the different law enforcement agencies operating in the Bay and asked what authority each held and City Attorney Rynders advised that each agency has the authority to issue fines. Mr. Rynders elaborated further that these no wake zones are not created by the City; the State of Florida, upon careful investigation of the City's request for such a zone, will determine whether it is necessary. If such an area is established, the City must then bear the costs for the necessary markers and must authorize the police to enforce the restriction, he said. Mr. Barnett pointed out, however, that the fine for violation of the idle speed restriction was only \$38.50.

Mr. Bledsoe asked how long it would take a boat travelling at idle speed to reach Gordon Pass from the Gordon River bridge. Mr. Barnett responded that because the entire Bay is not under consideration for a no wake zone, it was not feasible to contemplate this time requirement. The addition of the proposed new zone would only increase the entire area designated as no wake - idle speed by approximately one-third, he stated.

Mr. Graver observed that the wave action from boats intensifies when breaking against seawalls, however, rock walls or mangroves actually dissipate wave action. Mr. Crawford reiterated his suggestion regarding a "stop light" effect in the Bay through the use of various restricted zones.

Mr. Barnett contended, however, that "stop light" effect would create more congestion problems as the existing no wake zone includes the City Dock and Naples Yacht Club which create tremendous traffic. Mrs. Anderson-McDonald observed that safety, in fact, is the foremost reason for implementing no wake zones.

City Manager Jones advised that currently the City has three patrol boats which, because of their age, should be replaced. The cost for a 22' to 24' boat with an outboard engine is approximately \$20,000, he said, and personnel for each vessel would be approximately \$25,000 for a total expenditure of between \$45,000 to \$50,000 each. Mr. Jones pointed out that while stricter enforcement can be attained during the eight hour patrol shifts, a posted no wake zone would receive a response twenty-four hours per day.

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The City Manager also reminded Council that the Department of Natural Resources (DNR) was the ultimate permitting authority and advised that it considers safety, congestion, and location of marinas and fuel docks, not protection of private property, when acting on applications for no wake zones.

Mayor Putzell then observed that weekend traffic in the Bay area next to the Intercoastal Channel is extremely heavy which inhibits navigation and safety.

Mr. Barnett, in response, suggested moving the no wake zone markers farther out into the Channel to maximize visibility, but City Manager Jones said this would not be feasible because of periodic dredging.

Mr. Barnett also said that he was in favor of increased law enforcement in the Bay if this would alleviate the situation, but if it would only prolong no wake zone implementation, he did not believe the expense was necessary.

Mr. Crawford questioned the effectiveness of law enforcement without specific requirements for boat operation. Mr. Barnett advised that currently only \$38.50 speeding tickets are issued but the Committee discussed the possibility of sending first-time offenders to a "boating school" to waive the fine.

Mayor Putzell asked if it were possible for the City or County to require boat operator licensing and City Attorney Rynders said that it was not. Mr. Rynders further explained, however, that while the first offense is currently \$38.50, the second offense could be a mandatory court appearance wherein the judge could increase the fine and impose a short jail sentence. The fine schedule is set by the Chief Judge of the 20th Judicial Circuit, he added.

In further discussion of law enforcement coverage, City Manager Jones advised that not only City and County officers operate on the Bay, but also the Florida Marine Patrol is present. Mr. Barnett also noted that the City Police not only patrol the Bay but also along the shore north to Doctors Pass.

Mr. Bledsoe suggested that visibility by the Coast Guard Auxiliary would reduce the overall speed on the Bay.

Mr. Barnett expressed concern that if Council applied for a no wake zone in this area other property owners on the Bay would request it thereby creating a continuous no wake zone throughout Naples Bay. Mrs. Anderson-McDonald agreed and noted that the property owners should realize the consequences of purchasing waterfront property along a busy waterway.

Mayor Putzell asked if it was the desire of Council to tax for the added cost of law enforcement on the Bay.

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Mr. Bledsoe suggested the use of signs in the channels adjacent to Naples Bay to caution boaters approaching no wake zones.

In response to Mr. Richardson, City Manager Jones advised that the City had received verbal approval for a no wake zone at the Intercoastal Channel intersection and that signs would be installed upon written approval.

Mrs. Anderson-McDonald noted that many boaters on the Bay occasionally rent vessels and are unaware of maritime laws or common courtesy among boaters. Mr. Richardson suggested that the Naples Marine Patrol and the Coast Guard publish a series of columns in the newspaper delineating these maritime laws. Mrs. Anderson-McDonald concurred. Mayor Putzell suggested that brochures also be given to people as they fuel their vessels.

It was the consensus of Council to direct the City Manager to proceed with the drafting of a policy concerning increased law enforcement of existing maritime laws in Naples Bay and education of the public regarding the same.

City Manager Jones advised that this item would not be ready for discussion at the April 15, 1987, regular Council meeting.

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ITEM 2

DISCUSSION OF CITY POLICY CONCERNING ALLEY VACATIONS. REQUESTED BY MAYOR PUTZELL.

City Attorney Rynders advised that the City has a policy established in the Code of Ordinances, Section 20-54, by which vacations of alleys, streets and rights-of-way are effected.

Mayor Putzell pointed out, however, that this policy does not address the requirement of compensation to the City although it has been a practice.

Mr. Graver suggested the reasons for a proposed vacation be circulated to each department head prior to Council's review to determine whether the vacation is advisable. Once an alley has been vacated without the proper easements, the City cannot trespass, he said. City Attorney Rynders advised that typically utility easements were retained by the City although access easements could also be required.

City Manager Jones outlined the vacation procedures wherein a request is to affected departments and utility companies, although the Council receives only the negative responses and indications of support for maintaining an easement. Mayor Putzell suggested that in the future Council receive a copy of each department's response regarding a proposed vacation.

Mrs. Anderson-McDonald asked the purpose of requiring compensation and Mr. Crawford pointed out



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process. He suggested that the Council establish a policy wherein after the interview members could cast a ballot for their choice. City Attorney Rynders advised that this procedure would violate the "Florida Government in the Sunshine Law" as all proceedings must be conducted in a public forum.

Mrs. Anderson-McDonald suggested that the Council conduct informal interviews in their City Hall workroom with applicants who could be scheduled to arrive every ten to fifteen minutes. Mr. Crawford asked if it would then be necessary to vote for the candidates at this informal hearing.

Mr. Barnett pointed out that the applicants now provide Council with a detailed resume and are volunteering their time and, therefore, supported the current procedure. Mrs. Anderson-McDonald said she believed the applicants should be exposed to public scrutiny from the beginning because they will experience it when they serve.

Mr. Bledsoe said he was in favor of any procedure that would bring in more volunteers.

Mr. Graver said he opposed the current interviewing procedure because the Council is placed in an awkward position of approving or disapproving an applicant based solely on the recommendation of one individual.

Mayor Putzell pointed out, however, that since the Council last changed the procedure, not one member has participated in the process either by nomination or by interview. He expressed the view that the Council should, in fact, interview and choose candidates to committees and boards as a group.

Mr. Barnett reiterated that he was comfortable with the current procedure and commended the Mayor for his previous recommendations.

It was the consensus of Council to adopt a procedure for interviewing potential applicants whereby the entire Council is present for the interview at a public hearing and such interviews be scheduled at staggered ten minute intervals.

City Attorney Rynders was directed to draft a resolution delineating this new procedure.

Mr. Richardson noted that the Collier County Commission interviews applicants and each Commissioner then ranks the applicants in order of preference which can then be tabulated for the final decision, all of which must be accomplished in a public forum.

Mr. Barnett made the additional suggestion that applicants could be interviewed as their resumes are received at a Council workshop meeting.

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ITEM 4

DISCUSSION OF BEACH VEGETATION PROGRAM.  
REQUESTED BY COUNCILWOMAN ANDERSON-MCDONALD.

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Mrs. Anderson-McDonald asked Council to approve a Committee to work to retain the beach and accrete sand to certain areas. The Committee would supervise planting of seaoats, like the ones in Lowdermilk Park, revegetate existing dunes, and construct new sand dunes; this effort is to encourage Gulf front property owners to refrain from installing manicured lawns which abut seawalls. She advised that the Committee would also encourage property owners to remove Australian pines as this species is detrimental to the environment because of its short root system which allows the tree to easily topple over and damage property.

Mayor Putzell asked if the construction and revegetation would be above the mean high water line and Natural Resources Manager Staiger advised that some would, in fact, be on the transition line between the Gulf Street right-of-way and the individual property line.

Mrs. Anderson-McDonald pointed out that a beach must be retained between Gulf Street and adjacent private property lines to assure that the City's beach access is maintained. There are now areas where the regular influx of water is eroding this access, she said and noted that this Committee would encourage property owners to install sand dunes and vegetation to help maintain the beach area they currently enjoy.

Mrs. Anderson-McDonald advised that the Natural Resources Manager planned to incorporate much of the revegetation into his Beach Management Study.

Mr. Richardson supported Mrs. Anderson-McDonald's efforts and suggested that Council authorize monies for literature encouraging property owners to improve and maintain the beaches.

It was the consensus of Council to support this Committee on a volunteer basis which Committee would be subservient to the auspice of the Natural Resources Manager.

In response to Mr. Bledsoe, Mrs. Anderson-McDonald advised that the beaches in question were not the correct environment for mangrove trees as they cannot withstand the constant beating of wave action.

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ITEM 5

DISCUSSION OF GREATER NAPLES KIDS PROGRAM.  
REQUESTED BY COUNCILWOMAN ANDERSON-MCDONALD.

Mrs. Anderson-McDonald commended the Community Services Department along with City Manager Jones on their efforts to assist this Committee. She pointed out that currently the only place where youth in Naples congregate is the Coastland Mall; however, the Mall is only open until 9:00 p.m. There currently are, however, facilities where a dance, for example, can be sponsored, such as Fleischmann



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Park Community Center and she said a chaperoned youth dance and concert has tentatively been scheduled for April 25, 1987, at Fleischmann which would be open to all young people through age 20. There will be a charge of \$7.00 admission at the door and \$5.00 in advance. The pre-dance concert on the Police Athletic League football field at Fleischmann will conclude at approximately 10:30 p.m. and the dance would then begin and end at 1:00 a.m.

The ultimate goal of the Committee, Mrs. Anderson-McDonald explained, was to combine all the youth programs in one forum to provide for continued activity or a club where the youth will have a place to congregate. If this event is a success, the Committee would entertain formal incorporation.

Mayor Putzell asked how the Council could help the Committee's initial event and Mrs. Anderson-McDonald advised that the Committee is only seeking Council's approval of their activities as the income and expenditures would be channelled through the City's accounts.

It was the consensus of Council to endorse the Committee's efforts and authorize the use of City accounts by which the Committee could channel their income and expenditures.

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ITEM 6

DISCUSSION OF SUMMER COUNCIL MEETINGS.  
REQUESTED BY CITY MANAGER.

City Manager Jones advised that during the past year, Council has held approximately 75 meetings. Mr. Jones pointed out that the Charter does not provide for a period of time of which the Council can recess for vacations; however, it has been the practice in past years to cancel the first regular meeting in July as it usually falls close to the fourth of July holiday weekend. Mr. Jones also asked if Council wanted to eliminate some of the workshop meetings either the last week of June or the last two weeks of July.

Mr. Richardson suggested that as the Council is more experienced regarding governmental policies and procedures, it schedule only one workshop meeting per month.

Mayor Putzell asked City Manager about the practices of other cities in Florida and Mr. Jones explained that the procedure varies.

City Attorney Rynders advised that he was not aware of any Charter reference to a month wherein no meeting are scheduled or held.

Mr. Richardson pointed out that the months of August and September involve discussion of the City budget and are crucial.

Mayor Putzell pointed out that each Council member's vacation plans are quite different and therefore it

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would behoove the members to indivually take their previously planned vacations.

It was the consensus of Council to plan on cancelling the July 1, 1987, regular Council meeting and, further, that each member of Council should proceed with his individual vacation plans.

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Mayor Putzell noted his memo, dated February 23, 1987, regarding the City's outmoded noise ordinance and asked that the members of Council review and respond to his memo.

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ADJOURN: 11:15 a.m.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON  
CITY CLERK

JODIE M. O'DRISCOLL  
DEPUTY CLERK

These minutes of the Naples City Council were approved on \_\_\_\_\_.

SUPPLEMENTAL ATTENDANCE LIST

R. J. Baker  
Falconer Jones  
Bob Cook  
Alan Walburn  
Phil Morse  
Mrs. Frances Finch

William Pew  
Charles Andrews  
Ed McMahon  
Guy Stephens  
Wheeler Conkling

George Gaynor  
Bill Hyland  
Herb Anderson  
C. C. Holland  
Robert Schroer

Other interested citizens and visitors

NEWS MEDIA

Marty Bonvechio, Naples Daily News  
Gary Arnold, WEVU-TV

William Upham, Naples Times

*William Barnett*  
COUNCILMAN



# *City of Naples*

735 EIGHTH STREET, SOUTH · NAPLES, FLORIDA 33940

MEMORANDUM TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

DATE: APRIL 6, 1987

Dear Mayor and City Council Members:

I have put together a packet that you will find enclosed for your perusal.

The minute details will be covered on Wednesday at our workshop session, the basic details are as follows.

Our committee met twice, once on Tuesday March 17th, and for a final time on Wednesday April 1st. At the first meeting every conceivable problem concerning the homeowners (on the bay), pleasure boaters, sailboaters, commercial fishermen, charter boat captains, property owners associations, and concerns from the general public were heard through members of our committee. At the conclusion of the first meeting I recommended that at the next meeting of our committee that the members have some solutions to all the concerns that had been expressed (see minutes from the first meeting). The gist of the second meeting seemed to focus on two possible solutions, the first being better and possibly more law enforcement. The second was a compromise regarding the proposed no wake zones.

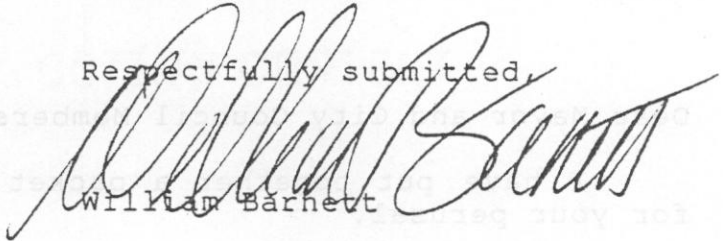
Currently the distance from the Gordon River Bridge to the mouth of the Gordon Pass is 4.1 miles. From the Gordon River Bridge to the new proposed "no wake/idle speed" zone is .9 mile. The new proposed "no wake/idle speed" zone will encompass another .9 mile. However, another .4 mile of "no wake/idle speed" zone has been tentatively approved by DNR. The tentatively approved "no wake/idle speed" zone from the DNR adds .4 miles, and the already designated "no wake/idle speed" zone by Gordon Pass is .3 miles. This would bring the total of designated "no wake/idle speed" zone to 2.5 miles out of 4.1 total miles. The compromise would be to take the tentatively DNR approved "no wake/idle speed" zone (.4) and cut it in half therefore reducing the total amount of "no wake/idle speed" zone to 2.3 miles of 4.1 total miles. In actuality we are talking about adding a total of .7 miles.

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There has been a general misconception regarding the proposed no wake zone, the misconception being that we are talking about making all of Naples Bay a proposed "no wake/idle speed" zone.

I will be prepared to give further information on Wednesday at the workshop.

Respectfully submitted,



William Barnett

The minute details will be covered on Wednesday at our workshop session. The basic details are as follows. Our committee met twice, once on Tuesday March 17th, and for a final time on Wednesday April 1st. At the first meeting every conceivable problem concerning the homeowners (on the day), pleasure boaters, sailboaters, commercial fishermen, charter boat captains, property owners, associations, and concerns from the general public were heard through members of our committee. At the conclusion of the first meeting I recommended that at the next meeting of our committee that the members have some solutions to all the concerns that had been expressed (see minutes from the first meeting). The gist of the second meeting seemed to focus on two possible solutions, the first being better and possibly more law enforcement. The second was a compromise regarding the proposed no wake zones.

Currently the distance from the Gordon River Bridge to the mouth of the Gordon Pass is 4.1 miles. From the Gordon River Bridge to the new proposed "no wake/idle speed" zone is 2.3 miles. The new proposed "no wake/idle speed" zone will encompass another .9 mile. However, another .4 mile of "no wake/idle speed" zone has been tentatively approved by DNR. The tentatively approved "no wake/idle speed" zone from the DNR adds .4 miles, and the already designated "no wake/idle speed" zone by Gordon Pass is .3 miles. This would bring the total of designated "no wake/idle speed" zone to 2.8 miles out of 4.1 total miles. The compromise would be to take the tentatively approved "no wake/idle speed" zone (.4) and cut it in half thereby reducing the total amount of "no wake/idle speed" zone to 2.3 miles of 4.1 miles. In actuality we are talking about adding a total of .7 miles.