



# City of Naples

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

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Time 9:04 a.m.

Date 01/11/89

Mayor Putzell called the meeting to order and presided as Chairman:

Present: Edwin J. Putzell, Jr.,  
Mayor

Kim Anderson-McDonald  
William E. Barnett  
Alden R. Crawford, Jr.  
John T. Graver  
Paul W. Muenzer  
Lyle S. Richardson,  
Councilmen

Also Present:

Franklin C. Jones, City Manager  
David W. Rynders, City Attorney  
Mark W. Wiltsie, Assistant City Manager  
Gerald L. Gronvold, City Engineer  
Ann "Missy" McKim, Community Dev. Dir.  
Paul C. Reble, Police Chief  
Frank "Bill" Hanley, Finance Director  
Christopher L. Holley, Com. Services Dir.  
Stephen R. Ball, Chief Planner  
Tara A Norman, Administrative Assistant  
George Henderson, Sergeant-At-Arms  
Jodie M. O'Driscoll, Deputy Clerk

See Supplemental Attendance List - Attachment #1.

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Mayor Putzell began the discussion concerning presentation of material in a timely manner for Council's consideration, both from the public and staff. He then referred to a memorandum submitted by Mrs. Anderson-McDonald (Attachment #2) which suggested a time limitation be placed on documents presented to Council for its deliberation.

Referring to the Comprehensive Plan hearings, Council agreed that there was an exceptional amount of "last minute" information given both to staff and Council for absorption prior to rendering its decision. This type activity is not only unfair to the elected officials, but to the petitioner submitting such information for use in determining his request.

After a brief discussion about current Code requirements, it was the consensus of Council that some guidelines should be prepared regarding submission of documents. City Attorney Rynders advised that he and the City Manager could develop a set of rules for Council's consideration at a future meeting.

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ITEM 1

DISCUSSION OF APPROPRIATION OF A PORTION  
OF PRELIMINARY ENGINEERING COSTS FOR BEACH  
RENOURISHMENT.

Mr. Fred Voss of the Collier Beach Preservation Society spoke at great length regarding deterioration of this area's beaches. Several criteria must be met prior to receiving approval of State funds: provide sufficient beach access; proven acceptable source of beach quality sand; and a

## CITY OF NAPLES, FLORIDA

City Council Minutes

Date 01/11/89

COUNCIL  
MEMBERS

VOTE	
177	ABSEN
177	SEN
177	NOT

preliminary engineering survey of the beach. All of the above has been met excepting the engineering survey. Mr. Voss asked Council to help encourage the County to proceed with this project by providing 1/3 of these engineering costs. If the preliminary report was started today, it would be approximately two years before any sand would be placed on the beaches.

Mayor Putzell asked if this contribution would be in addition to the ad valorem taxes citizens currently pay to the County. Mr. Voss advised that it would.

Councilman Graver, who is on the Beach Renourishment Committee, brought Council up-to-date regarding activities which it has been involved in thus far. A sand search has been completed which indicated possible sources for acceptable sand. In addition, the Committee has been soliciting help from numerous organizations in the area: Economic Development Council (EDC), Chamber of Commerce, local property owners' associations, to name a few. However, when the Committee took its recommendation to County Manager Neil Dorrill, the project was put at a stand still. Mr. Dorrill decided, at that time, he would not put their recommendation on the Commission agenda for the additional monies needed. He explained that he would be quite interested in the City participating in partial funding of the project inasmuch as the majority of the beach is within the City boundaries prior to his placing this item on the commission agenda (Attachment #3). It was suggested by the County that perhaps an Interlocal Agreement outlining the City's participation could help move this project along.

In response to Councilman Richardson, Mr. Graver advised that the Committee recommended drafting such an Agreement and reiterated its request for partial funding from the City. Mayor Putzell said that if the City were to contribute more than its proportionate share, then it should be instrumental in the management of project funds on behalf of its citizens. Items such as this could be addressed in an Interlocal Agreement, Mr. Graver said; however, he did not believe the County would go along with that request.

Referring to County Manager Dorrill's inference regarding consideration by the Commission if the City were to participate, it was the consensus of Council that City Manager Jones and Mayor Putzell go forward with negotiation of an Interlocal Agreement and bring a proposal back to Council for its consideration in the near future. It should also include a stipulation that the City would participate\*providing a timely review by the County.

Dr. Michael Stephen of Coastal Engineering Consultants, Inc., distributed preliminary cost estimates for the beach renourishment project (a copy of which can be reviewed from the meeting packet in the City Clerk's Office). In response to Councilman Crawford, Dr. Stephen advised that before the State would participate in funding for this project that approved permits and construction designs must first be completed. Approximately \$357,000 will have to be expended prior to

\*\*AMENDED: 02/01/89 -  
Add "in implementation  
of the funding..."



COUNCIL  
MEMBERS

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consideration of grant monies by the State. Mrs. Anderson-McDonald pointed out that the City and County must be prepared to fund the entire project should State monies not be available.

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ITEM 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO ADVERTISING BY REPEALING SUBSECTIONS 2-14, 2-15 AND 2-18; CREATING A NEW SUBSECTION 2-14 ENTITLED "UNLAWFUL DISTRIBUTION AND SOLICITATION," MAKING IT UNLAWFUL FOR ANY PERSON, UNLESS SPECIFICALLY CONTRACTED SO TO DO, TO DISTRIBUTE ANY ADVERTISING LITERATURE OR SAMPLES, OR ANY NEWS TYPE PUBLICATION, IN OR ON ANY PRIVATE PROPERTY HAVING A SIGN AFFIXED THERETO "NO SOLICITATION, NO DISTRIBUTION," PROVIDING FOR A REBUTTABLE PRESUMPTION CONCERNING RESPONSIBILITY FOR SUCH DISTRIBUTION; PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY UNINVITED SOLICITOR TO VISIT OR DISTURB SIGNED PREMISES; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Rynders advised that Mr. Corbin Wyant of the Naples Daily News was expected and asked that this item be placed later on the agenda.

It was the consensus of Council to delay this item until Mr. Wyant arrived.

Discussion then ensued regarding Item 3 on the agenda. see below deliberation.

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City Attorney Rynders advised that unknown attorneys representing area newspapers had provided him with copies of cases-in-point (copies of which can be reviewed from the meeting packet in the City Clerk's Office) regarding the constitutionality of the aforementioned proposed ordinance. After reviewing these cases, Attorney Rynders said, he felt very comfortable proceeding with implementation of this ordinance.

Mr. Corbin Wyant, Publisher of the Naples Daily News, also cited cases-in-point (copies of which can be reviewed from the meeting packet in the City Clerk's Office); however, he interpreted them differently and believed this clearly would be a case of infringement upon Constitutional rights. He further advised that his group would consider placement of "No Solicitation" signs at the curb, but could not guarantee if someone did not want the paper, he would not receive it. Personnel turnover, as well, constantly impacts the delivery of newspapers, he said.

Councilman Crawford noted the Naples Daily News does not deliver its paper in this manner, one must have a subscription before he can receive a paper. Mr. Wyant, however, said that he was speaking on behalf of constitutional rights not whether the ordinance affected his publication.



Mr. Herb Anderson of the Naples Beautification Council said that his group had been complaining about distribution of unwanted material for several years. When these papers accumulate, it indicates when no one is at home. Many members of his group have asked distributors of such material several times not to deliver to their homes, but to no avail.

After a brief discussion regarding possible placement of proposed "No Solicitation" signs, it was the consensus of Council that the proposed ordinance should be amended, in Section (a) to read: "in a conspicuous place 'at or close to the street curb' on the premises,..." Council then directed City Attorney Rynders to meet with attorneys representing the newspapers to get input from them as to what they might like to see incorporated into the ordinance.

In response to Mr. Crawford, City Attorney Rynders assured Council that signs could be prepared for their review and approval at a future workshop meeting when this item is revisited.

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## ITEM 3

AN ORDINANCE AMENDING SECTION 6.20 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCE OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR TEMPORARY PERMITS FOR THE PARKING OF MOTOR HOMES, TRAVEL TRAILERS OF TRAVEL CAMPER WITHIN THE CITY OF NAPLES.

Community Development Director McKim explained that Council had indefinitely tabled this matter at its second reading until it could be discussed further at a workshop. The ordinance now provides that a recreational vehicle (RV) can be parked overnight in the City providing a permit is obtained from the Police Department. This permit is good for two nights and the proposed ordinance provides that only two permits per month can be issued. The same would apply for visiting RV owners.

Citizen Rudolph J. Fitzek supported the ordinance and complimented the Police Department for its efforts in providing these permits to the public.

Referring to the current permit distribution procedure, Councilman Richardson asked why this ordinance was needed if that policy was working effectively. City Manager Jones, however, pointed out that the present procedure is in violation of Code which requires that Council approve each permit request.

After a brief discussion, it was the consensus of Council that the ordinance was too restrictive, therefore, it asked that the last sentence in paragraph 2, Section 1-20, of the ordinance be removed. City Attorney Rynders added that should Council find abuses are occurring, it can insert restrictions at a future date.

COUNCIL  
MEMBERS

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ITEM 4

AN ORDINANCE AMENDING SECTION 6 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDITION SUBSECTION 6.2.1 REGULATING THE KEEPING OF ANIMALS IN RESIDENTIAL AREAS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE REGULATIONS REGULATING THE KEEPING OF ANIMALS IN RESIDENTIAL AREAS.

Community Development Director McKim advised that this ordinance had been approved at first reading; however, when it came up for review at second reading, it was the desire of Council to discuss it further at a workshop session. This ordinance was a direct result of several complaints received near Lake Park Elementary of bees kept in the area. It seems that one of the homeowners in that area has approximately 28 hives which are a nuisance; the honey droppings from these insects stain laundry, cars, houses, etc. Mrs. McKim noted that this ordinance would bring the City's Code into conformance with that of the County.

It was the consensus of Council that paragraph 2. under Section 2.1, be deleted inasmuch as there was a nuisance factor in the City which would address the issue of barking dogs.

Councilman Muenzer asked if there was a provision restricting homing pigeons to which staff advised that those birds would be considered under "geese and the like".

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ITEM 5DISCUSSION OF THE CITY'S HORTICULTURAL  
LANDFILL OPERATION.

Councilman Muenzer said he had asked this be placed on the agenda. Due to the fact that the City's horticultural landfill has a limited capacity, he believed it appropriate to discuss joint acquisition of land for expansion of the County landfill. The County has been considering expanding its present facility and by sharing capital expenses, the City could have a vested interest in it.

City Manager Jones suggested possibly entering into an Interlocal Agreement which would exempt the City from any horticultural landfill fees. Council directed staff to look into the matter further and also to suggest that a City representative be appointed to the County's Solid Waste Disposal Committee.

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Referring to a report from Utilities Director Chaffee regarding problems associated with reuse water irrigation at area golf courses, City Manager Jones advised that the water's salt level is being

monitored closely and briefly reviewed staff's recommendation to irrigate these areas with the old system at least once weekly during dry season to rinse any possible salt residue from the leaves. Utilities Director Chaffee concurred and referred to test findings outlined in Attachment #4.

Councilman Barnett suggested that a horticulturist be scheduled for an upcoming workshop to discuss what type vegetation could be used with the effluent reuse because this is a very important program and every effort should be made to encourage participation.

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ITEM 6

## DISCUSSION OF POLICE K-9 UNIT.

Mrs. Anderson-McDonald explained that she had requested this item be placed on the agenda to bring Council up-to-speed regarding the Police K-9 unit. The Department will purchase another narcotics trained dog in the very near future and at present has two others (one marijuana trained, the other aggressive). Police Chief Reble added that currently the force is using these animals in the evening on beach patrol because neither are fully narcotics trained.

These narcotics trained animals will help with the Department's current drug arrest program. An officer can walk the animal through specific areas and use it to locate narcotics. Council asked the City Attorney to review the legality of arrest if drugs are found on a person which the dogs have "alerted on".

During the last ten days, the Police Department's special task force has made approximately 29 drug related arrests. The offenders are being taken to jail; however, some are released on bond, own recognizance, etc. and come right back.

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ITEM 7

## DISCUSSION OF ENGINEER'S REPORT REGARDING STORM DAMAGE TO NAPLES FISHING PIER.

City Manager Jones reviewed a memorandum outlining the City's recoverable costs for insurance purposes of the Naples Fishing Pier (Attachment #5). There had been a budgeted amount in this year's Capital Improvement Program (CIP) to rehabilitate a portion of the Pier, approximately \$130,000. However, since damage caused by Tropical Storm Keith quickened this deterioration, the City's insurance will cover all but \$150,000 of the self-insured amount. This enables the City to either reconstruct the wood structure or rebuild it with a concrete base and wood superstructure. Mrs. Anderson-McDonald said she believed the wood structure would be more flexible and better able to stand up to these severe storms.



COUNCIL  
MEMBERS

VOTE		A B S E N T
M O T I O N	S E C O N D	
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Councilman Barnett clarified a misnomer from an article which appeared in the Naples Daily News which states that the City was discussing the possibility of moving the Pier to Lowdermilk Park. This is not true, he said, and has never been discussed by either staff or Council.

Community Services Director Holley advised the Parks and Recreation Advisory Board had recommended that the Pier be reconstructed in its original design. This would also make it easier to get permit approval from the State, he said.

It was the consensus of Council to direct staff to rebuild the Pier in its original timber design with proceeds either budgeted and/or received from the insurance companies.

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City Manager Jones distributed an annexation speaking engagement calendar (a copy of which can be reviewed from the meeting packet in the City Clerk's Office) and asked each member of Council to indicate which day he/she would be able to serve.

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The Corridor Management Study has been completed and the Committee has expressed a desire to present it jointly to City and County officials. A tentative date has been established for that presentation, January 25, 1989, 1:00 p.m., in the County Commission Board Room.

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ADJOURN: 11:29 a.m.

*Edwin J. Putzell, Jr.*  
EDWIN J. PUTZELL, JR., Mayor

*Janet Cason*  
JANET CASON  
CITY CLERK

*Jodie M. O'Driscoll*  
JODIE M. O'DRISCOLL  
DEPUTY CLERK

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

## Attachment #1

SUPPLEMENTAL ATTENDANCE LIST

Steve Akers  
Charles Andrews  
Ross Obley

Corbin Wyant  
Fred Voss  
Gene Anderson

Rudolph Fitzek  
Dr. Michael Stephens  
Herb Anderson

Other interested citizens and visitors.

NEWS MEDIA

Lori Darvas, Naples Daily News  
Pat Wasson, WNOG

John Goff, WINK-TV



# City of Naples

## --- MEMO ---

TO: FRANKLIN C. JONES, CITY MANAGER  
FROM: KIM ANDERSON-MCDONALD, COUNCILMAN  
DATE: JANUARY 6, 1989  
SUBJECT: DOCUMENT ACCEPTABILITY

In regards to our last City Council meeting and what I feel became an emasculation of the process of evaluation of documentation that took place, I would like to have your feelings regarding some policy being established for acceptability. To be specific, at the last moment being some time in the late afternoon, less than 24 hours prior to our meeting, the offices of Cummmings & Lockwood dropped documentation at City Hall for their "new compromise". Staff admitted that morning that they really had not had time to review it properly, and we, as Council members, certainly had not had time to review and question the documentation and its acceptability.

I would like to see the Council establish policy regarding acceptability of such information. It would seem to me that if we had a standing policy that no documentation would be considered by staff or Council unless it were delivered 72 hours prior to the meeting and could be delivered personally to each Council member or their home, it could not be taken into as part of the discussion.

I look forward to your response.

*Kim Anderson-McDonald*

xc: Mayor & Council





## COLLIER COUNTY MANAGER'S OFFICE

3301 E. TAMiami TR.  
NAPLES, FL 33962  
(813) 774-8383

A CERTIFIED BLUE CHIP COMMUNITY

January 10, 1989

Councilman John Graver  
City of Naples  
735 8th Street So.  
Naples, Florida 33940

Re: Continued Funding For Naples Area Beach Renourishment  
Project

Dear Councilman Graver:

I appreciated the opportunity to discuss with you today, my concerns regarding the need to resolve Phase II beach nourishment funding in order for this project to make continued progress. The current status of funding associated with this project during this fiscal year involves \$169,000 which was appropriated and is available to be spent. I have been advised that in order to complete the design and permitting phase, it will take an additional \$357,000 before any dredging can proceed.

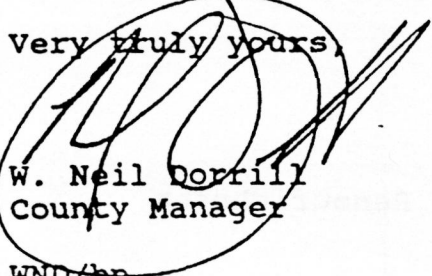
My interest at this time, is to explore the extent to which the City is willing to participate with funding to accomplish the design phase only. Suffice it say that construction/dredging decisions have yet to be made as a policy matter and will be difficult at best.

Current funding to date totaling \$302,000 has been appropriated from County-wide ad valorem funds. This fund, while appropriate to date, has over thirty projects competing for these funds. While it would be convenient for the City to say that beach renourishment is a County problem, this would be short-sighted, to say the least. The fact that there are many beachfront City-owned facilities that stand to benefit from this project, justify the City becoming involved in partial funding. In this regard, I am interested only in the desire of the City to aid in this project. I would be remiss not to mention that 3/4 of this project is within the City limits and thus relate to City-owned assets. My desire is to explore an interlocal agreement to complete this cost-sharing prior to moving ahead.

Councilman John Graver  
January 10, 1989  
Page 2

I appreciate your continued personal desire to see this project forward and trust you appreciate my concerns given the large costs involved. If you, after reviewing the above, require any further assistance or information, please do not hesitate to contact me.

Very truly yours,



W. Neil Orrill  
County Manager

WND/bp

cc: County Commission  
Franklin Jones, City Manager  
Brian MacKenzie, Assistant to the County Manager  
Harry Huber, Engineering Director



INFORMATION  
1/11/89 Workshop Packet

*City of Naples*

--- MEMO ---

TO: FRANKLIN C. JONES, CITY MANAGER  
FROM: JAMES L. CHAFFEE, P.E., UTILITIES DIRECTOR  
SUBJECT: PROBLEMS ASSOCIATED WITH REUSE WATER AT GOLF COURSES  
DATE: JANUARY 3, 1989

During the past several months since the first information that the use of "reuse" water for irrigation was causing some trees to defoliate possibly by something in the water, the staff and CDM have been trying to determine what happened. While we may never know with 100% certainty what happened, we have formed some conclusions and have established some controls that will detect salt concentrations. In addition to findings that we have found ourselves, we have also utilized the services of AL Labs, a soil testing firm and have had our water analyzed by an outside lab. The results of the test and our findings are listed in the following information.

1. We found a check valve on the drain line from the chlorine contact chamber bolted directly to a 24" butterfly which had been normally open. Because the flapper of the 24" valve is longer than the distance body of the valve, it did not allow the check valve to fully close. Under normal bay conditions, this did not pose any problem; however, periods of extreme high tides, such as new moon or conditions like Tropical Storm Keith, the bay could backup into our pump station. This condition has been corrected by closing the 24" valve when not actually discharging this way and notifying the contractor to reinstall the valves and insert a spool piece between valves to allow the check valve to operate correctly.

2. We found by contacting other areas such as St Pete and Manatee County that the salt content of reuse water may always be higher than some trees can tolerate. This is particularly true of young trees and trees where the spray is applied directly to the leaves. By review of a report known as the Greenleaf Report, we were able to determine that Salt levels in the area of 400 PPM were achievable and, while harmful to some plants, to a great many it is safe. As a result of this finding, we have started a program of monitoring our effluent every two hours to insure chloride levels stay below the 400 PPM level. It was as a result of



Page 2  
Franklin C. Jones  
January 3, 1989

the upgraded testing that we found the check valve problem. In addition, during Keith we prevented problems which could have occurred.

3. We are in the process of purchasing a meter which will monitor the salt levels on a continuous basis and record the findings and sound an alarm when they would exceed 400 ppm. This meter is on order and should be in place in 45 days.

4. We have established the level of 400 PPM as the level at which we would not allow water to be delivered to the Golf Courses.

5. The Greenleaf report bests summarizes the whole matter when it said, "the use of reclaimed water is not affected by the restrictions placed on the use of potable water and groundwater by local and district authorities during chronic drought periods. Under these conditions, an additional value can be placed on reclaimed water equal to the cost of replacing landscape plants that would be damaged or killed in periods of drought if reclaimed water were not available."

6. We have found through our investigations that there are certain trees which are not salt tolerant and their use should be discouraged when reuse is applied. This is not to say you go dig up these trees and move them, but if they do die from whatever cause, they should be replaced with more salt tolerant trees.

7. It should also be kept in mind that while some trees may have been damaged or may be damaged in the future, the use of reuse should not discontinue as the levels in the Coastal Ridge aquifer are at levels that stand a very good chance of becoming contaminated with salt water intrusion if high pumpage levels were to begin again. If this were to occur, then the golf courses would have to revert back to reuse. Any way, the City would lose a source of water for potable drinking water. In other words, everybody loses.

8. While this problem would in no way be minimized, it is not the first time problems with trees and watering have occurred.

9. The higher chloride levels in the sewer system is due in part to the location of the City of Naples to the Gulf. As the water table drops in periods of dry weather, the infiltration into the sewer system is influenced by sea water. This points out the need to keep up our aggressive TV inspection program. While we can never totally eliminate infiltration, we can keep it in acceptable limits.

10. There is some evidence that if the water is not applied to the leaves, the plant can tolerate the spray. This means that some reduction of damage could occur by adjusting the sprinkler head so the leaves are not sprayed.

Page 3  
Franklin C. Jones  
January 3, 1989

Based upon the preceding findings and information, it is recommended that the following activities take place:

1. The reuse system continue to be used as a main source of water for irrigation.
2. A continuous monitoring program be instituted and permission be taken away when chlorides exceed 400 PPM.
2. In extended periods of dry weather, the golf courses use the old system on a weekly basis to rinse off any effects of chloride on leaves.
3. The City keep up its program of TV inspection and grouting to keep the infiltration rate into the sewers in check.
4. Any new plantings follow the "Greenleaf Study" recommendations for more salt tolerant trees and plants.
5. Adjust sprinkler head patterns whenever and wherever possible to avoid spraying on leaves.
6. Work toward approval by DER to permit lake discharge to dilute the chloride level of reuse water. The course then could use this source as a means of rinsing the effects of reuse.
7. Replace the trees affected by the suspected high salt spray with salt tolerant trees.
8. Continue to monitor the "salt levels" in the soil at the courses.

If you have any questions, please call me.

Sincerely,

  
James L. Chaffee, P. E.  
Utilities Director

a:reusepro.gcs  
reuse

*City of Naples*

## --- MEMO ---

TO: Frank Jones, City Manager  
FROM: Bill Hanley, Finance Director  
SUBJECT: PIER INSURANCE RECOVERY  
DATE: 1-11-89

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Our recoverable costs for insurance purposes as identified by the December 13, 1988 engineers report are \$563,000. The \$563,000 will be provided from three sources. First, the City's loss fund absorbs the first \$150,000. Adequate reserves are on hand for this purpose. The next \$350,000 will be provided by Lloyds of London. Our local administrator Gallagher Bassett has authority to represent Lloyds for this amount. That leaves \$63,000 which is Cigna's responsibility. They are still reviewing our report and we expect an answer within two weeks. Gallagher tells us they do not expect a problem with Cigna in resolving this \$63,000.