



*City of Naples*

CITY COUNCIL WORKSHOP  
Meeting 12/12/89

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

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ITEM 1

PRESENTATION BY PARKS & RECREATION  
ADVISORY BOARD OF ITS ANNUAL REPORT TO  
CITY COUNCIL.

Mr. Willie S. Anthony, Chairman of the Naples Parks & Recreation Advisory Board, brought the Council up-to-speed relative to the Board's accomplishments during the last calendar year and its goals for 1990. He advised that during his last inspection of the park sites, he was most disturbed about the disappearance of sand from Lowdermilk Park. The Board has asked that an alternate member be added so that it can ensure a quorum at its regular meetings. During the last year, there have been several meetings wherein no action could be taken because it lacked a quorum.

Regarding the recommendation for acquisition of property, Mayor Putzell asked if the Board could suggest ways to fund those purchases. Chairman Anthony said that his group had not discussed the financial aspect of such acquisitions.

Council then directed the staff to prepare the appropriate ordinance amendment and proceed with the candidate interview process.

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ITEM 2

PRESENTATION BY CITIZENS TO PRESERVE  
NAPLES BAY, INC., WITH REFERENCE TO BOAT  
TRAFFIC ON NAPLES BAY.

Mayor Putzell asked Mr. Wheeler Conkling and his group to limit their presentation to thirty minutes inasmuch as such presentations are not normally permitted during workshop sessions.

The Citizens to Preserve Naples Bay, Inc., began its presentation. Mr. Wheeler Conkling of 950 Admiralty Bay East advised that his group was



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concerned with current boat safety conditions on Naples Bay. It has established that a six knots per hour or 7 mph speed limit would considerably reduce the hazardous condition on the Bay. He then showed a brief film presentation which provided dramatizations of the proposed 7 mph speed limit and various types of vessels at present conditions.

Mr. Henry Albrecht of 845 Galleon Drive, representing Citizens to Preserve Naples Bay, Inc., addressed the issue of noise and suggested that an ordinance be enacted to require cigarette boats to install a muffler which would limit their exhaust noise.

Mr. George Gaynor of 800 Admiralty Parade also addressed the issue of noise and the effect that uncontrolled wakes have upon the property owner. He cited a case-in-point wherein he had a portion of his rip rap repaired at a total cost of approximately \$7,300. He supported the proposed 7 mph speed limit and encouraged Council to approve it.

Mr. Bill Schoen of 750 Admiralty Parade spoke briefly about safety on the Bay. He said that he believed a no wake zone should be established along the Bay's narrow channel. During the last few years, he continued, there has been an increase of traffic from boats of varying sizes and speeds. He believed that the proposed 7 mph speed limit would not only save lives, but improve the present condition of the Bay.

Mrs. Emmy Earle of 1700 Dolphin Court, representing Citizens to Preserve Naples Bay, advised that she had travelled the area proposed for a 7 mph speed limit, and it only required an additional ten minutes to reach her destination. Mrs. Earle commended the Naples Marine Patrol, but suggested that they did not have the tools with which to enforce safety on the Bay. She further suggested that an educational program be established to train boaters in the proper use of their vessels and the "rules of the road."



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Mr. G. B. Ballard, also of Citizens to Preserve Naples Bay, said that he believed issuance of warning citations would encourage enforcement. After so many warnings have been issued to an operator, he said, then a substantial citation would be in order.

Mrs. Eileen Arsenault, Citizens to Preserve Naples Bay, cited statistical information regarding the number of manatees found in Collier, Lee, and Hendry counties. She believed that the proposed 7 mph speed limit could, in effect, help to maintain the existing manatee population.

Mr. Harry Timmins of 555 Kingstown Drive, spoke on behalf of the Citizens To Preserve Naples Bay. He said that he could not support the recommendations of the Naples Bay Ad Hoc Advisory Committee for a 30 mph speed limit. He believed this to be excessive and would only add to the safety problem not help resolve it. Mr. Timmins then asked Council to consider its liability should a fatality occur on the Bay.

This concluded the presentation by Citizens to Preserve Naples Bay.

Mr. Donald Jones, Chairman of the Pier and Shoreline Committee for the Port Royal Property Owner's Association, said that he was in charge of checking the rip rap and piers installed along the interior waterway and Bay in Port Royal. Many of the lighter weight boats are stored on lifts because they cannot be safely moored along side the pier with the existing wakes.

Police Chief Reble and Lt. Davidson who is in charge of the Naples Marine Patrol, advised that they would enforce any ordinances of the City of Naples. In response to Councilman Anderson-McDonald, Lt. Davidson noted that the video presentation was a fair representation of normal traffic during the weekends and holidays.

Referring to the 7 mph speed limit, Mrs. Anderson-McDonald asked if the Department could easily monitor that limit. Chief Reble noted that a

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radar detector could be used similar to those used to monitor vehicular traffic. She then asked what was the legal decibel level relative to noise. Chief Reble explained that the Statutes provide a level of 90 to be lawful. He further pointed out that the Department had tested the noise on Naples Bay with a decibel meter reading and had only one violation, a boat in excess of 101.

Mayor Putzell asked if the City could reduce the decibel level established by the State. City Attorney Rynders said that he was not certain if this particular statute could be overridden by local legislation. He would have to research such possibilities.

In response to Councilman Graver, City Attorney Rynders said that he was confident the City would not be in a precarious situation should a fatality or substantial injury occur on Naples Bay. The Courts have determined that the failure to enact appropriate laws may not result in the fine of the negligent legislative body. The City's liability for enacting certain laws and its decision to enforce, or not enforce, those same laws does not result in monetary liability for injuries or accidents resulting from those situations.

Council directed staff to review the recommendations made at these proceedings and report its findings, along with recommendations for action, to this Body in a timely fashion. In particular, the staff should address: 7 mph speed limit from current no wake zone down to marker 19; no wake zone from marker 10 to 19; mufflers for cigarette boats; repeat the noise test at marker 12 and 13 to determine decibel level; prohibition of jet skis in the Bay; and to proceed with the procedure to increase fines to \$100.

Mrs. Betty Van Arsdale of 3333 Rum Row asked when the second Naples Bay Study would be scheduled. City Manager Jones said that staff was proceeding with the scope of work and would have a better idea of the anticipated date in the very near future. He offered to advise Mrs. Van Arsdale of the commencement date as soon as it was determined by staff and Council.

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## ITEM 3

REVIEW OF CURRENT HOUSING CODES AND  
PLANS FOR REVISION.

Councilman Muenzer said that he asked for a review of this Code because he believed it important that the City and the County have compatible Housing Codes so that both the tenants and landlords know what is expected of them. City Attorney Rynders referred to a staff memorandum dated July 18, 1989 and said that he had nothing to add.

Community Development Director McKim advised that there were very few differences between the City and County Codes. The most significant exception was the enforcement. The City does not have an active enforcement policy, nor an inspector. Staff has submitted a plan of action which would include enforcement of a revised Housing Code in April, 1990.

In response to Councilman Graver, Mrs. McKim explained that the minimum Housing Code generally addressed those issues dealing with the health, safety and welfare of tenants and not with aesthetics, such as is the case with a broken door fixture, etc. Mr. Graver asked if the exterior maintenance could be added to this ordinance. Mrs. McKim replied affirmatively and City Attorney Rynders concurred.

Council directed staff to proceed with the implementation process outlined in its memo to Council dated December 5, 1989, herein included as Attachment #3.

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ITEM 4

REPORT BY COMMITTEE STUDYING RENTAL POLICY WHICH WOULD PROVIDE FOR LEASES TO BE CANCELLED IF A TENANT IS CONVICTED OF A FELONY.

Councilman Muenzer advised that he had just met with representatives from the adjacent low income housing developments to Carver/River Park. Those representatives expressed a great willingness to work with Mr. Ken Shaw of the National Housing Partnership (NHP) who is responsible for maintaining that Federal subsidized development. NHP has been cooperating with the City in asking the State Department of Housing and Urban Development (HUD) to include the necessary language which would provide for the eviction of those persons convicted of a felony (a copy of Mr. Shaw's correspondence can be reviewed from the meeting packet in the Office of the City Clerk).

In addition to the eviction clause, the NHP has considered several improvements to the area to help combat the undesirable element. It intends to add security lighting; register all tenants vehicles and provide stickers for the same; provide for guest parking; police enforcement of no trespassing rules; tow unauthorized vehicles; etc. The ad hoc committee created to address the problems at Carver/River Park will review the aforementioned at its upcoming meeting, January 23, 1990.

Mr. Ken Shaw of NHP briefly reviewed the language submitted to HUD. He advised that once HUD has approved that language, it would then be incorporated into the leases.

Citizen Willie Anthony, representing several tenants of the Carver/River Park area, asked that the tenants be involved with the review of all rules and regulations for that complex. The Community is aware of the drug problem, but should be involved in the process instead of surrendering their individual rights. He suggested that a joint meeting of the tenants, NHP, and City

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officials be scheduled to provide for public input. Mayor Putzell concurred in the need for a joint meeting and input by the tenants.

Discussion then ensued relative to the similarities of the proposed "improvements" to affluent neighborhoods. Mrs. Anderson-McDonald pointed out that many of the upperclass developments require that guests be registered and property owners/tenants place stickers on their vehicles. It is one of the privileges of living in those areas and provides for added security.

There was no consensus given by Council regarding this item.

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ITEM 5

DISCUSSION OF POTENTIAL PROJECTS FOR  
FUNDING THROUGH LOCAL OPTION SALES TAX.

City Manager Jones explained that the Citizens Sales Tax Advisory Committee appointed by the County and City has met now for approximately five months. Finance Director Hanley has been attending those meetings and brought the Council up-to-speed relative to the progress made thus far. He said that he believed the Committee would recommend a local option sales tax; however, he was not sure the amount, one cent or one-half cent.

Depending upon the amount approved by the County Commission, the City could receive approximately \$105-million for ten years or \$28-million for five years based on a growth rate of 4.16 per year compounded. The City would be eligible for approximately 20% of the entire amount collected. Mr. Hanley, however, pointed out that the City generates about 30% of the sales tax collected. He suggested the percentage afforded the City might be negotiated higher based on the aforementioned data.

The Committee has asked for a list of proposed projects to be funded by the City's share of sales tax revenue. They would like a consensus from Council regarding the same.

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ITEM 6

DISCUSSION OF SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT WATER USE  
RESTRICTIONS.

City Manager Jones advised that water use restrictions have been placed on certain areas in Southwest Florida already. Staff has invited a representative from the Big Cypress Basin Board to this workshop session to discuss some voluntary programs which could be implemented by local municipalities.

Mr. Michael Slayton of the Big Cypress Basin Board brought the Council up-to-speed regarding the current capability of the aquifers, and the Southwest Florida Water Management District's (SWFWMD) decision to impose Phase I water restrictions north of Pine Ridge Road.

Referring to the City's wellfield and its current condition, Mr. Slayton said that it was in very good shape for this time of year. Several reasons can be attributed to this: pumping at only 3 million gallons per day, capacity of 16 million, and the City's reclaimed water system.

In response to Mayor Putzell, Mr. Slayton explained that the SWFWMD issues surface water permits to local municipalities. The County has capacity in its eastern portion to accommodate much of its additional growth. However, the biggest concern of the SWFWMD is the small wells issued by the County. Such wells cannot be monitored easily for violations during water restrictions, and they cannot be accurately tested for salt water intrusion into existing aquifers.

Discussion then ensued relative to the possibility of the City imposing voluntary water restrictions. The SWFWMD would support such a position, Mr. Slayton said, as it would help to minimize the demand during the dry season.

Mr. Slayton then distributed some material regarding acquisition of certain property

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surrounding and containing the Corkscrew Regulatory Ecological System (CREW) water shed basin. This water shed recharges the Golden Gate aquifer and canal system, he explained.

Councilman Richardson suggested that the City encourage the County to monetarily support such acquisition through the general fund inasmuch as City residents also contribute to that through ad valorem taxes.

In response to Councilman Muenzer, Utilities Director Chaffee explained that any voluntary water restrictions imposed by the City would be just that, voluntary. If SWFWMD requires its water restrictions to be implemented, the City could either comply with those regulations or ask that they be amended somewhat to comply with existing City ordinances.

Council then directed the staff to prepare the necessary ordinances which would provide legislation to enact voluntary and mandatory water restrictions for the City of Naples. In addition, staff should also prepare literature which would educate the general public about the volunteer program and the ramifications if care is not heeded.

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ITEM 7

DISCUSSION OF THE FOLLOWING PENDING ORDINANCES:

A) Leasing of boat docks on private property.

Community Development Director McKim explained that this proposal was a direct result of Aqualane Shores problem with the leasing of boat docks on private property. She explained that only one lease per privately owned boat dock would be permitted and the vessel would have to be registered with the City. While the property owner can have more than one boat at his dock, only one can be there under lease, the remainder must be his own. The City Council would retain

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the right to review these permits on a case-by-case basis.

Referring to Section (2) of the ordinance, Councilman Anderson-McDonald asked if a property owner or guest would be able to stay overnight on their own boat. Mrs. McKim said she believed a permit for such a use could be obtained through the Police Department.

On another issue, Mayor Putzell asked if the staff could review the feasibility of providing additional pump out stations in the City. Currently, there is only one such station based at the City Dock. Community Development Director McKim pointed out that any new marinas must have those facilities as provided for in the Comprehensive Plan.

Council then directed staff to proceed with the implementation of this proposed ordinance.

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B) Contractors working outside scope of building permit.

Community Development Director McKim pointed out that this was also a big concern of staff and Council. Many contractors were receiving after-the-fact variances for additions outside the permitted scope of work. This ordinance would quadruple the building permit fee for such first time violations. A second violation would result in the suspension of permitting privileges for six months, and a third violation could result in the revocation of the City Competency Card.

Discussion then ensued relative to those individuals who solicit door-to-door for blacktopping. Councilman Graver asked if a permit was needed each time those individuals contracted a job. Mrs. McKim advised that unless a complaint has been received by staff, it is unaware of such problems. City Manager Jones said that this type operation was pretty common during the winter months, and he further advised that the citizenry should be notified that unless the contractor is licensed, he is operating illegally.-



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Council directed staff to proceed with the implementation of this proposed ordinance.

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ITEM 8

DISCUSSION OF UTILIZING THE UNIVERSITY OF FLORIDA GRADUATE URBAN DESIGN AND PLANNING PROGRAM TO AID CITY STAFF IN CONJUNCTION WITH THE CENTRAL NAPLES DESIGN DISTRICT STUDY AREA REQUIRED BY THE COMPREHENSIVE PLAN.

Community Development Director McKim advised that the University of Florida has a program wherein a group of graduate students, approximately ten, go to local municipalities and prepare a study for that government entity. The City could use this Design Team to help provide more specific guidelines and regulations for the Comprehensive Plan and recommendations from the R/UDAT (Regional/Urban Development Assistance Team) Report.

Mayor Putzell asked why this study could not be completed in-house with the current staff. City Manager Jones pointed out that Council had urged staff to proceed with the Urban Core Study in a timely fashion. Unless an outside consultant or source is brought in, the staff will not be able to schedule such a study for a least one year because of its current obligations relative to the Comprehensive Development Code.

In response to Councilman Anderson-McDonald, Mrs. McKim said that she believed the costs associated with this group, approximately \$50,000, would result in a savings of about the same amount. If a professional outside consultant was hired, the costs could be up to \$100,000 for the Urban Core Study.

Councilman Richardson asked where the funding would come from. City Manager Jones advised that he would have to review the budget to identify the funding source.

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Referring to the R/UDAT Report, Councilman Muenzer said that he believed those recommendations should be stabilized before any future studies are implemented. He further noted that the Comprehensive Plan has not yet been given the chance to be implemented and reviewed.

It was the consensus of the group, excepting Messrs. Richardson and Muenzer and Mayor Putzell, that the staff should proceed with the Urban Core Study and the University of Florida Graduate Urban Design and Planning Program.

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## ITEM 9

CONSIDERATION OF REQUEST FROM THE FOUNDATION FOR A DRUG FREE GENERATION FOR FUNDING ASSISTANCE IN ITS PROGRAM TO PROVIDE SPECIALIZED MATERIALS AND INFORMATION ON SUBSTANCE ABUSE TO STUDENTS IN COLLIER COUNTY SCHOOLS.

Mr. Roy M. Terry of The Foundation for a Drug Free Generation made a brief presentation to Council, distributed pertinent information (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk), and asked for a \$10,000 donation. The Collier County School Board has pledged \$10,000, Mr. Terry explained, and he anticipated receiving that same amount from Collier County. This program provides specially trained instructors to teach students about substance abuse.

In response to Mayor Putzell, Mr. Terry said that he would hope the Council would contribute annually to this worthy cause.

Discussion then ensued relative to the percentage of students from the City and the percentage of students from the County. Councilman Muenzer suggested that the City's contribution should be decreased to coincide with its student population. Mrs. Anderson-McDonald said that she would normally agree on a percentage payback; however,

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the benefits received by such programs relative to drug awareness negated that argument.

In response to City Manager Jones, Mr. Terry advised that The Foundation required commitments for the next year's contributions by June of the previous school year. This would enable them to procure the necessary personnel.

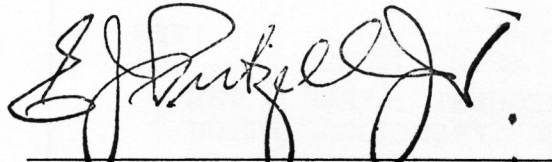
It was the consensus of Council to contribute \$10,000 to The Foundation for a Drug Free Generation.

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ADJOURN: 12:14 p.m.

  
EDWIN J. PUTZELLE, JR., Mayor

JANET CASON  
CITY CLERK

JODIE O'DRISCOLL  
RECORDING SECRETARY

These minutes of the Naples City Council were approved on January 3, 1990.



SUPPLEMENTAL ATTENDANCE LIST

Wheeler Conkling	H. Albrecht	G. Gaynor
W. Schoen	E. Earle	B. Ballard
E. Arsenault	H. Timmons	Donald Jones
Fran Stallings	Jim Weigel	Ken Shaw
Jean Forsythe	Jeff Ryan	L.K. Harper
Bill VanArsdale	W.C. Hookway	Fred Voss
Betty VanArsdale	John VanArsdale	John Passidomo
Dr. Eugene O'Neill	Gail Boorman	Joan Vega
C. Lodge McKee	Phil Morse	John Penner
Charles Andrews	Robert Galloway	Roger Barry
George Batchelder	Willie S. Anthony	Laverne Gaynor
George Law	Chuck Mohlke	Dr. Michael Stephen
Ed McMahon	Carol Lynn Kendall	Dan Spina
Dick Young	Fred Sullivan	

Other interested citizens and visitors.

NEWS MEDIA

Dave Bristow, WNOG	Gina Binole, Naples Daily News
Michelle Mendelson, News Press	



# City of Naples

## --- MEMO ---

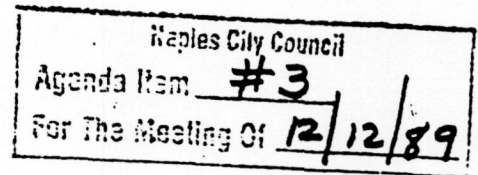
TO: Dave Rynders  
 FROM: Ann Walker *AW*  
 SUBJECT: Comparison of City and County Housing Codes  
 DATE: July 18, 1989

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Based upon comparison of the City of Naples Housing Code (as contained in Chapter 8 of the Code of Ordinances) and the Collier County Housing Code (as contained in an undated draft ordinance), the codes are very similar in content. Both require safe, sanitary housing, with comparable minimum standards as found in the chart below:

Each dwelling unit shall contain:	City of Naples	Collier County
Kitchen sink	1	1, with counter
Lavatory	1	1
Tub or Shower	1	1
Commode	1	1
Hot/Cold Water	required	required
Heating Facilities	to 65 F	to 68 F
Cooking Facilities	Ice box or frig	Frig
	Stove or space for	Stove or range
Garbage cans	required	required
Window/skylight	eq. to 10% of floor area	eq. to 8% of floor area
Electric outlets	2 per room	per Elec. Code
Min. floor area	150 sq.ft./1 person	Same
	100 sq.ft. each add.	
Ceiling Height	7'	7'6"

The codes contain a variety of other provisions relating to cleanliness, infestations, the responsibilities of owners and tenants, etc., but the "meat" of each code is almost identical.



*City of Naples*

--- MEMO ---

TO: Honorable Mayor and Members of City Council  
FROM: Missy McKim, Community Development Director  
SUBJECT: Comparison and Updating of the City's Housing Code  
DATE: December 5, 1989

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BACKGROUND: Staff was asked several months ago to compare the City's Housing Code with that of the County. That initial review indicated that the two housing codes are very similar (please refer to Memo dated July 18, 1989 from Ann Walker to David Rynders).

PROPOSAL: Because the Housing Code has not been formally reviewed or updated in the recent past, Staff feels that it is appropriate to conduct a review of the housing code to assure that it is up-to-date and enforceable.

Therefore Staff is recommending that the Building Division conduct a formal review of the housing code as follows:

December through January - comparison of the City's Housing Code with other housing codes within the State, including Collier County's

February - present recommended changes to City Council

March - adoption of revised Housing Code

April - begin enforcement of revised Housing Code

STAFF RECOMMENDATION: If City Council approves of the above work schedule, Staff will begin review of the City's Housing Code.

a:housing.cod



**PROJECTS NOT FUNDED**

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Drainage 5 years	\$ 4.5M
Bond Issue Projects	3.5
✓ Beach Renourishment	12.0
✓ Gordon River Bridge	10.0
✓ Affordable Housing	5.0
✓ Open Space Acquisition	18.0
✓ Beach Maintenance Trust Fund	12.0
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	\$ 65.0M