



City Council Minutes

Regular Meeting 10-02-91

City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
<u>BILL OF RIGHTS BICENTENNIAL MINUTE</u>			2
<u>ANNOUNCEMENTS</u>			6
<u>APPROVAL OF MINUTES:</u>			
Regular Meeting - September 18, 1991			7
Special Meeting - September 19, 1991			7
<u>PURCHASING:</u>			
-BID AWARD for purchase of water meters		91-6470	7
-BID AWARD for purchase of liquid alum		91-6471	7
<u>RESOLUTIONS:</u>			
APPROVE to issue blanket purchase orders for utility services		91-6472	7
APPROVE a schedule of fees to be charged at Cambier		91-6473	7
APPROVE a purchase order for one pickup truck for solid waste/recycling division		91-6474	8
APPOINT four members to the Affordable Housing Commission		91-6475	8
APPOINT two members to the Board of Appeals		91-6476	9
APPROVE a CCSL request to construct a single-family dwelling		91-6477	10
APPROVE street vacation petition 91-SV1		91-6480	13
DELAY interlocal agreement between the City and County relating to EMS System impact fees		91-	13
TO SCHEDULE workshop devoted to Beach/Maintenance Committee's recommendations		91-	16
<u>ORDINANCES - Second Reading:</u>			
ADOPT policies relative to appointed Boards of the City		91-6478	11
ADOPT to clarify when water service and sewer system development fees are to be paid		91-6479	12
<u>CORRESPONDENCE AND COMMUNICAITONS</u>			20
<u>PUBLIC INPUT ITEM</u>			20

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ROLL CALL		ITEM 3	VOTE		A B S E N T
			M O T I O N	S E C O N D	
Present: John M. Passidomo, Vice Mayor Alan R. Korest Paul W. Muenzer Fred L. Sullivan Council Members			COUNCIL MEMBERS		
Absent: Kim Anderson, Mayor William E. Barnett R. Joseph Herms Council Members					
Also Present: Dr. Richard L. Woodruff, Norris C. Ijams, City Manager Asst. City Manager David W. Rynders, Ann (Missy) McKim, City Attorney Community Dev. Dir. William Harrison, Danny Mercer, Finance Director Asst. Utilities Dir. Stewart K. Unangst, Susan Golden, Purchasing Agent Planner I Jon Staiger, Ph.D., George Henderson, Natural Resources Mgr. Sergeant-At-Arms Marilyn McCord, Recording Secretary					
See Supplemental Attendance List - Attachment #1					
***	***	***			
ITEM 1					
INVOCATION AND PLEDGE OF ALLEGIANCE.					
Reverend Mel Morrell East Naples Baptist Church					
***	***	***			

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ITEM 2

BILL OF RIGHTS BICENTENNIAL MINUTE

To commemorate the 200th anniversary of the signing of the Bill of Rights, Vice Mayor Passidomo announced that in order to remind all of us of the freedoms we enjoy and sometimes take for granted and that the rest of the world yearns to share with us, the City of Naples had joined with the Greater Naples Bicentennial Commission in sponsoring a "Bicentennial Minute" at the start of each City Council Meeting. The Vice Mayor introduced Circuit Court Judge William L. Blackwell who spoke on the Second Amendment, the right of people to keep and bear arms. Judge Blackwell's commentary was as follows:

"Good morning, everyone... As most of you know who read or watch any of the current events on the media, the Second Amendment is very much in the public focus today. There are a lot of new bills in the Congress to control guns, ammunition, and other products. This controversy surrounds, in a serious way, many people who believe in the sporting use of guns and for other purposes.

"Let me start by reading the Second Amendment to you. It says simply that 'A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.' Starting out as it does with the language 'A well regulated Militia being necessary' that implies strongly that the State has some interest in a militia to maintain the security of the State itself.

"There are two philosophical views to the Second Amendment. One is called the States' Rights Approach and the other is the Individual Rights Approach. Those who adhere to the States' Rights Approach maintain and argue that this is simply a provision in the Constitution which gives the States the right to establish and maintain a militia for the preservation of order within the

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State. The Individual Rights theorists argue that this is not just a State's right, it is a right inhering in the individual, and that neither the State nor the Federal government can adopt legislation that will impair or infringe the individual's right to keep and bear arms.

"In light of some of the highlights of the case law that I'll discuss with you in a very brief way, you can probably gather the impression that the State's Rights advocates are winning this debate in most of the courts today. One of the early United States Supreme Court cases to address the issue was the United States vs. Miller, a 1939 case, and the only Supreme Court case that has specifically addressed the Amendment's scope. And it did it in a very peripheral way, suggesting that the right to bear arms was inextricably connected to the preservation of a militia, or what we call the National Guard.

"That case has been cited in some more recent opinions that have come down, and one of the more widely debated and popular modern cases is Village of Morton Grove, Illinois vs. Quilici. In that case the Village of Morton Grove adopted an ordinance banning handguns within that city. Some citizens in the town - I believe Mr. Quilici was a lawyer and a gun collector - brought suit in the District Federal Court challenging that city ordinance banning handguns within the corporate city limits. The District Court held, in a long opinion, that the city did indeed have authority to do that in Morton Grove. Some of you may remember this case; it attracted a great deal of attention. It was back in the early 80's, 1982 to be specific. The case was appealed through the Seventh U.S. Circuit Court of Appeals, which is the Federal Appellate Court for that part of our country, and in that case the Seventh Circuit Court of Appeals upheld the District Trial Court.

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I'm going to read you some very brief excerpts from the case that highlight what it was all about. The opening paragraph says 'This appeal concerns the constitutionality of the Village of Morton Grove's Ordinance No. 81-11, which prohibits the possession of handguns within the Village's borders.' The plaintiffs in the case contended that that ordinance violated a provision of the Illinois Constitution as well as the Second, Ninth, and Fourteenth Amendments to the United States Constitution. The three-judge bank that heard this case pointed out, and I think it's important to observe this language. It points out in a very clear way what courts have to do in interpreting the Constitution or statutory provisions, disregarding their personal beliefs or views. 'While we recognize that this case raises controversial issues which engender strong emotions, our task is to apply the laws as interpreted by the Supreme Court, regardless of whether that Court's interpretation comports with various personal views of what the law should be.' Then it goes on to discuss in very general terms some of the historical Supreme Court cases that have interpreted in any way the Second Amendment. And I hasten to add as I said earlier, the Supreme Court cases interpreting this Second Amendment are sort of a scarcity.

"The Seventh Circuit went on to agree with the Trial Court, citing the Second Amendment as I read it to you. They said, 'We briefly comment on what we believe to be the scope of the Second Amendment. Construing this language according to its plain meaning, it seems clear that the right to bear arms is inextricably connected to the preservation of a militia. This is precisely the manner in which the Supreme Court interpreted the Second Amendment in U.S. vs. Miller. 'Under the controlling authority of Miller, we conclude that the right to keep and bear handguns is not guaranteed by the Second Amendment. Because the Second Amendment is not applicable to Morton Grove and because possession of handguns by individuals is not part of the right to keep and bear arms, Ordinance No. 81-11 does not violate

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the Second Amendment.' They went on to hold also that it did not violate the provisions of the Illinois Constitution that were contended in there.

"I think it's interesting in historical perspective to read to you... a treatise on the subject that was written by Thomas M. Cooley in the mid-1860's, and at that time he was a Justice on the Supreme Court of Michigan, and he discussed at some length the right to bear arms. His views in 1866 were about consistent with what these courts are holding today, when he said about the right to bear arms, 'Among the other defenses to personal liberty should be mentioned the right of the people to keep and bear arms. A standing army is peculiarly obnoxious in any free government and the jealousy of one has at times been demonstrated so strongly in England as almost to lead to the belief that a standing army recruited from among themselves was more dreaded as an instrument of oppression than a tyrannical king or any foreign power. So impatient did the English people become of the very army which liberated them from the tyranny of James II, that they demanded its reduction even before the liberation could be felt to be complete, and to this day the British Parliament render a standing army practically impossible by only passing a mutiny bill from session to session. The alternative to a standing army is a well-regulated militia, but this cannot exist unless the people are trained to bearing arms. How far it is in the power of the legislature to regulate this right we shall not undertake to say, as happily there has been very little occasion to discuss that subject by the courts.' That statement was made in about 1867.

"There you have it. I would say in closing I am a gun collector, a hunting sportsman myself. I've hunted all over North, Central, and South America, so I somewhat am jealous of any government's intrusion on my right to maintain my own gun collection and use it as I appropriately see fit. Notwithstanding any of that, I'm here

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to tell you that I have to read the law as any other legal judge or scholar would have to do and apply it to the circumstances. It's apparent to me, as I've said, that those who view this great controversy in the State's Rights light are prevailing in this controversy today."

Vice Mayor Passidomo noted, as a point of personal information, that prior to his appointment to the bench by Governor Bob Martinez in 1988, Judge Blackwell served as President of the Collier County Bar Association. It was during his administration that the Greater Naples Bicentennial Commission was formed in 1987, to celebrate the 200th anniversary of the adoption of the United States Constitution, Mr. Passidomo added.

The Vice Mayor thanked Judge Blackwell on behalf of the Naples City Council and the Bar, of which he is a member, for his continuing leadership role in reminding everyone of the freedoms enjoyed under the constitutional form of government.

ITEM 4

ANNOUNCEMENTS

Vice Mayor Passidomo introduced a "very special guest," Adam Benson of Boy Scout Troop 165, which meets at the First Methodist Church. Adam is working on a merit badge on citizenship in the community.

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				Y E S	N O	
<p>TENNIS COMPLEX, PURSUANT TO SECTION 16-21 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.</p> <p>MOTION: To <u>APPROVE</u> the Consent Agenda, consisting of Items 6-a, 6-b, 6-c, and 7.</p> <p>***</p> <p>NOTE: Item 6-d was withdrawn from the Consent Agenda, for discussion purposes.</p> <p>RESOLUTION NO. 91-6474. ITEM 6-d</p> <p>A RESOLUTION CONFIRMING THE CITY MANAGER'S ACTIONS IN REGARD TO THE ISSUANCE OF A PURCHASE ORDER FOR ONE (1) ECONOMY PICKUP TRUCK FOR THE SOLID WASTE/RECYCLING DIVISION; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Purchasing Agent Unangst presented Council with additional information with regard to the 1991 Chevrolet truck bed capacity.</p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>***END CONSENT AGENDA***</p> <p>RESOLUTION NO. 91-6475. ITEM 8</p> <p>A RESOLUTION APPOINTING FOUR (4) MEMBERS TO THE AFFORDABLE HOUSING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p>	<p>Barnett</p> <p>Herms</p> <p>Korest</p> <p>Muenzer</p> <p>Sullivan</p> <p>Anderson</p> <p>Passidomo (4-0)</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p>	<p>X</p> <p>X</p> <p></p> <p>X</p>
	<p>Barnett</p> <p>Herms</p> <p>Korest</p> <p>Muenzer</p> <p>Sullivan</p> <p>Anderson</p> <p>Passidomo (4-0)</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p>	<p>X</p> <p>X</p> <p></p> <p>X</p>

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City Manager Woodruff distributed a memorandum from Planner I Susan Golden which listed those individuals appointed by the Board of County Commissioners to serve on the Affordable Housing Commission. Dr. Woodruff recommended that Council appoint, as the City's representatives on the Commission, those four people who had received the majority of Council's votes at the September 23, 1991 Workshop Meeting.

MOTION: TO APPOINT the following to the Affordable Housing Commission:

1. Johnny Cannon, representing the City at large.
2. John Ryan, representing the legal profession.
3. James Smiley, representing the development community.
4. Elizabeth St. James-Garland, representing the real estate profession.

Vice Mayor Passidomo suggested that specific terms of office be designated for the appointees.

AMENDED MOTION:

To APPOINT the following to the Affordable Housing Commission, with their terms of office to end as specified:

1. Johnny Cannon - 1994
2. John Ryan - 1993
3. James Smiley - 1993
4. Elizabeth St. James-Garland - 1992

RESOLUTION NO. 91-6476

ITEM 9

A RESOLUTION APPOINTING TWO MEMBERS TO THE BOARD OF APPEALS TO FILL THE VACANCIES CREATED BY THE EXPIRATION OF

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Barnett					X
Herns					X
Korest	X		X		
Muenzer		X	X		
Sullivan			X		
Anderson					X
Passidomo (4-0)			X		

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			Y E S	N O	

prohibiting mechanical
equipment in the standard
sideyard setbacks.

ORDINANCE NO. 91-6478

ITEM 11

AN ORDINANCE AMENDING THE CODE OF
ORDINANCES OF THE CITY OF NAPLES,
FLORIDA, BY ADDING SECTION 1A-201 TO
ARTICLE XI OF THE ADMINISTRATIVE
PROVISIONS; AND PROVIDING AN EFFECTIVE
DATE. PURPOSE: TO ESTABLISH POLICIES
RELATIVE TO APPOINTED BOARDS OF THE
CITY OF NAPLES.

Title read by City Attorney Rynders.

City Manager Woodruff pointed out that the six-month residency requirement had been added to the language of the ordinance and reminded Council that Airport Authority Board Members were exempt from the City residency requirement. City Attorney Rynders explained that the Airport Authority was created by an act of the State Legislature but specifies that a Board Member may be removed by a vote of City Council for inefficiency or neglect. In any conflict between City provisions and State law, he noted, the State law would prevail.

PUBLIC HEARING: Opened: 9:35 a.m.
 Closed: 9:45 a.m.

Mrs. Sue B. Smith of 15 11th Avenue South addressed Council, saying that citizens had been concerned for some time that the City uses "uncommon amounts of our monies" for consultants to supplement the City staff. She commented that many problems had been given to various advisory boards, relieving staff and Council from certain responsibilities. Mrs. Smith expressed gratitude to the many citizens who serve on City boards and told Council "how you use them is important; please be very selective."

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Barnett					X
Herms					X
Korest	X		X		
Muenzer		X	X		
Sullivan			X		
Anderson					X
Passidomo			X		
(4-0)					

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City Manager Woodruff explained that adoption of this ordinance will clarify that water service and sewer service system development fees must be paid in full prior to issuance of the building permit.

MOTION: To ADOPT the ordinance at second reading.

RESOLUTION NO. 91-6480

ITEM 13

A RESOLUTION APPROVING STREET VACATION PETITION 91-SV1 VACATING THE 15TH AVENUE RIGHT-OF-WAY EAST OF 12TH STREET NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Woodruff explained that there was no present or foreseeable necessity for the retention of the right-of-way. He recommended that Council approve the petition with the understanding that the City Attorney would include a "hold harmless" provision in the event the concrete must be dug up in the future.

MOTION: To APPROVE the resolution, with the addition of a "hold harmless" provision.

RESOLUTION NO. 91-

ITEM 14

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM IMPACT FEES; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Barnett					X
Herms					X
Korest			X		
Muenzer		X	X		
Sullivan	X		X		
Anderson					X
Passidomo			X		
(4-0)					
Barnett					X
Herms					X
Korest			X		
Muenzer	X		X		
Sullivan		X	X		
Anderson					X
Passidomo			X		
(4-0)					

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(CORRECTED 10-14-91)

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Council Member Korest again indicated that the 2.797% that the City would realize from EMS impact fees collected may not be adequate to cover the administration costs. He said that although he conceptionally agreed with the impact fees, he would suggest further review of all of those fees.

"Council can do nothing more that call attention to our unease with the situation by delaying two weeks, but in fact can't accomplish anything," noted Council Member Sullivan. He added that in today's climate, a unified effort between the City and County was of utmost importance and a delay in passing this legislation may create an "aura of decisiveness we may not want at this time."

MOTION: To DELAY action on Item 14 until the next regularly scheduled City Council Meeting, so that more information can be assembled and reviewed.

Council Member Korest requested that staff investigate the cost of administering the EMS Impact Fees and provide Council with a computation of existing impact fees and their relationship to one another so that Council may consider the entire impact fee structure. In addition, in every instance where a cap exists, provide a breakdown of administration costs in order to ensure that the City is collecting an appropriate amount to cover its costs and ensure that caps are not overly limiting.

RESOLUTION NO. 91-

ITEM 15

A RESOLUTION SUPPORTING THE ONGOING COLLIER COUNTY BEACH RESTORATION PROJECT; ENDORSING THE BEACH RESTORATION PROJECT AS THE CITY OF

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Barnett					X
Herms					X
Korest	X		X		
Muenzer			X		
Sullivan		X	X		
Anderson					X
Passidomo			X		
(4-0)					

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Mr. Pennington agreed that the public needed to be better educated with regard to beach renourishment, and pointed out that beach renourishment needs vary from beach to beach. He said that the DNR representative had commented on the absence of sand on some of the City's beaches, especially in the area of the Pier. In addition to an acute lack of sand, there is also a growing need for additional rock revetments to protect the seawalls.

A recent telephone survey, said Mr. Pennington, had indicated that 58% of those people responding were in favor of using the sales tax for roads and beaches. He explained that there is an allocation pending for funds to finance a trial of the Parker Sand Web Method, and the Beach Renourishment Committee is very supportive of that method.

Mrs. Sue B. Smith, 15 11th Avenue South, concurred with Mr. Haardt and stated that she would not support a sales tax that supported the pumping in of sand, as was done on Marco Island.

Natural Resources Manager Jon Staiger explained that the Beach Renourishment Committee continues to discuss developing a maintenance program for the entire length of the beach. The trend of the erosion on Naples beaches had been tracked by DNR and the Army Corps of Engineers, he said, documenting an erosion rate that averages approximately one foot a year. Some areas have a decent beach, explained Dr. Staiger, because newer development has been kept farther back from the shoreline. In areas such as Old Naples, there are many seawalls and revetments, which increase the erosion rate. Dr. Staiger pointed out that the Beach Renourishment Program Plan contained an allocation of several years in which to give Mr. Parker an opportunity to perform his sand web experiment.

Ms. Fern Aitchison of 613 14th Avenue South reiterated that a serious erosion problem did exist and said that allowing Mr. Parker an

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opportunity prior to beach restoration would provide the opportunity to determine how much sand could in fact be transported to the area. Once the results of the Parker experiment are documented, noted Ms. Aitchison, it can be compared to the dredge and fill method and a more accurate assessment made. Ms. Aitchison summarized by saying that once all strengths and weaknesses of the various methods are determined, a policy can be formulated.

Council Member Korest informed Council that the Beach Renourishment Committee had unanimously approved a plan that reflects the realities as well as an adequate amount of time to prove or disprove the Parker Sand Web Method, which is incorporated as part of that plan. Mr. Korest emphasized that the public safety aspect was not mentioned often enough, and a wide beach can buffer a serious storm. He explained that the Corps of Engineers view beach renourishment not as a tourist or recreation project but as a public safety necessity. The Corps participates in beach renourishment projects because it is much less expensive to be involved in that respect as compared to rebuilding after a storm.

Council Member Muenzer expressed the opinion that erosion problems began when wooden groins were removed. He said that there seems to be a great deal of confusion on the public's part with regard to beach renourishment. Council Member Muenzer suggested scheduling a workshop for a thorough review of the Beach Renourishment/Maintenance Committee's recommendations, and then hold an evening meeting for purposes of public education on the subject. Mr. Muenzer also advised that discussion of this matter should take place when a full Council is present.

Council Member Sullivan agreed that the entire Council should be present for discussion of beach renourishment. He said that he also was requesting a thorough workshop in order to clarify all of the issues involved in this matter. Mr. Sullivan commented that his biggest

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concern was that the City would commit itself to a long-term funding situation, perhaps resulting in paying over a twenty-year period for a beach which was only in existence for six months in the event of a storm.

Discussion ensued with regard to the Parker Sand Web Method and City Manager Woodruff reminded Council that it had been its unanimous decision not to endorse one method over another. In addition, there is no funding source available until such time as the County approves the TDC (Tourist Development Council) money or the City finds other funding sources. Dr. Woodruff agreed that it would be advisable to have a joint meeting with Council and the Beach Renourishment Committee, involving the public as much as possible.

MOTION: To schedule a workshop devoted to the Beach Renourishment/Maintenance Committee's recommendations, to be followed by an evening meeting.

CORRESPONDENCE AND COMMUNICATIONS

City Manager Woodruff announced that Workshop meetings would be scheduled for October 21 and 28, 1991.

PUBLIC INPUT ITEM

Ms. Fern Aitchison expressed her concern in the event the Naples area should experience a major storm. With regard to beach renourishment, she said, pipelines used in the dredge and fill method are very dangerous to people on the beach. Ms. Aitchison pointed out that the Parker Sand Web Method would be much more cost effective, in

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Barnett					
Herms					X
Korest			X		X
Muenzer	X		X		
Sullivan		X	X		
Anderson					X
Passidomo			X		
(4-0)					

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SUPPLEMENTAL ATTENDANCE LIST

October 2, 1991 City Council Meeting

Adam Benson
Charles Andrews
Sue B. Smith
Ron Pennington

William Benson
Werner W. Haardt
Lyle Richardson
Fern Aitchison

NEWS MEDIA

Jerry Pugh, Palmer Cablevision
Eric Staats, Naples Daily News
Wendy Fullerton, Fort Myers News-Press

Neighborhood Town Meeting
Wednesday, October 9, 1991 - 5:00 p.m.
Lake Park School Cafetorium
1295 14th Avenue North, Naples Florida

Present: Kim Anderson, Mayor
Alan Korest, Council Member
Dr. Richard Woodruff, City Manager
Tara Norman, Public Information Officer
Norris Ijams, Assistant City Manager
Tom Smith, Fire Chief
William Harrison, Finance Director
Larry Barnet, Public Works Director
Missy McKim, Comm. Dev. Director
Terry Fedelem, Parks & Prkwys. Supt.
Police Captain James Byrne
Police Captain Paul Sireci
James Dean, Parks & Prkwys. Supv.
Sheldon Reed, Fire Marshal
Dr. John Staiger, Natural Resources Mgr.

Police Volunteers:
Robert Kirsch
Joan Phalen
Charlotte Morneau

News Media:
Eric Staats, Naples Daily News
Tracy Griffith, WNOG-AM

Meeting was called to order at 5:10 p.m.

City Manager Woodruff introduced City staff members stating that all were there to provide the best possible information to the citizens and were attending voluntarily without compensation. Dr. Woodruff then called upon Parks & Parkways Superintendent Terry Fedelem to address the Goodlette Road Linear Park and the Goodlette Road Naplescape project.

Mr. Fedelem explained that Goodlette Road Linear Park had just that week been turned over from the contractor to the City for maintenance. In response to citizen questions, he further explained that this area, which had been the railroad right-of-way, was being used by the City toward satisfying its Comprehensive Plan requirement for open space as well as providing stormwater retention areas. It is considered a passive

park which contains no parking facilities for use of individuals from outside its immediate neighborhood and has no playground or other recreational equipment.

In response to Mayor Anderson, Dr. Woodruff further clarified terms used with reference to passive, linear and neighborhood parks. A neighborhood park is for the use of only people living within its immediate area and can include such things as playground equipment and benches; a passive park is strictly for the enjoyment of nature and has no recreational facilities. The linear park which runs along Goodlette Road falls into the passive park category.

Mr. Fedelem also addressed the improvement project at Anthony Park, noting that this work had commenced with the start of this fiscal year and includes replacing tot lot equipment, improving irrigation and removing several Australian pine trees. Completion is scheduled for December 15th.

Community Development Director McKim was then asked to provide an update on the development project underway at Naples High School. She indicated that both playing fields and practice fields were being installed west of the school and should be ready in the very near future.

On the issue of affordable housing, Ms. McKim and Dr. Woodruff explained that to meet Comprehensive Plan requirements, the City is pursuing credit for existing mobile homes and for guest houses which are primarily located in Old Naples. Dr. Woodruff further explained, in response to a citizen's question, that standards for affordable housing vary from the City to the County because the formula incorporates average median income and median housing sales in the immediate area. He also pointed out, therefore, that affordable housing includes much more than government subsidized housing. For example, he added, homes as high as \$80,000 in the City of Naples are considered affordable housing as are rents in the \$550 to \$600 per month range. A secretary at City Hall who is a single parent of two could qualify for affordable housing, as could a police officer with a family or a teacher who is single. He cited the River Reach complex east of the airport as an example of affordable housing or the apartment complex which is located near the YMCA.

Ms. McKim additionally stated that a joint Affordable Housing Task Force had recently been appointed by the City Council and County Commission to oversee implementation of the recommendations of the County's initial affordable housing task force and to recommend additional ways to provide affordable housing.

A citizen then asked about plans for use of a vacant lot owned by the City between US 41 and Naples High School and, in particular, whether it would be used for street extension. Dr. Woodruff explained that this property would be used for a small neighborhood park as well as an area for street runoff retention. Mayor Anderson added that any park established on this property would be closed at dark.

Dr. Woodruff continued his presentation by reviewing current actions with reference to enforcement of housing code regulations for the low income housing in the River Park area. A committee of staff and one City Council Member have toured the area and the full City Council was planning a tour the following week in order to establish a program that would assure that certain safety and health standards are met. Because many of the units had been constructed as early as the Forties and Fifties, the City would be working with the complex owners in attempting to meet reasonable standards. As an example, Dr. Woodruff cited the difficulty in installing central heating in the units, stating that alternatives to fulfilling this need would be explored.

Dr. Woodruff then predicted that tax equity between the City and County governments would become a controversial issue in the future as the City looks at what services its citizens receive from the taxes they pay to County government. Although the Florida Supreme Court does not recognize the situation of tax equity under the law, he said, this does not mean that there are not problems which result from it. Only about seven cents of every tax dollar paid by City residents goes to City government and 21 cents to the County. By comparison, the entire City budget is \$34-million while the Sheriff's budget alone is \$36-million. It is the duty of City government, therefore, to question how the County is spending City taxpayers' money, particularly for services duplicated by the City, such as Sheriff's patrol, building, zoning, planning, parks and recreation; conversely, Dr. Woodruff noted, there are certain services which are provided solely by the County such as Property Appraiser and Tax Collector.

A member of the audience praised this initiative and stated that he had been concerned that the issue of double taxation had been neglected since the late City Manager George Patterson had pursued it.

Next, Dr. Woodruff reviewed recent actions with reference to privatization of City services. Because citizens pay taxes to receive services and not just to employ people, he said that over the next three to four years many areas of City government would be studied to determine whether services could be more economically provided by the private sector. These include

commercial and residential refuse collection. Currently, there are four areas under study for privatization: maintenance of the new Goodlette Road Linear Park; collection of traffic fines; recycling collection in the condominium areas; and refuelling of City vehicles.

Dr. Woodruff also told the audience that within approximately 45 to 60 days, containers would be provided to residents for the placement of recyclable materials for curbside collection. These containers were being purchased at a cost of \$30,000 with funding coming from a State grant. In response to a question regarding whether the City would be collecting glass for recycling, Dr. Woodruff explained that under Public Works Director Larry Barnet, the City was conducting a full analysis of recycling, one of the items being the collection of clear glass. He pointed out that the revenue received by the City from the sale of recyclables was not the only consideration, there also being considerable savings in landfill tipping fees as well as the advantage of extending the life of the landfill.

He then asked Public Information Officer Tara Norman to address the City's participation in the upcoming Red Ribbon Week activities. Ms. Norman explained that Red Ribbon Week was initiated by Naples Informed Parents as an anti-drug and drug awareness program which was now focusing not only on the use of illegal drugs but also on the misuse of legal drugs. She listed some of the activities which will occur during the week which runs from October 19th through 27th, indicating that City vehicles and City facilities would be decorated with the symbolic red ribbons to heighten community awareness.

Mayor Anderson then thanked the Police Volunteers for their assistance at the meeting including handling sign-in sheets which, she further explained, were not mandatory but were provided so that the staff would have names and addresses for additional response to inquiries and concerns. She then introduced Council Member Alan Korest.

Mr. Korest briefly reviewed his activities with the Planning Advisory Board before being appointed to the City Council in April. He said that one of his main concerns since he began serving the City on the Planning Advisory Board has been the preservation of single family neighborhoods, and he assured those present of his interest in the concerns and issues of the neighborhoods represented at that meeting.

Dr. Woodruff then provided information on the shopping center property at the corner of Goodlette Road and US 41 which is being redeveloped by the Stoneburner interests as Bayfront Marketplace. He explained that as part of the project approval, the City had required that a public boardwalk be built along the water and

that the developer be responsible for maintenance. Currently, however, the project is stalled due to a dispute between the Stoneburners and the adjacent Mariner's Cove apartment complex over a sewer easement. Ms. McKim clarified that the project permit is good for 18 months if activities begin within six months of issuance. She indicated that the developer had been advised that the current state of demolition represents an eyesore and the City wants the project to recommence as soon as possible.

Victor Paradis, a resident of Mariner's Cove, expressed frustration with the unsightliness of the project which he said he and his neighbors must view every day as they leave their apartments. He indicated, however, that because all 84 property owners must approve action on the disputed easement, there is little hope that a resolution of this issue will be possible.

On the subject of truck traffic on Seventh Avenue North, Dr. Woodruff advised the group that no-truck-traffic signs had been removed because they had been installed without proper authority. A study will now be conducted to analyze the truck traffic on this street which is seen as a main access between Goodlette Road and US 41. Another citizen then provided Dr. Woodruff with a truck count she had conducted on Seventh Avenue which had shown 192 trucks between 7:15 and 9:15 that morning.

Mr. Carlough, a Royal Harbor resident, complained about horticultural trash collection and the illegal dumping on vacant lots of clippings by lawn maintenance crews as well as adjacent residents. He said that the City had just cleaned such an area and erected no-dumping signs which were torn out a short time later. He recommended stricter enforcement and increased fines. Mayor Anderson said she shared his frustration, as this type of activity was also occurring in her own neighborhood and throughout the City. Council Member Korest agreed that this was a City-wide problem and also cited runoff problems which occur when clippings are allowed to clog storm drains.

Assistant City Manager Ijams also addressed this issue stating that the solutions tried to date had not worked but that the City was continuing to try to solve the problem. The key is enforcement, he added, and assured the citizens present that eventually the problem would be conquered.

Mr. Philip Wesley then questioned the City representatives about the results of various criminal investigations which had been conducted, expressing concern that only the lower level employees were punished and not those higher up in the organization who were responsible for those particular operations. In addition, Mr. Wesley criticized the release of former City Manager Frank

Jones from responsibility according to the provisions of his termination agreement.

He also registered a complaint on the lack of synchronization of traffic lights despite installation of a computer system.

Dr. Woodruff pointed out that prosecutions were undertaken against all those on whom evidence could be found; however, department heads and other top level supervisors involved were now no longer in the employ of the City of Naples. Mayor Anderson also pointed out that the City was pursuing legal action against its prior auditor and that legal recourse in the Frank Jones termination was not yet out of the question because the intent of the City at the time of his termination was not to release him from responsibility for unknown things which might have been done with intent. She also pointed out that the dockmaster held a very responsible position with the City and noted that the Finance Director and Utilities Director had both resigned when the problems with broken water meters were uncovered.

With reference to the City Dock investigation, Police Captain Byrne also pointed out that all questions raised were answered insofar as proof could be obtained. Interviews with over 1,000 City Dock users were conducted, and the 3,000 page investigation file was now available for public review in the City Clerk's Office. While prosecutions had been successful against two individuals in this case, the Police were not successful in prosecuting a theft charge against a Utilities Department employee because of inability to positively identify City property due to lack of inventory controls and proper marking of equipment.

Another citizen asked whether any prosecutions would be forthcoming on the illegal water connections at the Windstar development. Captain Byrne noted that because of multiple contractors, owners and plumbers involved with the Windstar project since the initial illegal connection was made, it had been extremely difficult to reach a conclusion in this instance.

Mayor Anderson pointed out, however, that through her sponsorship an ordinance had been enacted to provide for triple damages in cases of illegal water service connections, and City Manager Woodruff stated that the Council had just enacted another ordinance that required all water connection fees to be due and payable at the time the building permit is issued. A system of checks and balances had also been established with Collier County to assure that connections within the City's service area, but outside the City limits, would be made properly and that no certificate of occupancy would be issued until all fees were paid

to the City. In addition, Dr. Woodruff pointed out that two developers had already been assessed triple damages under the aforementioned ordinance.

Another citizen raised the question of why the City Council had not formally endorsed the Save Our Homes effort. Dr. Woodruff explained that the Council was awaiting further information with reference to the impact of Federal Emergency Management Agency (FEMA) flood elevation regulations prior to final action on the Save Our Homes proposal. A public workshop with FEMA representatives will most likely take place in November.

Two citizens registered complaints about traffic light timing at two intersections: Sandpiper/US 41 and 22nd Avenue/US 41 (east side). Both stated that there was insufficient time for motorists to enter US 41. Dr. Woodruff indicated that he would look into this matter.

Lance Donovan, president of the Lake Park Association, raised the following concerns: that the City thoroughly check the Goodlette Road Linear Park Project before maintenance is turned over to a private contractor; that the noise from the public address system at Fleischmann Park was disturbing to area residents; that horticultural trash be completely picked up, as crews often leave some of the material behind; and that the City work with the County on possible sharing of equipment and methods for the cleaning of lakes.

Following a comment from a citizen that he was encouraged by the improvements he had seen recently in City government and that he looked forward to working with the Council and management, Council Member Korest pointed out that a new policy had been initiated at the conclusion of each Council meeting whereby citizens are provided an opportunity to speak on any issue they choose, regardless of whether it had been listed on the agenda.

A citizen then inquired about the status of a rebuilding project at the UTS Building on Fifth Avenue South and Eight Street. Dr. Woodruff explained that while the developer and adjacent property owners were working out a settlement in a lawsuit involving the provision of parking for the project, the City could possibly encourage action by taking the developer to court. Legal action against the building's owner, however, is possible only if the building is deemed unsafe, which it is not, he added. The developer's plans have been approved, but until the parking issue is settled, he cannot obtain tenants, and until he obtains tenants, he cannot obtain financing for the project.

Mrs. Sue Smith cited the costs which had to be borne by taxpayers because of past mismanagement as well as several studies which could have been accomplished in-house rather than by costly

consultants. She also said she had heard that the current Dockmaster, Nick Long, was being considered for advancement over persons who had been in the Community Services Department longer with better credentials. She also cited Mr. Long's friendship with Council Member Fred Sullivan. Mrs. Smith in addition urged that large institutions such as the Beach Club Hotel and Naples Community Hospital be required to reimburse the City for unpaid water service.

Council Member Korest said he concurred that many people had been concerned about the amounts of money which had been previously spent on consultants. This is being addressed through a requirement that all consultant contracts, regardless of monetary value, be brought to the Council, with justification, prior to approval. In the past, the administration could approve contracts up to \$7,500 without Council approval. Dr. Woodruff also noted that several new checks and balances had been instituted including a revision of the purchasing procedures.

In addition, Dr. Woodruff noted that the current negotiations between the City and the Fraternal Order of Police had reached impasse and that the matter would go to City Council. The two parties had not been able to reach an agreement on reasonable salaries and benefits, he added.

A citizen then raised the issue of speeding on 14th Street North, stating that he had complained previously to no avail.

Dr. Woodruff assured him and other citizens raising concerns that items which had been discussed at that meeting would be forwarded to the appropriate staff members for reports and action.

Mayor Anderson thanked all attending as well as the City department heads and staff.

Adjourned: 6:45 p.m.

Kim Anderson
Kim Anderson, Mayor

Tara A. Norman
Tara A. Norman
Public Information Officer

Janet Cason
Janet Cason
City Clerk

These minutes approved by Naples City Council on
November 6, 1991.