



City of Naples

City Council Minutes

Regular Meeting 11-06-91

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

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735 Eighth Street South
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Date November 6, 1991

Reverend Eleanor McMullen
United Church of Christ

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ITEM 2

BILL OF RIGHTS BICENTENNIAL MINUTE

Mayor Anderson introduced Mrs. Sue B. Smith of 15 11th Avenue South who spoke on the First Amendment with regard to the right of citizens to petition their government for redress of grievances. Mrs. Smith's commentary was as follows:

"I thank you for the invitation to share my thoughts on this matter this morning. I feel very privileged for they are sharings that are cherished within my own heart, and I am grateful to you. Thank you.

"I would like to glimpse, just for a moment if we might, at the year 1989, go to China, and see there in a square, students who dared to stand against the tanks of their own government; and in so standing, and giving their lives as they truly did, they were making a plea for democratic principles in their land under which they could live. And may I read from just the front of a book that was written by a Chinese woman about the tragedies of her land and thoughts that were from her heart about the sufferings of her people. She said in this, the people, the powerful voices that she orchestrates in these examples in the book the lives of these peoples, here explain eloquently why ordinary Chinese, push throughout their lives to endure the unendurable, might stand up to a tank. We have many, many books. There are many. National Geographic has carried quite a lengthy series of articles in the last few years about peoples around the world who are under great and grave, grave prosecutions and oppressions.

"In just this year of 1991, we saw the peoples of Russia gather in the square of Moscow and stand through the nights of bitter cold, standing once again with only their visions and their hopes,

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their desires for their peoples and for the direction of their land, standing against the tanks of their own government. As we watched across the world as the pictures were brought to us, into our homes, into this country on television, there was one face that particularly haunted me, the face of a woman who was very, very elderly. She stood there in the cold among the crowds of the younger peoples. She stood very patiently and she stood with a sign on her face of extreme courage and extreme desire and hope. She was not, at her age, standing there for herself alone. She was standing there for the generations that would follow her. It was very obvious, it was very beautiful, and it was very, very heartrending to realize the prices and the requirements that peoples around the world at this very time are having to pay in order that they might grasp, to try to bring to them, just a few of the principles of freedoms that we in this great land of the United States of America are enjoying.

"It is every moment of every day that we see more and more of what appears to be an endless arrival of peoples, from lands all over our world, who have given up and left behind the acquirements, the friendships, the privileges of their heritage, that they might, in their desperations, come here in this time, come here to America for the privileges that we enjoy. Our own forefathers, when they came to this land, they came with that same yoke of oppression about them, and it took them one hundred and fifty years with the dreams and the visions they had, for something more in their hearts that had brought them and driven them to make such a drastic step and change. They went for one hundred and fifty years and tried to put together something that would speak out for a new way, a hope of something that would be grander for peoples, in which they could live their lives with a dignity and a sense of self worth. From that time forward, we moved a hundred and fifty years from that, to the time of the issuance of this small sheet of paper. The Bill of Rights.

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A Bill of Rights, as it does say, the rights by which we of peoples in America do live, and have the assurance that we can have these rules to be in a freedom that is offered nowhere else in our world.

"Perhaps they should have been after the acquiring and the tremendous prices that were paid for designing them and giving them forth to us. Perhaps the name of them should have been changed, and it should have been changed then to read 'The Bill of Responsibilities,' for indeed the government that we enjoy, the privileges that we live under, all of them are a part of a check and a balance. The power of our government, be it good government or be it bad, is truly in the hands of its citizens. Our entire system of good government relies upon the participation of its citizens.

"When we as citizens in silence allow a wrongdoing in government to take place, when we have a knowledge that it is indeed a wrongdoing, we are setting a stage as a partner for future wrongdoings to be done in greater number, for in our silence we are in fact making a statement whether we recognize or want to accept that or not. In our silence to not participate in our government, we are making a statement that the behavior of government in our well-being is indeed an acceptable behavior no matter how wrong it might be. Resistance from a few is never successful unless it is backed by that of the workaday peoples coming forth also and joining in an expression. Citizens should be encouraged indeed to participate in their government but when that encouragement is thwarted in any way, then it is the responsibility and duty of the citizens to keep the flame of freedom in their land. They must indeed, with courage and with deep convictions, step forth to take part in that of their government.

"Not only elected officials but also the employees of government have a responsibility, an accountability, to provide their citizens with

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good government. In this very Chamber, citizens and even elected officials have been denied expression through the subtleties of intimidation, ridicule and accusation of dissention as a negative action. Do not ever forget that when dissent withers, democracy dies. Dissent, the right to come, certainly with encouragement for the things that you see that are good, but daring to come with the criticism or the request as it does speak in the Bill of Rights, to petition for a redress of a grievance against your government.

"It sounds rather verbal, doesn't it? What it is saying is simply, if you feel that you have something that the government has done that is not right or you have a reason for a complaint in your heart, then in our land, you have the right to come to this place, to write a letter to your government, to pick up your phone and make a call to someone in that government place, that you will express whatever that grievance might be, and you can be assured that you, in continuing to petition that, can have some action take place. It is not only your right, but more importantly, it is your responsibility and once you, as a citizen, have exercised your duty by so doing that, then in a democracy, you can walk away and it is no matter the outcome of the decision, for we are a democracy, so the greater number indeed shall prevail in that of the decision making. But you will know that you have truly done your part. You have contributed that that is expressed in your rights that you have an obligation to do.

"Our freedom, our right to petition government, allows us and actually requires us to hold a banner for accountability and good government over this very place in Naples - this place, the Courthouse, the County offices. In these last decades we have seen our great nation enter into troubled waters. We are there yet. Perhaps our taking for granted such wondrous freedoms that were by so many so very sacrificingly provided

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for us, we may see that we too will be the result of losing our freedoms, for we have. As

custodians, we have not been tending our home place very well.

"It would be my prayer and my desire, and I'm sure it is in the hearts of many, many of you, that as we have seen what it has cost us to not be more concerned and to be more faithful in our offices of our duties as citizens. No matter what that office might require us to do, from homemaking, to the business place, to the elected officials in their spots, whatever we are doing we have now a new urgency in our land. We are making a decision for the directive in which we shall go. And if we allow the lights of freedom to go out in our country, then we can be certain of one thing, and that is that when we turn to go to find in another place what we had here, we are going to find it not there. I thank you very much."

ITEM 4

ANNOUNCEMENTS

Mayor Anderson invited members of the VFW (Veterans of Foreign Wars) to the podium: Ms. Nettie Hathaway, Chairperson and Ms. Julia Longwell, Assistant Chairperson of the Voice of Democracy program for VFW Post 8089 Ladies Auxiliary and Mr. Robert Guevin, Voice of Democracy Chairperson for the VFW Post. The Mayor presented the VFW representatives with a Proclamation recognizing the group's 45th anniversary and focusing its attention to the leaders of tomorrow. Mr. Guevin thanked the Mayor and Council in behalf of the group, noting that as veterans, they had a commitment to create a better world for their children.

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A Certificate of Appreciation was presented by the Mayor to Mr. G. Locke Galbraith, President of the Park Shore Homeowners Association, donor of \$55,000 to improve the entranceway to the subdivision at Park Shore Drive and US 41. Included will be replacement of the fountain with vegetation more in line with modern landscaping techniques. Through the renovations, the City will also save approximately \$3,000 in maintenance costs formerly associated with the fountain. Mayor Anderson expressed appreciation for everything the Park Shore Homeowners Association has done to make Naples a better place to live.

City Manager Woodruff introduced Public Information Officer Tara Norman who provided a brief summary of the City Employee Volunteer holiday projects, which include collecting food for Thanksgiving and Christmas baskets to be given to the needy and elderly people in the community, as well as distributing toys to children at the Christmas party held each year at River Park. Ms. Norman explained that collection boxes would be in many locations around the City and that all donations should be sent to the City Clerk's Office. City Manager Woodruff publicly thanked Mr. Robert Flynn, who donated the boxes which will be decorated and used as Thanksgiving food baskets.

Mayor Anderson announced that the next Neighborhood Town Meeting would be held on Wednesday, November 13th, at 5:00 p.m., at the Norris Community Center.

CONSENT AGENDA

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ITEM 5

APPROVAL OF MINUTES

Workshop Meeting	August 5, 1991
Special Meeting	August 7, 1991
Workshop Meeting	September 30, 1991
Neighborhood Town Mtg.	October 9, 1991
Workshop Meeting	October 14, 1991
Regular Meeting	October 16, 1991
Special Meeting	October 16, 1991
Special Meeting	October 16, 1991
Workshop Meeting	October 21, 1991

MOTION: To APPROVE the minutes as written.

RESOLUTION NO. 91-6489

ITEM 6-a

A RESOLUTION AWARDDING CITY BID #92-12 FOR THE ESTABLISHMENT OF ANNUAL CONTRACTS FOR THE PURCHASE OF FUNGICIDES, HERBICIDES AND INSECTICIDES; AUTHORIZING THE CITY MANAGER TO ISSUE BLANKET PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 91-6490

ITEM 6-b

A RESOLUTION AWARDDING CITY BID #92-20 FOR AN ENVIRONMENTAL AUDIT AND CONTAMINATION ASSESSMENT STUDY OF THE PULLING PROPERTY LOCATED ADJACENT TO THE CITY OF NAPLES PUBLIC WORKS COMPLEX ON GOODLETTE-FRANK ROAD; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AND EFFECTIVE DATE.

Barnett
Herms
Korest
Muenzer
Passidomo
Sullivan
Anderson
(7-0)

X

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RESOLUTION NO. 91-6491

ITEM 6-c

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CITY'S PORTION OF A CONTRACT FOR GOODLETTE-FRANK ROAD MEDIAN LANDSCAPE AND IRRIGATION IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 91-6492

ITEM 7

A RESOLUTION AUTHORIZING MAINTENANCE DREDGING IN AN EXISTING BOAT SLIP IN NAPLES BAY AT SLIP 22, COVE INN CONDOMINIUM, 1191 8TH STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

ITEM 8

BUDGET AMENDMENTS FOR FISCAL YEAR 1991/92. (REQUESTED BY FINANCE DEPARTMENT)

City Manager Woodruff expressed the City's appreciation to Collier Naplescape, Inc. for their continued support of the Naplescape beautification project.

RESOLUTION NO. 91-6493

ITEM 9-a

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO PROVIDE BUDGET FUNDING FOR PURCHASE OF COMPUTER SOFTWARE AND HARDWARE FOR REAL ESTATE MAPPING; AND PROVIDING AND EFFECTIVE DATE.

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RESOLUTION NO. 91-6494

ITEM 9-b

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO PROVIDE BUDGET FUNDING FOR COMPUTER AIDED DRAFTING; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To APPROVE the Consent Agenda, consisting of Items 6-a, 6-b, 6-c, 7, 8, 9-a, and 9-b.

END CONSENT AGENDA

Barnett
Herms
Korest
Muenzer
Passidomo
Sullivan
Anderson
(7-0)

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RESOLUTION NO. 91-

ITEM 10

A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To CONTINUE Item 10.

Barnett
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Muenzer
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ORDINANCE NO 91-

ITEM 11

AN ORDINANCE AMENDING SECTION 7-7.1(C) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES REGARDING MOORING RENTAL RATES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW CITY COUNCIL TO SET MOORING RENTAL RATES BY RESOLUTION.

Title read by City Attorney Rynders.

City Manager Woodruff explained that the purpose of this action was to accomplish the setting of mooring rental rates through the use of a resolution rather than the amending of an ordinance, as is now the case. He emphasized the fact that this would not set the fees, but would begin the process of rescinding the existing ordinance.

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Interim Community Services Director Kevin Rambosk reviewed the City Dock situation and said that it would cost an estimated \$275,000 to computerize the cash control fund and to facilitate some developmental and capital improvements necessary to operate the Dock as it should be operated. Mr. Rambosk explained that the fees presently collected are based on boat size rather than slip size. He said that the proposed rates would address the size of the slip, as was being done at other marinas which had been surveyed.

Mr. Rambosk told Council that the Dock's most prominent assets are its deep-water dockage and accessibility to the channel and should not be compared to marinas that cannot provide that type of dockage. He said that staff wanted to provide a high quality, safe facility. Mr. Rambosk noted that staff believed that it was unfair to ask the City to maintain a facility that is not widely used by City residents, but that the users should pay for the cost of operation. City Manager Woodruff said that the present fees do not cover the cost of maintenance except for minor repairs, and that the proposed rates would put the City in a position for capital improvement repairs to be handled immediately.

Dr. Woodruff pointed out that wrapping the Dock pilings would result in extending their viable life by ten to fifteen years. The requested computer system would give staff the ability to better track all inventory and supplies. Dr. Woodruff commented, "The public expects us to operate like a business. We don't want to be subsidized by taxpayers."

Council Member Muenzer reported that only 33% of the current Dock users were City residents and that any City funds used for expenses should be for the benefit of City residents only.

Vice Mayor Passidomo and Council Member Korest pointed out that the purpose of today's discussion was solely to adopt a methodology, not

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a boatowner at the City Dock. I've read the report, not from a standpoint of rates, numbers, or what a C.P.A. as I am, would look at, but from an operational standpoint. This report indicates the City wants to get into the retail sale of ice, bait, sodas, chips, dips, candy, etc. This creates all sorts of internal cash-flow problems. We've had enough of that over there. What I would like to do now, with the philosophy that's going on now, is form a volunteer group, myself and other business people come up with an alternate approach, prepare another report of how the Dock should operate. Not how we should set rates - what should the Dock do? I need more than a week, couple, two, three weeks, 'cause after all, I've got my living to make, so I'm going to squeeze this freebie time in on my living.

"I've got many years of experience on docks, of counting beans, of setting up proper internal control systems. I think a group of us could get together and come up with a plan that would make that City Dock something all of us could be proud of, and almost make it foolproof as far as eliminating problems in the future of all of us citizens being embarrassed.

"So all I ask is give me two or three weeks. Don't do anything for a while."

Mr. Dewey Anderson, 5092 10th Avenue S.W.: "My name's Dewey Anderson. I am a Collier County resident for the last 26 years and I have a boat on the Dock. I'm here to talk about the structure of the Dock. I'm a licensed general contractor for the last 14 years and I'm now a County Building Inspector and I've done a quick look over the Dock. And I'm not very good at this, so you'll have to bear with me.

"My first point is, I have the small report on Dock structure here, and it says that the staff down there made the inspections. I would ask

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what their qualifications were for making the inspections. Have you had an engineer look at what they say is bad?

"The piling wraps. There are some deteriorating pilings in there. I don't believe that it, in my opinion, is something that's gotta be done tomorrow. The Dock's not gonna fall down. It's only eight years old. And, with the piling wraps, is that gonna kill the marine life that's already eating the pilings? I don't know how long everybody's been here, but at one time the Naples City Pier pilings were bought because they were supposed to be impervious to the worm, and I think they were brought out of South American when I was a kid, and we found out that they weren't; the Pier is falling down.

"Some of the methods in here appear to be costly with respect to the decking. It is a normal practice in building and maintaining docks that the decking boards be turned over. If you would look at the underneath of the decking on the Dock, it's almost new. The top is weather-beaten, the boards are still in good structural shape, could be turned over. It's generally a process of maintenance on large docks elsewhere.

"The other considerations I have, and just they're talking about the rates of these other marinas, there's several things, like the man said that the City Dock doesn't provide for us. It doesn't provide parking and our Zoning Department in the County made Southpointe put a number of parking spaces attached to the boating spaces and most commercial operations have to have a designated number of parking spaces for their operation. This we do not have at the Dock. They also provide you with privacy. The Dock is run like a park. People walk up and down at all times of night. The percentage of use for the City might be small for actual boatowners, but I would guess that it's fairly large in the fact that it's used like a promenade; people from the Dock Restaurant, and just general public just

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strolling around on it. That's the points I had to make. Thank you."

Mayor Anderson stated that she did not believe it was the City's intent to establish a "slush fund" but that it hoped to appropriately provide for operations, maintenance, and depreciation and to provide the services people look forward to using. The Mayor agreed that the Dock is "like a park" and submitted that many people enjoy that aspect. She said that boatowners had requested that bait, ice, etc. be available.

City Manager Woodruff clarified that inspections of the Dock had actually been done by Mr. Miles L. Scofield of Scofield Marine Consultants and that all recommendations for replacement of pilings and wrapping techniques were based upon Mr. Scofield's advice.

Council Member Korest suggested that perhaps someone totally objective should look at the Dock. Council Member Herms noted that it was important for the public to understand that unless approximately \$200,000 is spent on Dock repairs, that facility will cease to exist.

Vice Mayor Passidomo encouraged staff to spend the next two weeks productively and meet with the boatowners. City Manager Woodruff said that staff would be happy to meet with the boatowners for additional dialogue. He stressed again that this was not an optional expenditure and unless the Dock is closed, it is an expenditure that must be funded, either through property taxes or on a user fee basis.

Mayor Anderson reiterated that everyone would have an opportunity to hear the entire staff presentation with respect to the Dock. She emphasized that everyone should understand the parameters so that some profitable dialogue can be effected and no one's input will be excluded. Council Member Barnett asked Mr. Hill if he would

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Mr. Jim Boula of 702 Broad Avenue South told Council that he had paid rent at the Dock since 1984 and that he was concerned about the proposed fee increases and the lack of checks and balances at the Dock. Mr. Boula distributed a cash flow analysis sheet which shows the net cash available for Dock operations. He said that, in his opinion, it was incorrect that the Dock was a drain on City funds, that in fact the slip renters were paying for most of the Dock's

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RESOLUTION NO. 91-

ITEM 12

**A RESOLUTION AUTHORIZING THE CITY
MANAGER TO ASSESS TRIPLE IMPACT FEES TO
NAPLES CAY DEVELOPMENT; AND PROVIDING
AN EFFECTIVE DATE.**

Title read by City Attorney Rynders.

City Manager Woodruff called attention to the fact that Naples Cay Development had come under consideration regarding an ordinance that was adopted on May 15, 1991. For the record, Dr. Woodruff reviewed the City's position on this matter. He reported, "On May 15, 1991, City Council adopted an ordinance establishing triple damages for system development fees that were past due in payment. One of the developments which was found to be under the purview of that ordinance was Naples Cay.

"On June 30, 1988, Westshore at Naples Cay, a 50 unit condominium, received their Certificate of Occupancy. Nine months later they paid their system development fees for those 50 units. In March of 1989, Chuck Thomas, Assistant Utilities Director, wrote to the developer stating that James Chaffee, the Utilities Director of the City, had approved payment of the system development fees as the units were built. Over the next year, 83 units were built with the system development fees paid at the time of Certificate of Occupancy.

"In January of 1991, Mark Wiltsie, the Assistant City Manager at that time, was informed by Chuck Thomas, Assistant Utilities Director at that time, that Naples Cay had 50 units under construction and that the developer had stated that he would need one week or a little more to get the \$70,000 for system development fees. In February of 1991, an invoice was sent to the developer requesting the \$70,000 fees due. On April 10, 1991, a Certificate of Occupancy was issued for the development known as Seapoint at Naples Cay. On April 22, 1991, Mr. Harrison,

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Finance Director, received a letter from Mr. Speirn-Smith, the developer, stating that he planned to pay on a unit-by-unit basis prior to occupancy in the under construction, unoccupied Beachhouse and Seapoint units. Even though this letter was dated April 22nd and stated that he would pay prior to occupancy, it should be noted that by that time, both of these condominiums had already received their Certificates of Occupancy.

Beachhouse received its Certificate of Occupancy September 12, 1990. Seapoint received its Certificate of Occupancy April 10, 1991. Both of those dates were substantially prior to the date of Mr. Speirn-Smith's correspondence. On July 22, 1991, a check was received in the amount of \$70,000 from the developer, who then notified the City, and the City notified Mr. Speirn-Smith's office that they were accepting it as partial payment but reserved the right to collect the \$140,000 in penalties based upon the developer's request to come to City Council for a determination."

City Manager Woodruff stated that the City's position was as follows:

1. In March of 1988 the City informed the developer that fees would be paid as built. The policy was in fact carried forward. It was met by the City and the developer for the Club at Naples and Beachhouse at Naples Cay.
2. In January of 1991, the developer was again notified that he owed for 50 units under construction at which time he responded that he needed a little more than one week to get the \$70,000 for system development fees.
3. An invoice was mailed to the developer on February 7, 1991 requesting payment.
4. The developer did not correspond or respond in any way for a period of over 60 days. On April 22 he informed the City that he would

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pay on the basis of occupancy in the under construction, unoccupied Beachhouse and Seapoint at Naples Cay.

5. Certificates of Occupancy were issued on September 12, 1990 for the 33 units at Beachhouse and April 10, 1991 for the 50 units of Seapoint at Naples Cay. Both of those dates, including the developer's correspondence, were substantially prior to the adoption of the ordinance of May 15, 1991.

6. The developer's letter of April 22, 1991 violated his own agreement in that it did not pay at the time of Certificate of Occupancy.

Dr. Woodruff said that the developer clearly violated payment arrangements. Approximately three weeks after the last violation, the City enacted an ordinance and that ordinance has not been met. Staff recommends that the full impact of the law should be enforced in enacting the ordinance and that \$140,000 in penalties be paid.

Attorney Anthony P. Pires, Jr., representing Equity Sound Development Group, addressed Council. Attorney Pires distributed a packet of information pertaining to the issue to each Council Member. He apologized for not supplying the information sooner and pointed out that he had requested a continuance of this item to the November 6th Council Meeting. Attorney Pires asked if the packet could be made a matter of record, however, City Attorney Rynders explained that City policy, set by a resolution, would not permit information received after 12 noon on the Monday prior to a Council Meeting to be made an official part of the record. Attorney Rynders noted that the petitioner had contracted a court reporter for this meeting, so a record was being created. He did recommend that Council not officially accept the submitted information as a matter of record.

CITY OF NAPLES, FLORIDA

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Attorney Pires submitted that he had understood that this item would be continued if the funds requested were put into an escrow account. He stated that he had attempted to contact the City Manager on November 4th, the Monday prior to this meeting, without success. Dr. Woodruff replied, for the record, that he had been in attendance at the Council Workshop during the entire time period referred to by Attorney Pires. At that Workshop, Council concluded that a continuance would not be allowed, therefore Attorney Pires was not notified until 3:45 p.m. on November 4th.

City Attorney Rynders said, "Nothing would prevent Tony (Attorney Pires) from reciting to us relevant portions of this material that you feel we ought to be aware of and that does become part of the record. Our objection to being handed a stack of papers at the last minute is that we don't know what else is in there and then, later on, if a decision is made based on something you didn't state to us in public here, on the tape and into the microphone, some argument is made that it's a part of our record that a letter or a document exists that was handed to us that morning that no one here saw because they can't leaf through this and listen to you at the same time, becomes some basis for them making an erroneous decision. So, the only effect of this is to relate to us on the record all the relevant information that you think has bearing upon your argument."

In answer to Vice Mayor Passidomo's question, Attorney Pires verified that he was aware Council would accede to the petitioner's request for continuance if the requested funds were put into an escrow account pending a final determination by Council.

City Manager Woodruff said that Attorney Pires and his client knew that this matter must come before Council to be resolved. The fact is, said Dr. Woodruff, that the petitioners sent the City a letter stating that they would be available and ready to discuss this matter on November 6th. He

CITY OF NAPLES, FLORIDA

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indicated further that the fact that Attorney Pires was not employed by the petitioner at the time that commitment was made, does not place Council in a position where it has to grant a continuance. Dr. Woodruff said that the letter sent to him by Attorney Pires on November 4th, did not include any mention of the interest payment, therefore, it was not construed as a binding position. Attorney Pires maintained that the letter in question did in fact contain mention of the interest payment, and asked to read that letter into the record. He read the facsimile transmittal of 10:05 a.m., November 4, 1991, from his office to City Manager Woodruff. (Attachment #2)

Discussion ensued with regard to the information supplied by Attorney Pires, who commented that it was difficult to not have the documents as a matter of record. Vice Mayor Passidomo pointed out that the City was simply asking for what would have been due had the petitioner not prevailed upon his administrative appeal.

BREAK: 11:05 a.m. - 11:10 a.m.

Mayor Anderson informed Attorney Pires that Council wished to peruse the documents he had submitted although she believed that all except the cover letter and the chronology were already a part of the Naples Cay records. City Attorney Rynders reaffirmed that this was not a formal proceeding and in his opinion the creation of a record was not necessary. Attorney Pires countered that he was "taking this very seriously for my client because of the amount" and would appreciate Council's indulgence.

Attorney Pires then distributed and read a brief chronology, which reports the project names,

CITY OF NAPLES, FLORIDA

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number of units, dates permits were issued, dates system development fees paid, and dates Certificates of Occupancy were issued. (Attachment #3)

Mayor Anderson told Council that a request had been made to resume this item after the lunch recess. She then invited public input from the Naples Community Hospital representative.

Mr. Edward A. Morton, Senior Vice President and Chief Financial Officer of the Hospital, addressed Council for the purpose of notifying them of the pending issuance of approximately \$25,000,000 in tax exempt hospital revenue bonds sometime in January, 1992. The primary purpose of these bonds, said Mr. Morton, was to reimburse the Hospital for funds spent to construct the parking garage, implement a laboratory information system and install a linear accelerator and special procedures X-ray room. The remainder of the proceeds will be used to fund new and routine capital equipment items. The Hospital's notice of the pending bond issue was described in a letter from Mr. Morton to City Attorney Rynders dated November 6, 1991. Copies of the letter were distributed by the City Manager. (Attachment #4) Attorney for the Hospital, Thomas Brown, and Hospital representative Susan Braddock were present to answer Council's questions.

Council Member Muenzer asked if the bond proceeds would be sufficient to cover what is planned in the next building phase. Mr. Morton explained that the long-term financial plans for the Hospital would run between \$75 and \$100 million dollars. The proposed bond issue, he said, will allow for some continuous construction to proceed. Mr. Morton told Council that the next phase would include razing of the Wellness Center and beginning the skeletal construction of the new building at that location.

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Council Member Korest suggested that the Hospital staff prepare some press announcements to inform the community of what is being done noting that the winter residents might have questions about the huge parking structure. Mr. Morton assured Council that he felt a personal obligation to make a concerted effort to beautify that structure and that there would be no changes from the original rendering which was in the Naples Daily News some time ago.

Council Member Herms said that the Finance Department was working to determine the cost of water which had been used by the Hospital and not billed. He encouraged Mr. Morton to continue to work with City staff on that issue of excess water. Mr. Morton noted that he had challenged his people at the Hospital to work with the City and that they were ready to work completely with City staff.

LUNCH RECESS: 11:30 p.m. - 12:45 p.m.

ITEM 12 - CONTINUED

Mayor Anderson asked Attorney Pires if his client was prepared to put the requested \$140,000 into an escrow account. Attorney Pires stated that his client would decline. He then briefly reviewed each document within the packet he had distributed to Council and City Manager Woodruff confirmed whether or not staff already had each document in its files. Two letters which were not already on file were read into the record. (Attachment #5 - January 14, 1986 letter to Utilities Director James Chaffee from Douglas H. Speirn-Smith, Equity Services Group., Inc. and Attachment #6 - February 13, 1987 letter to Douglas Speirn-Smith from Charles E. Thomas, Assistant Utilities Director)

CITY OF NAPLES, FLORIDA

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Mayor Anderson confirmed that the above-described letters were now a part of the record and acknowledged that the remainder of the documents were in the City's files.

Attorney Pires brought up the aspect of retroactive application of an ordinance and the fact that an attempt had been made to apply substantial penalties in a retroactive fashion. He pointed out that nothing in the ordinance referred to "retroactive." Attorney Pires cited a Florida Supreme Court decision in a similar case and said "A very pressing legal problem exists in this matter."

Attorney Pires described the various development phases of Naples Cay and its several developers. He said that he was aware the petitioner had agreed to pay and outlined when payment would be made. Attorney Pires said that there was no correspondence from the City informing the petitioner that its method of payment was unacceptable until after the penalty was imposed. He said that he and his clients had a "healthy respect" for everything the City was trying to do. Attorney Pires admitted that the hookup fees were not paid according to the City's request: the fees were paid in July rather than in June as promised. If his client had known a penalty would be imposed, said Attorney Pires, those fees would have been paid by June. He questioned the retroactive ordinance as it applies to this situation and asked Council to "judge the reasonableness of this situation."

City Manager Woodruff, using visual aides, outlined the subject time period and noted that the dates did not correspond exactly with those Attorney Pires had earlier pointed out. In summary, Dr. Woodruff stated that from the very beginning, the agreement between the developer and the City was that the fees would be paid when Certificates of Occupancy were issued. Applying that to the facts and chronology, that agreement was violated by fifteen months.

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
Barnett			X		
Hermes		X	X		
Korest			X		
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Anderson			X		
(7-0)					

City Attorney Rynders said that in his opinion, according to the ordinance, the petitioner was liable for triple damages.

Council Member Muenzer commented that if there had been any point of dispute between the developer and staff, it seems as though staff would have responded. Discussion ensued between Mr. Muenzer and Mr. Douglas Speirn-Smith of Equity Services Group, Inc. Mr. Muenzer recounted how effecting triple damages was delayed and even an amnesty period given to allow people an opportunity to pay. Further dialogue followed and Council Member Sullivan added that there had been ample opportunities for people to come forward and take care of this matter.

Vice Mayor Passidomo emphasized that it would be prudent for the City Attorney to have sufficient time in which to render Council a legal opinion in this matter.

MOTION: To CONTINUE this item to November 20, 1991, pending the City Attorney's legal opinion.

Council Member Herms seconded the motion and requested that copies of the cases cited by Attorney Pires earlier in the meeting be provided to Council. Mayor Anderson said that she would support the motion only on the condition that copies of those cases were cited.

RESOLUTION NO. 91-6495

ITEM 13

A RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONDUCT A SURVEY OF THE SHORES OF NAPLES, FLORIDA AND ADJACENT COLLIER COUNTY, FLORIDA AND TO PREPARE A

City Council Minutes

Date 11-06-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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Barnett		X	X		
Herms			X		
Korest	X		X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Anderson			X		
(7-0)					

City Council Minutes

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[illegible]

SUPPLEMENTAL ATTENDANCE LIST

City Council Regular Meeting - November 6, 1991

Charles Andrews
Sue B. Smith
C. Locke Galbraith
Nettie Hathaway
Douglas Speirn-Smith
Tom Riley
Raymond Wulf
William R. Hill
Jim Boula

Werner W. Haardt
Robert Guevin
Julia Longwell
Anthony P. Pires
Edward A. Morton
John W. Cremer
Lloyd Kohl
Dewey Anderson

NEWS MEDIA

Jerry Pugh, Palmer CableVision
Wendy Fullerton, Fort Myers News Press
Eric Staats, Naples Daily News
Sally Kidd, WINK-TV
Paul Kenney, WBBH-TV

Received 11/4/91

Route To _____

- ☐ Action
☐ Comment
☐ FYI
☐ File

CRAIG R. WOODWARD
 MARK J. WOODWARD
 SHANNON W. ANDERSON
 ANTHONY P. PIRES, JR.
 STEPHEN J. PETERSEN*

J. CHRISTOPHER LOMBARDO
 OF COUNSEL

*Woodward, Pires
 & Anderson, P.A.*

ATTORNEYS-AT-LAW

November 4, 1991

Dr. Richard L. Woodruff, City Manager
 City of Naples
 735 8th Street South
 Naples, Florida 33940

VIA FACSIMILE
 (813) 434-4620
 AND HAND DELIVERY

RE: Naples Cay

Dear Dr. Woodruff:

Thank you for taking the opportunity to speak with me late Friday afternoon with regards to the above matter that currently is scheduled for the City Council agenda on November 6, 1991. By my previous letter of November 1, 1991, I, on behalf of Equity Sound Development Group, the developer of Naples Cay, requested an extension of the November 6, 1991 hearing date before City Council in order to allow there to be a more complete and full hearing of the matter. We are requesting that this matter be continued to the November 20, 1991 City Council hearing date.

By this letter, my client (Equity Sound Development Group), in requesting the extension, agrees that if any penalty is imposed after the hearing before Council, then as to any penalty imposed, (up to the amount of \$140,000.00), it will also pay interest on said penalty amount equal to the current one (1) year T-bill rate, (applied on a daily basis), for the period between November 6, 1991 and November 29, 1991.

It is my understanding that by this agreement the hearing item will be continued to November 20, 1991 and will not be heard on November 6, 1991. In the interim we would like to have the opportunity to sit down with you as soon as possible to discuss this matter.

I thank you in advance for your assistance and cooperation.

Sincerely,

WOODWARD, PIRES & ANDERSON, P.A.


 Anthony P. Pires, Jr.

EQUITY SOUND DEVELOPMENT GROUP

APP/nls

BY: 

PLEASE RESPOND TO:

☐ Marco Island Office☐ Pelican Bay Office

*Also admitted in Iowa

PROJECT NAME	NUMBER OF UNITS	DATE PERMIT ISSUED	DATE SDF/SDC PAID	DATE C.O. ISSUED
WESTSHORE	50	9-24-86 (#86-01588)	3-29-88	6-30-88
THE CLUB AT NAPLES CAY	50	6-8-88 (#87-05969)	—	4-2-90
BEACHOUSE	33	2-6-89 (#88-2889)	6-21-89	9-12-90
SEAPoint	28	3-10-89 (#88-4528)	8-11-89	4-10-91



NAPLES COMMUNITY HOSPITAL, INC.

(813) 262-3131

POST OFFICE BOX 413029

NAPLES, FLORIDA 33941-3029

November 6, 1991

David W. Rynders, Esquire
City Attorney
735 8th Street South
Naples, Florida 33940

Re: Proposed Bond Issue


Dear Mr. Rynders:

As part of a long term plan of financing, Naples Community Hospital, Inc. is proposing to issue approximately \$25,000,000 in tax exempt hospital revenue bonds sometime in January, 1992.

Approximately \$14,000,000 will be used to reimburse the hospital for funds spent to construct the parking garage, implement a laboratory information system, and install a linear accelerator and special procedures X-ray room. The remainder of the proceeds will be used to fund new and routine capital equipment items.

The city council will be asked to consider the approval of this bond issue during the month of December. I will be very happy to answer any questions you may have regarding this matter.

Sincerely,


Edward A. Morton
Senior Vice President

EAM/mls



Equity Services Group, Inc.

Attachment #5

January 14, 1986

James L. Chaffee
Utilities Director
City of Naples
735 Eighth Street South
Naples, Florida 33940

Re: Naples Cay - 430 Units

Dear Mr. Chaffee:

We would appreciate developing a method we can agree to purchase water/sewer capacity over a multiyear period to ensure our phased development has guaranteed capacity. We assume such planning is in everyone's best interest and provides a mechanism for capacity to be expanded accordingly.

We would appreciate discussing this as soon as possible at your convenience.

Sincerely,

Douglas H. Speirn-Smith

DHS-S/bm



City of Naples

February 13, 1987

UTILITIES DEPARTMENT

Mr. Douglas Speirn-Smith
Equity Services Group, Inc.
6290 Corporate Ct. S.W.
Ft. Myers, Florida 33907

Subject: Water and Sewer System Development Fees
Naples Cay

Dear Mr. Speirn-Smith:

As discussed over the telephone February 9, 1987, if a 8" X 4" FMMCT is used for the above-referenced project, you will be allowed to pay for your system development fees 50 units at a time. This method has been approved by James Chaffee, Utilities Director for the City of Naples.

The following is the breakdown of the fees needed when the 8" X 4" is installed:

Water:

Cost of 8"X4" FMMCT Meter	\$ 6,261.18
Estimated Cost of Installation	2,000.00
Water System Development 50x\$325.00	16,250.00
Deposit	100.00

Sewer:

System Development 50x\$638.00	31,900.00
Inspection Fee	<u>20.00</u>

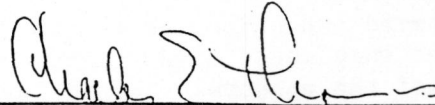
Total	\$56,531.18
-------	-------------

For temporary service, you have the option of applying for a smaller meter which requires lower fees and can be upgraded at a future date with you being given impact equity of 10 units if, for example, you choose a 2" water meter for this temporary service.

Mr. Douglas Speirn-Smith
Page -2-
February 13, 1987

If I can be of any further assistance, please feel free to
call upon me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles E. Thomas", written over a horizontal line.

Charles E. Thomas
Water Dist. & W/W Coll. Supt.

CET/dn
a:letter#4.87

TAXPAYER ACTION GROUP OF COLLIER COUNTY, INC. T.A.G.

November 1, 1991

Board of County Commissioners
Collier County Courthouse Complex
Naples, Florida 33962-4977

Dear Commissioners:

Last spring the Commissioners and the School Board retained Henderson & Young and Company to study the feasibility of creating an ordinance to apply school impact fees on new construction to help offset the staggering costs of financing growth related expansions of the Collier County School System. The Consultants estimated that they would complete the study in 120 days which they have failed to do. Time is of the essence. This delay is costing taxpayers millions of dollars since it delays passage of the ordinance.

Enclosed is a copy of the April 18, 1991 memorandum from the Florida School Boards Association which states that the State Supreme Court has determined that impact fees are permissible. We have a copy of the State Supreme Court Order should you care to see it.

The Government Finance Research Center has published a Research Report entitled Impact Fee Programs which is most helpful in understanding why and how Impact Fee Ordinances are developed and administered. Enclosed is a copy of Table 7 from this report. Please note that the School Impact Fees assessed for single family dwellings or equivalent residential units, ranges from \$135.00 to \$2,500, and the average is \$768.68. Approximately 4,000 dwellings are being constructed each year in Collier County. If a \$768.68 Impact Fee is assessed against each of the 4,000 units, it will generate \$3,074,720 per year to help pay for the immense 1991-1992 Collier County Public School capital project's budget of \$71,528,618. Granted, it is a small contribution, but every bit helps. It is hoped that the nexus study for Collier County will result in more than \$768.68 per dwelling unit which will increase the benefit to the taxpayer.

In addition to the above, Impact Fees should be assessed on other than single family dwellings which should greatly increase the fees to further offset the School System's capital expenditures, to the benefit of the taxpayer.

School Impact Fees for Collier County have been requested, debated and delayed for as long as twenty (20) years. It cannot be cast aside again. Those responsible for growth must assume a share of the costs of providing school facilities necessitated by new development.

According to the State Supreme Court Order, the larger metropolitan areas must be a party to the interlocal agreement which we assume means that if Collier County is a non-charter county, the City of Naples must be included. We urge the County to immediately contact the City of Naples and similar metropolitan areas to assure that they become a part of the interlocal agreement if so required.

Please feel free to call upon us if we can be of further assistance in this extremely important matter.

Very truly yours,
Taxpayer Action Group of Collier County

John W. Cremer, P.E.
John W. Cremer, Vice-President
Chairman School Impact Fee Committee

encls:

P.O. Box 2782 • Naples, Florida 33939



Florida School Boards Association

203 South Monroe Street • Tallahassee, FL 32301 • 904-224-1374 • FAX: 904-224-2152

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J.M. MOLTZCLAW
O'Brien

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TONY COOPER
Cocoa City

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LYDIA CLARK
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District No. 24
NANCY DETERT
Venice

NSBA BOARD OF DIRECTORS
G.HOLMES BRADDOCK
Miami

MEMORANDUM

April 18, 1991

TO: All School Board Attorneys

FROM: *JLS* Joseph L. Shields, General Counsel

SUBJECT: St. Johns County Impact Fee Case

Enclosed for your convenience is a copy of the State Supreme Court Order in the St. Johns County Impact Fee Case.

It isn't necessary for me to brief you on the order but we are proud that the Court found Impact Fees to be constitutional and the St. Johns County ordinance is permissible with a couple of requirements:

- (1) The larger metropolitan areas must be a party to the interlocal agreement and,
- (2) The section of the ordinance which allowed the developer to come up with a different fee must be scrubbed.

In short, impact fees are permissible in Florida as a result of this ruling.

JLS/pp

Enclosure

for single-family dwellings or per equivalent residential unit. Other types of dwellings, including special rates for senior citizen housing, and other land uses generally have different fees.

Table 7
Impact Fee Ranges and Averages for Single-family Dwellings
or per Equivalent Residential Units

	<u>Number of Cases</u>	<u>Range</u>	<u>Average</u>
Water Lines	9	\$185 to \$1800	\$762.44
Water Treatment	15	\$176 to \$1997	\$746.00
Combined Water Line and Water Treatment	7	\$300 to \$982	\$743.10
Sewer Line	3	\$350 to \$577	\$431.00
Sewer Treatment	14	\$250 to \$3070.20	\$1,295.30
Combined Sewer Line and Sewer Treatment	8	\$300 to \$2,279	\$1,067.14
Storm Drains	2	\$446 to \$1,000	\$723.00
Roads	31	\$298.20 to \$5,300	\$1,329.02
Parks	35	\$70 to \$2600	\$519.14
Schools	11	\$135 to \$2,500	\$768.68
Libraries	6	\$86.70 to \$314	\$161.78
Police	12	\$6 to \$134	\$56.66
Fire	12	\$49 to \$600	\$139.25
Medical	3	\$5.59 to \$84	\$48.86
Solid Waste	2	\$65.04 to \$931	\$498.02

The most common measure used to determine impact fees is the single-family dwelling unit (SFD). Other terms for the single-family dwelling unit are: equivalent residential unit (ERU), dwelling unit equivalent (DUE), and single-family detached equivalent.

Many governments charge commercial and industrial development by using an equivalency method. The equivalency method is a means of converting nonresidential land-use measures to comparable dwelling units to facilitate the imposition and calculation of the fees. For example, a business with 1,000 square feet of space that consumes water at three times the rate of a typical dwelling unit would be given a rating of 3 DUEs (or ERUs) per 1,000 square feet. This

Neighborhood Town Meeting
Wednesday, November 13, 1991
Norris Community Center, Cambier Park
755 Eighth Avenue South, Naples, Florida

Present: Kim Anderson, Mayor
John M. Passidomo, Vice Mayor
Dr. Richard L. Woodruff, City Manager
Norris C. Ijams, Assistant City Manager
Tara A. Norman, Public Information Officer
Tom Smith, Fire Chief
Glen Chesebrough, Fire Training Chief
Sheldon Reed, Fire Marshal
Paul Reble, Police Chief
Paul Sireci, Police Captain
James Byrne, Police Captain
Kevin Rambosk, Community Services Director
David Lykins, Recreation Supervisor
Nick Long, Dockmaster
William Harrison, Finance Director
Missy McKim, Community Development Director

Police Volunteers:
Robert Kirsch
Joan Phalen
Mr. and Mrs. Mark Tull

Meeting called to order at 5:05 p.m.

Mayor Anderson introduced Vice Mayor Passidomo and City Manager Woodruff; whereupon, Dr. Woodruff introduced the various members of City staff.

Mayor Anderson announced that a public forum on **community redevelopment** would be held at the Naples Beach Hotel on Wednesday, November 20th, to be sponsored by the City of Naples. She explained that one of the most important entry points in the City, the U.S. 41 corridor, was in poor condition and in need of coordinated action. On the program will be representatives from other areas of the State who have addressed similar problems, Mayor Anderson said, and urged everyone to attend the meeting.

City Manager Woodruff also commented that having recently returned to Naples after a 12 year absence, seeing how the appearance of that area had deteriorated had been a sobering experience for him.

With reference to **beach renourishment**, Mayor Anderson noted that although the courts had ruled against the tourist development tax, a proposed funding source, the City still considered beach renourishment a need which required special attention. The City

was therefore providing input to Collier County with reference to use of the funds collected from the tax, she said, and the hotel owners involved were also working on a compromise.

Although beach renourishment inside the city limits alone would cost between \$12 and \$15 million, there is considerable variation from area to area in how much renourishment will be needed, Mayor Anderson indicated, and explained that funding sources which could be considered include ad valorem taxes, sales taxes, long-term bonds or possibly even the tourist development tax, if reinstated. Other prerequisites which must be met prior to beginning any beach renourishment efforts include such State of Florida requirements as engineering studies, turtle protection measures, and a pass management plan for the two passes which impact the beach area in the City. To accomplish the latter, a \$120,000 study will be required, and another \$1 million is estimated in expenditures to accomplish the State permitting process before any sand can be placed on the beach. In addition, Mayor Anderson said, because of turtle nesting seasons, the project would extend over two years necessitating additional start-up costs. This all could mean that it would be two to three years before any sand could be placed on the beach, she concluded.

Community Development Director Missy McKim then reported on **affordable housing** issues. Mrs. McKim indicated that a major problem for the City in satisfying the need for affordable housing is finding land which can be developed for this purpose; a small site north of the Naples Daily News building has, however, been acquired through Community Development Block Grant funds. Other avenues, therefore, must be pursued, including possible counting of guest houses as part of the City's affordable housing inventory as well as, through amendment to the City's Comprehensive Plan, making Stoney's Mobile Home Park a conforming use so that units there could remain and be improved, thus continuing to provide affordable housing. She also indicated that there was a possibility that the City and County could work together to provide affordable housing outside the city limits for people working inside the City through the City funding impact fees for those projects. In addition, the City and County have formed a joint Affordable Housing Commission which will address the waiving of impact fees on affordable housing projects. While this latter idea has been rather controversial recently, Mrs. McKim said, the controversy is largely attributable to the fact that no guidelines had been established prior to the proposal being considered. On the other hand, the City's comprehensive Development Code has already addressed the waiver of City impact fees for specifically defined affordable housing projects. Citizens will soon have an

opportunity to comment on the City's overall affordable housing strategy and the use of Community Development Block Grant funds, which had previously been used only for housing assistance payments, to instead address affordable housing needs.

Mrs. McKim continued her report by reviewing the City's progress on **housing code revisions**. A staff committee, together with Council Member Herms, had been reviewing the City's minimum housing code including minimum standards for housing units as well as a commercial maintenance code. Once the housing code revisions are enacted after the first of the year, Mrs. McKim said, inspection and improvement of units in the River Park area will begin.

Community Services Director Kevin Rambosk then reviewed measures which were being taken to correct problems discovered at the **City Dock**. A former City employee had been arrested, tried and convicted in conjunction with illegal activities, operating policies have been revised, and now with the discovery of structural problems, a marine consultant had made an inspection. It was determined that some pilings should be replaced while others could be wrapped to protect them from further damage. Mr. Rambosk also explained the philosophy that the City Dock should be self-supporting and that no ad valorem taxes be used for this purpose. To that end, rate revisions will be proposed to the City Council in the near future, he added. A report outlining the specific actions which have been taken at the City Dock is available at the City Clerk's office.

Anthony Park improvements were also noted by Mr. Rambosk who said that in addition to work which was now being accomplished in the amount of \$54,000, a four-phase program will continue to upgrade this facility. However, each of the phases will be reviewed with area residents to determine whether the planned improvements are still in line with their desires. A rededication ceremony will be held on December 15th.

City Manager Woodruff observed that the cost of the consultant used to inspect the City Dock was just \$400 and assured the audience that the City's current management team is not oriented toward the **use of consultants** unless a specific expertise is required. Because the management team is the community's hired professionals who are paid to give the Council their professional advice, this will be the first option used; seeking outside consultant assistance is the second option. He estimated that a consultant would have charged \$15,000 to \$20,000 to complete the City Dock operations study which was done by staff and that the Anthony Park planning would have been in the neighborhood of \$5,000 to \$7,000 if done by a consultant rather than in-house.

The next topic introduced by Dr. Woodruff was **tax equity** which he said is referred to in various ways but which is the question of whether City property owners, who pay taxes to both the City and County, are receiving a level of service from the County in proportion to the amount paid. Although the State Supreme Court has ruled that there is no such thing as tax equity, he said, what is really meant by this is that the court does not want to deal with the issue. The total assessed value of property in the County is \$14 billion, one-third of which is represented by property values inside the City. Taxpayers inside the City pay \$4.8 million in ad valorem taxes to support City government but \$17 million to support County government. In addition, when the County receives shared revenue from the State, Dr. Woodruff pointed out, it is based on population which includes people who live inside the city limits; this source amounts to approximately \$10-12 million additional revenue per year to the County. The question is, he said, what services are returned to City residents by the County. Therefore, tax equity is one of the issues to be researched by the City in the coming year which goes with the knowledge that it will most likely cause dissention between the two governments. While there are services provided by the County which are not duplicated by the City, such as tax collector and property appraiser, there are other areas, such as Sheriff's patrols, which will be investigated. Dr. Woodruff observed, for example, that there is no accident investigation inside the City performed by either the Sheriff's Department or the Florida Highway Patrol.

Privatization was the next issue addressed by Dr. Woodruff. "We do not look at government as a way of employing people but as a way of providing service," he said, and indicated that services performed by the City would be examined to determine whether they would be more economically provided by companies in the private sector. The first such services to be examined are maintenance of the Goodlette Road Linear Park, vehicle fuelling services, collection of recyclables in the condominium areas, and collection of traffic tickets.

Dr. Woodruff also announced that **recycling containers**, which had been requested by the City's solid waste customers, would be provided in the near future using \$25,000 in grant funds.

With reference to the **lethal yellowing** outbreak, Dr. Woodruff reported that two cases had been confirmed in palm trees within the city limits in the Crayton Road/Banyan Blvd. area. Tree inoculations had immediately begun in City rights-of-way, and Dr. Woodruff noted that owners of palm trees, particularly coconut palms, may want to do the same.

Public Information Officer Tara Norman then reviewed the holiday food and toy collections underway by the **City Employee**

Volunteers. Dr. Woodruff then also recognized members of those **Police Volunteer Corps** present for the many hours of community service provided by them and their membership.

The floor was then opened for questions from the audience.

The first question involved how guest houses are evaluated for **affordable housing**. This citizen expressed concern that most were not up to an acceptable standard for occupancy. Dr. Woodruff explained that the minimum housing code would come into play when units were not up to standard, although he predicted that few people present would find even a unit which met this minimum to be up to their requirements for residency. He said that the City believed, in fact, that most guest houses were occupied and at the present time the City was not getting credit for them as part of the required affordable housing stock. Dr. Woodruff further clarified the description of affordable housing as it applied to units in the City of Naples. The definition of affordable housing differs between communities depending upon the average income of residents, the average real estate purchase prices, average rental costs, etc., meaning that a single parent with two children and a family income in the \$40,000 range could qualify for an affordable unit, or a rental of approximately \$600 per month.

The question of whether renting guest houses was legal was then raised by a member of the audience. Dr. Woodruff explained that while the renting of guest houses is technically illegal, the City must prove that the unit has not been rented continually since 1948, which is very difficult to do. Nevertheless, the Comprehensive Plan would have to be amended if guest houses were to be considered as part of the affordable housing stock.

Another citizen, who said he was president of a condominium association, asked what, if any, **garbage and water rate increases** could be anticipated in the coming year. Dr. Woodruff explained that because the City must use the County landfill, and because tipping fees have gone from \$9.00 per ton in 1990 to a current charge of \$25.00 per ton, it would be difficult to estimate how much of an increase in garbage rates would be necessitated by continuing increases. He pointed out, however, that on the east coast some areas are paying \$135.00 per ton for landfill tipping fees for household refuse. Rate increases, therefore, were not being driven by the City but by both County landfill costs and also by environmental requirements imposed on the federal level. Dr. Woodruff also noted that a water rate adjustment would probably go to the City Council for approval after the first of the year, although he said he was unable to advise of the exact amount; nevertheless, the rate charged by the City for water service is 1/4 of the County rate. "A County-wide water system merger causes me to sweat," he said. He also reminded the

audience, however, that the City lost \$400,000 in revenue when Collier County took over water service to Pelican Bay, which represented 5% of the City's total water revenue.

In response to another question regarding water service to areas of the County, Dr. Woodruff explained that the City had indicated to the County that its system could continue to serve Pelican Bay on a short-term basis but not in the long term. This is due to the fact that the City's wellfield and processing capacity is planned to ultimately accommodate a franchise area which is already defined and encompasses much more than just the area inside the city limits.

A member of the audience then inquired about the status of redevelopment of the **United Telephone Building** on Fifth Avenue South and also of the **Bayfront Marketplace** project. Dr. Woodruff explained that while the United Telephone Building in its present condition does not violate current laws, future regulations would be put in place to prevent situations like this from occurring. He said, however, that he had advised the building owner that within 30 days the City right-of-way which is currently blocked for construction must be vacated, although the parties in the law suit which halted construction, he said, appeared to be closer to reaching a resolution of their differences. The Building Division had been ready to issue building permits for the past six months; however, because the suit involving the project's parking garage prevented the developer from guarantying parking to building tenants, no tenants had signed leases. This had prevented the developer from obtaining the necessary financing. With reference to the Bayfront Marketplace (former Harbourtowne Shopping Center), Dr. Woodruff reported that debris was in the process of being removed from the site, but due to an easement dispute between the developer and the occupants of the Mariner's Cove apartment complex, a redesign of the project may be necessitated.

With reference to the **City Dock**, Attorney Ben Parks, who said he had once served as City Attorney, indicated that he had advised past City Councils not to get into a profit-making enterprise and that management of the City Dock could be much better accomplished if it were contracted out. Bureaucracy has hidden costs, he said, and further registered his objection to the City Dock competing with local private enterprise. Dr. Woodruff said that in order to obtain information on privatization, however, the City must have knowledge of what it costs to operate a facility like the City Dock when it is well run; based on the past history of the facility, this information would not be available until the dock was put into operation under proper procedures.

Another citizen complained about what he said was the "deplorable condition" of **Naples Landing** and objected to private enterprise (dredging contractors) being able to use space there. This causes parking problems to spread around the neighborhood, he said, although the Police Department has been very cooperative when complaints were called in. Dr. Woodruff promised to look into this situation.

Further concern about the feasibility of providing **affordable housing** was expressed by a citizen who said it would be difficult to encourage redevelopment in this recessionary time, both of affordable housing and in the commercial corridor previously referred to by Mayor Anderson. This individual also asked what could be done if all the sand put in place for **beach renourishment** were removed by a severe storm as had occurred in Maryland. Mayor Anderson responded that she felt it was inappropriate to consider a beach renourishment plan without also making provision for maintenance, which was one of the things the tourist development tax was to be used for. She said that she could understand why a great loss of sand had occurred in an area like Maryland but that because of its location Naples was in a better position to retain sand on its beaches. Mayor Anderson said that she felt combining affordable housing with a redevelopment effort could have positive effects because introducing mixed uses into the area could be beneficial and actually encourage investment. Regardless of the direction redevelopment takes, Mayor Anderson said, it is vital that there be broad-based community support.

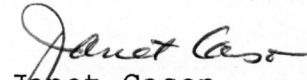
Vice Mayor Passidomo said he shared Mr. Parks' views on the **City Dock** and that he felt government was not meant to get into business. While he said that he understood the City's efforts to provide a method of measuring profits, he supported putting the dock operation out for competitive bids, a practice he predicted would be seen more and more in the future. "We must recognize the park function of the dock, and we have to retain all of those benefits as well as looking to the privatization aspect," he said.

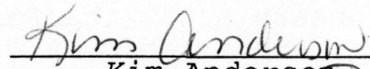
In closing, Mr. Passidomo told the audience that he found great benefit in attending meetings like this one but urged citizens to participate in government. "You will have a better understanding of what is going on. We cannot serve unless we have your input," he added.

The final question from the audience involved the status of implementing Naples Bay speed limits. Dr. Woodruff responded that the necessary paperwork to request permission to post the speeds had been sent to the State of Florida, and the City was awaiting response.

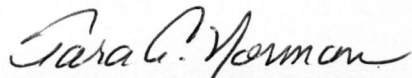
Mayor Anderson echoed Mr. Passidomo's statement on the importance of citizens attending government meetings. "Our responsibility as citizens does not stop in the voting booth," she concluded.

Adjourned 6:35 p.m.


Janet Cason
City Clerk



Kim Anderson, Mayor


Tara Norman
Public Information Officer
(Recording Secretary)

These minutes approved on February 19, 1992 .