



City of Naples

City Council Minutes

Workshop Meeting 10/14/87

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Page
PRECINCT 7 NEIGHBORHOOD TOWN MEETING - FIRE STATION #2.	1-

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 10/14/87

COUNCIL
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Another member of the audience asked about aircraft flight paths from the Airport. City Manager Jones advised that the Naples Airport Authority, although appointed by Council, was an independent Board and should be contacted with such complaints. Mayor Putzell added that aircraft noise was just one small irritant for the convenience of an Airport in the City.

In response to questions regarding resurfacing of 28th Avenue, North, City Manager Jones advised that the City has implemented a five-year plan which identifies streets that need to be resurfaced or reconstructed. He suggested that any questions regarding resurfacing be directed to the City Engineer at 649-3440.

One audience participant asked about utility and franchise taxes to which City Manager Jones explained that the City charges utility companies (Palmer Cablevision, Florida Power and Light, and United Telephone) a franchise fee for the privilege of placing service lines in City rights-of-way. The Public Utilities Commission (PUC) has permitted the utility companies to levy a tax on consumers to recoup fees paid to the City.

Regarding the newly applied 25% surcharge on City water/sewer service for unincorporated areas, City Manager Jones commented that City residents pay ad valorem and utility taxes to support the water/sewer facility which County users do not. The revenue obtained from the surcharge would be applied to the General Fund which supplements fire protection of the facilities, use of City rights-of-way, etc.

City Manager Jones handed out two brochures, "City of Naples Proposed Budget 1987-88" and "Beachend Parking Proposals". Mayor Putzell referred to beach parking and said that the County residents have been using City facilities without contributing to the cost of maintenance. The City and County are currently negotiating an Interlocal Agreement, he said, which will provide compensation from the County for use of the City's beaches. In response to questions regarding beach parking permits, City Manager Jones advised that the City would recognize Collier County license plates as a valid permit to park at the beachends.

Several citizens expressed concern regarding Naples Trailer Park and asked what could be done about drainage problems in that area. City Manager Jones advised that the City was aware of the problems involving that property and have included a study of the area in its Comprehensive Plan.

One member of the audience suggested that the City purchase beachfront property in order to build small parks and to retain some of the natural beauty of the area for its citizens. Mayor Putzell concurred with this suggestion but cautioned that public opinion had been in the negative regarding addition of financial cost to the City tax burden. Mayor Putzell then advised that both he and Mr. Jones would be attending the Florida League of Cities Convention in Miami to lobby in support of a

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSEN
			YES	NO	

tax which could be levied on the transfer of property and accumulated for the purchase of green "open" space. Such practice has been used in Massachusetts, he said; however, Florida State law currently prevents such a tax.

Fire Chief Ijams confirmed that Fire Station #2 would be expanded in the 1988/89 budget year. He then expressed the City's desire to be a "good neighbor" and asked that any complaints regarding activities performed at the station be reported to the Fire Department. In response to a question regarding the fire "tower", Chief Ijams advised that the City Manager has requested the building be painted; however, it is not feasible to do so because of the climbing equipment which would chip and destroy the paint.

Mayor Putzell referred to the City's Annexation Policy which prioritizes areas considered for annexation: 1) area between U.S. 41 North and Goodlette Road, north of Creech Road and 2) the green strip of golf courses along the east side of Goodlette Road. All areas under consideration for annexation are within the City's water/sewer service areas, Mayor Putzell said. A piece of property must be contiguous to the City before it can be considered for annexation. A voluntary annexation provides for 100% of the property owners in an area to petition the City for annexation; such action can be adopted by City ordinance. Non-voluntary annexation must be decided by referendum and voted upon by property owners in the area to be annexed and also by City residents. In each referendum, a majority of those voting would have to approve the annexation before it could become effective.

One member of the audience, who lives in an area slated for annexation, had several concerns regarding this procedure: tax increase, implementation of a utility tax, hook-up charges to the City's sewer system. Mayor Putzell asked the gentleman if he had attended the annexation discussion held with area property owners to which he replied that he had not.

City Manager Jones explained that annexation would provide a tax benefit to those in the unincorporated areas and also a greater level of police and fire protection. Mr. Jones advised that due to the City's Fire and Police Departments level of service, citizens actually save money on their insurance premiums. In response to concerns regarding representation by the County Commission to newly annexed areas, Mr. Jones pointed out that all Commissioners are appointed "at-large" and therefore represent all City and County residents' interests. Citizens of the City of Naples enjoy additional representation by the City Council, he said.

One gentleman asked if the effluent reuse pipes on Goodlette Road could be covered with fill and made into a berm, such as those in Pelican Bay which act as a noise barrier and provide added green space. Mr. Jones pointed out that Goodlette Road was a County road. The County operates and maintains the right-of-way for the drainage system, he said. The

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COUNCIL
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City has, however, taken steps to acquire and improve the rights-of-way in the southern portion of Goodlette Road into park-like areas.

Mayor Putzell adjourned the meeting at 6:39 p.m. reiterating that all citizens' questions and comments are welcome at City Hall.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON
CITY CLERK

JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Precinct 7 Neighborhood Town Meeting were approved on NOV 18 1987.

	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
PUBLIC PARTICIPATION PROCEDURES					*				*						*												*	*
FUTURE LAND USE																												
TRAFFIC CIRCULATION																												
HOUSING																												
SEWER/WATER/DRAINAGE ETC.																												
COASTAL MGT.																												
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COMPLETE PLAN DRAFT																												
COUNCIL WORKSHOPS/PUBLIC HEARINGS																												
SUBMITTAL TO STATE REVISIONS																												
IMPLEMENTATION MECHANISMS																												
ADOPT COMPLETED PLAN																												



City of Naples

--- MEMO ---

TO: Franklin C., Jones, City Manager
 FROM: Roger J. Barry, Community Development Director
 SUBJECT: Versailles and Bayview Hotel Projects
 DATE: August 26, 1987

Both of these projects, but particularly the Versailles project, continue to draw comments and inquiries as to whether or not sufficient work is being done for their building permits to remain valid.

The applicable provision in the Municipal Code is the attached section 8-5(b) that if construction "...is subsequently abandoned or suspended for reasons other than those enumerated in paragraph (a) hereof, (unavailability of construction supplies or materials, delay in delivery of construction supplies or materials, fire, weather conditions, civil commotion or strike) the permit shall expire and become null and void unless good cause is shown at a hearing before the city council as to reasons for the suspension or abandonment of said project."

The only similar project that we have dealt with in the recent past involved the former OMC property. When Elliott Enterprises ran into problems, Carlson/Harris, the contractors on the job, clearly suspended work. The city then sent a notice to the contractor advising them that in the staffs opinion work had been suspended at that, therefore, their building permit was null and void. We have since advised the attorney representing the court in this matter that the next appropriate and necessary step is to request the City Council to "reinstate" the original permit. Not reinstating the original permit raises questions as to the validity of the off-site parking Special Exception petition.

The Versailles and Bayview projects are each somewhat different from each other and from the OMC project.

Some very limited work continues from time to time on each of these projects but clearly there are problems and the construction is not proceeding on a normal time schedule. Gil Sherburne and Cliff Gorden have kept track of the construction activity on each site.

Lyle Richardson suggested to me that the matter should be scheduled for discussion at the next City Council workshop session and you, of course, told me that Bill Barnett would also like to review the matter.

I suggest that we meet at a staff level and discuss the matter prior to scheduling it for a workshop session.

RB:ed *Roger*
 CC: Dave Rynders
 Cliff Gorden

(b) *Definition.* "Utility buildings," in this section of the Code, shall mean a building which is not intended for human occupancy and which meets the requirements of this section.

(c) *Loads.* Live, dead and wind load requirements shall conform to the requirements, as set forth in Chapter XII of the Standard Building Code.

(d) *Limitations:*

- (1) A utility building must not be attached to any other structure in any manner.
- (2) Utility buildings may be located in any single-family, duplex, or multiple-family dwelling areas.
- (3) The maximum distance between the floor and the bottom of the ceiling joist is to be seven (7) feet, six (6) inches.
- (4) The maximum floor area shall not exceed one hundred (100) square feet.
- (5) No side can be more than ten (10.0) feet in length or less than three (3.0) feet. The width may be three (3.0) feet if the side length is reduced to a maximum of six (6.0) feet in length.
- (6) A utility building must comply with the setbacks for the district in which it is erected. (Ord. No. 1786, § 1, 8-2-72; Ord. No. 3475, § 2, 3-5-80; Ord. No. 86-4998, § 4, 5-21-86)

Sec. 8-5. Time limitation of building permits.

(a) Building permits shall expire and become null and void if work authorized by such permit is not commenced within six (6) months from the date of the issuance of the permit, or if the work is not completed within eighteen (18) months from the date of issuance of the permit, unless a time schedule has been submitted and approved by the building official, predicated upon customary time for construction of like buildings, prior to the issuance of the building permit, indicating completion of construction in excess of eighteen (18) months, or unless the contractor furnishes the building official satisfactory evidence in writing that the delay is occasioned due to unavailability of construction sup-

plies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications, or due to delay in delivery of construction supplies or materials, or due to fire, weather conditions, civil commotion or strike. Increased costs of building materials or supplies or financial hardship shall not be considered by the building official as cause for continuation of the permit.

(b) If construction has commenced within (6) months from the date of issuance of the permit, and is subsequently abandoned or suspended for reasons other than those enumerated in paragraph (a) hereof, the permit shall expire and become null and void unless good cause is shown at a hearing before the city council as to reasons for the suspension or abandonment of said project. If the council finds that good cause has been shown for the suspension or abandonment of said project, the contractor shall be allowed to continue said construction under the original permit.

(c) If the permit becomes null and void or expires, a new permit covering the proposed construction shall be obtained before proceeding with said construction in accordance with the building and zoning regulations in existence at the time application is made for a new permit.

(d) Any building permit issued prior to the effective date hereof shall expire and become null and void eighteen (18) months from the date of issuance thereof unless construction is delayed for reasons enumerated in paragraph (a) hereof, and the contractor so notifies the building official in writing in accordance with said paragraph (a); provided, for any construction presently under way requiring in excess of eighteen (18) months to complete, a schedule may be submitted for approval within thirty (30) days from the effective date



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF BUILDING AND ZONING

August 31, 1987

RESIDENCE/LE VERSAILLE JOURNAL ENTRIES

March 5, 1987	Letter to Curtis Blank on LeVersaille Restaurant sign
April 8, 1987	Letter from Vincent Murphy requesting retention of restaurant sign until assured restaurant will not reopen. (License valid until 10/1/87) Stated expected Residence Versailles loan to close 5/7/87.
May 22, 1987	Workmen on site
May 28, 1987	Photos
May 29-June 1, 1987	No workmen on site
June 2, 1987	Weight test removed - Photo
June 3, 1987	Concrete weights removed
June 4, 1987	No workmen on site - Photo
June 5-16, 1987	No workers on site
June 17-19, 1987	One worker on site
June 22, 1987	No workers on site/Pile barge loading for up river project
June 23, 1987	No workers on site
June 24-29, 1987	No workers on site
June 30-July 31, 1987	One worker on site
Aug. 3-5, 1987	No workers on site
Aug. 6-13, 1987	One worker on site
Aug. 14, 1987	No workers on site
Aug. 15-17, 1987	One worker on site
Aug. 18, 1987	One worker on site - Photos
Aug. 19 - 27, 1987	One worker on site
Aug. 28, 1987	One worker on site - Photos



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF BUILDING AND ZONING

August 31, 1987

BAYVIEW HOTEL JOURNAL ENTRIES

April 28-May 6, 1987	Workmen on site
May 7-8, 1987	Photos
May 13-26, 1987	Workman on site
May 28, 1987	Photos
May 29-June 22, 1987	Workman on site
June 23-24, 1987	No workers on site
June 25-July 2, 1987	Workers on site
July 6-Aug. 15, 1987	No workers on site
Aug. 17, 1987	One worker on site - expecting buyer from Chicago
Aug. 19-27, 1987	No workers on site
Aug. 28, 1987	No workers on site - Photos



City of Naples

735 EIGHTH STREET, SOUTH · NAPLES, FLORIDA 33940

DEPARTMENT OF BUILDING AND ZONING

September 3, 1987

Crown Construction Corp.
4551 Arnold Avenue
Naples, Florida, 33940

ATTN: Mr. Robert Bliven

RE: Naples Bay Hotel
1310 Fifth Avenue, South
Naples, Florida, 33940
Permit No. 49, Issued October 14, 1986

Dear Mr. Bliven,

This letter is to formally advise you that as of this date, our staff has determined that pursuant to City Ordinance, Chapter 8, Article 1, Section 8-5, (see attached) the building permit for the above mentioned project is null and void because of suspension and abandonment of work.

In order to continue the project under the original permit, you may if you so choose, request a hearing before City Council to show good cause for the suspension and abandonment of work on said project.

If you have any questions, do not hesitate to contact this office at 649-3428.

Sincerely,

Clifford Gorden
Building Official
City of Naples

CG/b11

cc: Roger J. Barry, Director of Community Development
Frank Jones, City Manager
David Rynders, City Attorney
Mr. Robert Crans, 3601 Gin Lane, Port Royal
Mr. John T. Bailey



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF BUILDING AND ZONING

September 3, 1987

Turner Construction Company
100 Chopin Plaza, #900
Miami, Fla., 33131

ATTN: Mr. David E. Truesdell

REF: Versailles Hotel
1355 5th Avenue, South
Naples, Florida, 33940
Permit No. 190, Issued November 17, 1987

Dear Mr. Truesdell,

This letter is to formally advise you that as of this date, our staff has determined that pursuant to City Ordinance, Chapter 8, Article 1, Section 8-5, (see attached) the building permit for the above mentioned project is null and void because of suspension of work.

In order to continue the project under the original permit, you may if you so choose, request a hearing before City Council to show good cause for the suspension of work on said project.

If you have any questions, do not hesitate to contact this office at 649-3428.

Sincerely,

Clifford Gorden
Building Official
City of Naples

CG/bll

- cc: Roger J. Barry, Director of Community Development
- Frank Jones, City Manager
- David Rynders, City Attorney
- Ms. Monique MacGlothlin

Naples, Florida, September 15, 1987

LET IT BE REMEMBERED, that the Board of County Commissioners in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 3:15 P.M. in WORKSHOP SESSION in Building "F" of the Government Center, East Naples, Florida, with the following members present:

CHAIRMAN: Max A. Hasse, Jr.

VICE-CHAIRMAN: Arnold Lee Glass

John A. Pistor
Burt L. Saunders
Anne Goodnight

ALSO PRESENT: Beverly Kueter, Deputy Clerk; Neil Dorrill, County Manager; Ken Cuyler, County Attorney; and Deputy Chief Ray Barnett, Sheriff's Department and, all of the City Council with the exception of the Mayor.

AGENDA

Discussion of beach parking

SEPTEMBER 15, 1987

DISCUSSION OF BEACHEND PARKING WITH CITY OF NAPLES

Chairman Hasse advised that this meeting is being held to discuss how Collier County and the City of Naples can work together on beach parking.

County Manager Dorrill stated that the Board had requested to discuss this with representatives of the City and hopefully give Staff some direction. He said he met with City Manager Jones last week to develop both the City's proposal and the County's counter-offer. He advised that the proposal stems from increasing concern on the part of the City related to both perpetual maintenance and policing of City beachends and beach parking facilities. He advised the City has an "either or" type proposal involving revenue recovery in support of a new enterprise type funding mechanism they wish to put together.

Mr. Dorrill stated there are some isolated questions from a legal standpoint as to whether anything involving free parking for certain residents and charging other residents within the County is discriminatory. He noted this has not been resolved. He stated the City's Option "B" is for the County's general fund to pay one-third of the cost of associated with the new enterprise-type activity. He said the balance of the cost would come from parking meter revenues and a portion of taxes to the extent that they are allocated City taxes in support of this on-going endeavor.

Mr. Dorrill stated that his most important concern is the recovery

SEPTEMBER 15, 1987

of past capital investment on the part of the City. He said he is concerned with the precedent nature of establishing County tax dollars to pay for fixed capital assets of the City and since cities are created to provide a separate and distinct level of service for their own residents and they levy taxes in order to do that, he is not certain whether the County should be buying into the City's fixed capital assets.

Mr. Dorrill stated he feels County general funds could be used in support of beach maintenance activities. He said Lee and Charlotte counties do not participate in maintenance associated with municipal beaches, but Sarasota and Manatee counties do participate on a County-wide basis.

Mr. Dorrill stated the remaining issue is the actual cost and levels of services to be set and actual mechanics or logistics of an interlocal agreement, and hopefully this could be reviewed on an annual basis. He also noted that the Board will also have to decide what, if anything, they would like to do concerning the County beach facilities at Tigertail, Clam Pass, Vanderbilt, Horizon Way, etc. for consistency.

City Manager Jones stated that he will be addressing the purpose of the program to insure clear understanding, questions concerning the level of the operations, and the issue of sharing capital expenses as they relate to the beach parking proposal.

Mr. Jones stated the basis of the program is that for as long as

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the beaches have been used, the cost of operating, maintaining and patrolling them have been solely through the revenues generated in the City. He said in addition, the City began to be concerned about the intensity of the use of these beaches and the availability of access for residents within the City. He stated a very important point, especially when comparing the facilities in the City with the facilities in the Unincorporated Area, is that the beaches are a major recreational facility and use being operated in the heart of a residential area. He said in addressing the concerns of the City residents, the City began to implement a series of regulations to govern the beaches with the primary purpose of maintaining the compatibility of the use of these recreational areas with the residential character of the neighborhoods.

Mr. Jones advised that it then became necessary for the City to undertake a dedicated police patrol on the beaches. He said this is currently being operated with three people during the times of highest use. He said it also became necessary to structure some type of parking arrangement and every year additional funds were added to the capital improvement program to improve two or three beachends per year. He noted that in many cases, the number of parking spaces were increased. He stated the only phase that has not been implemented is the use of parking meters to help defray the cost.

Mr. Jones advised that during the last survey conducted by the City, they found that many of the beachends are being utilized at or

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above their designed capacity. He said they have also had demands by residents for higher patrolling and maintenance activities. He stated City Staff was then directed to generate sufficient revenue to cover the cost of operating and maintaining the beaches and to insure their is access available for the City residents in proportion to the costs they are paying.

Mr. Jones outlined the proposed costs for patrol and maintenance and how they were determined. Mr. Jones stated that he views Capital Recovery a little differently than Mr. Dorrill and that there may be many opportunities for the City and County to cooperate on capital improvements that may be inside or outside the City limits. He stated there are two instances that the County has chosen to participate in capital programs within the City that provide a County-wide benefit: 1) Naples Landing and 2) City Dock. He said in both instances the County participated by passing back boat registration monies. He stated he views this proposal as a continuation of cooperation rather than a situation which sets a precedent.

Mr. Jones stated that following conversations with Mr. Dorrill, he reviewed the accumulated costs again. He stated he found that the cost originally submitted included not only beachends but also the street access leading to the beachends. He said he has revised these figures and the annual amortized amount becomes \$21,000 and this would reduce the total annual cost to \$210,000. He said the proposed one-third cost to be shared between City and County residents through the

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use of general fund money to \$70,000.

Addressing the revenues, Mr. Jones stated that the City has considered a higher fee than the 50¢ per hour, however, they would like to wait and look at participation before addressing the hourly rate for final approval. He stated that even at the most conservative estimates, it is expected that approximately \$200,000 will be generated from the meters. He noted that there are 900 spaces available and they are proposing to meter 600. He said a method will be established to account for the expenses and revenues of this program and the amount required from the County will only be the shortfall between the revenue and expenses which is expected to be about \$30,000 per year. He also said the agreement would be written in such a way that the arrangement could be changed by the parties.

Mr. Jones stated that implementation would consist of immediately ordering the meters, which is a large portion of the money in the first year of operation. He said that hopefully the meters will be in place by December and for the first few months will be operated by the existing personnel. He said that by March or April, 1988 it would be known how many parking spaces in the permit areas are being utilized, the amount of revenue being generated, and any adjustments between permit and metered spaces could be made at that time.

In answer to Chairman Hasse, Mr. Jones stated that the permit spaces will be used by anyone who has a Collier County license tag and a process will be designed to permit any resident who has a State tag,

SEPTEMBER 15, 1987

such as the Challenger tag.

Commissioner Saunders asked if all the non-metered spaces were filled, could a City or County resident be allowed to park in a metered space at no charge? Councilman Bledsoe stated that the proper ratio of spaces would have to be determined from experience, however, in the meantime this practice could be followed.

Responding to Commissioner Saunders, Mr. Jones stated that the difference between the estimated revenues and estimated expenses is approximately \$30,000. He suggested the \$30,000 would need to be contributed at the beginning of the year and at the end of each year there would be an accounting of revenues vs. expenses. He stated a deficit would require additional funds and a surplus would be carried forward to offset the contribution of the next year.

After a lengthy discussion on how the interlocal agreement may be structured, it was the general consensus that the County Manager and City Manager work out the exact details of an Interlocal Agreement outlining one-third of the project costs \$70,000, the mechanics of the program, and submit to the Board of County Commissioners and the City Council.

Mr. Dorrill stated he will also submit a revised plan on beach parking for the Unincorporated Areas to insure consistency.

There being no further business for the Good of the County, the meeting was adjourned by Order of the Chair - Time: 4:05 P.M.

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