



# *City of Naples*

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City Council Workshop Meeting  
Monday, December 7, 1992  
Convened 9:05 am / Adjourned 1:40 pm

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# *City of Naples*

City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

## **City Council Workshop Meeting - December 7, 1992 - 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided.

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### **ROLL CALL**

**Present:** Paul W. Muenzer, Mayor  
Fred L. Sullivan, Vice Mayor

Council Members:  
Kim Anderson (left at 12:10 p.m.)  
R. Joseph Herms  
Alan R. Korest  
Ronald M. Pennington  
Peter H. Van Arsdale

### **Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
John Cole, Chief Planner  
Missy McKim, Community Development Dir.  
Steve Uman, Building Official  
Ann Walker, Planner II  
Susan Golden, Planner I  
Marilyn McCord, Deputy City Clerk

Werner W. Haardt  
Tom O'Riley  
Robert Noble  
Barry Johnson  
Charles Rhoades  
Other interested citizens and visitors

**Media:**  
Eric Staats, Naples Daily News  
Paul Kenney, WBBH-TV

## **City Council Workshop Meeting - December 7, 1992**

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### **ITEM 1**

#### **ITEMS TO BE ADDED**

It was the consensus of Council to add the following items to the agenda:

- Item 4 - Discussion of the City/County Beach Renourishment Advisory Committee
- Item 5 - Review Agenda of the December 9, 1992 Joint City/County Meeting
- Item 6 - Review City Charter with respect to petition being filed (Coastland Mall)
- Item 7 - Report on City's recycling program

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### **ITEM 2**

#### **DISCUSSION OF GUEST HOUSES/GUEST SUITES. CONTINUED FROM AUGUST 31, 1992 WORKSHOP MEETING.**

Community Development Director Missy McKim told Council that the main issues pertaining to the guest house/guest suite matter were: 1) the renting of guest houses, 2) the definition of guest houses versus guest suites; and 3) the issue of the guest house becoming the principal structure when a main house is demolished. The third issue was addressed at the August 31, 1992 Council Workshop and consensus was reached regarding the rebuilding of a main house when there is a guest house on the property. City Manager Woodruff advised that the Community Development and Finance Departments were currently working together on an analysis of guest house utility bills and were attempting to determine how many are on one meter and how many are on multiple meters. This information will be available for Council in the near future.

Council Member Anderson suggested that each Council Member state any specific concerns or questions relating to the issue. She also suggested disregarding the term "guest suites." Dr. Woodruff pointed out that there are guest suites being built which staff believes are actually guest houses. From an administrative standpoint, he said, direction is needed in order to have some degree of compliance since staff has been in an awkward position for citation purposes.

Registration of guest houses was discussed. This would make it possible for certain guest houses to be counted as part of the City's affordable housing stock. Council Member Anderson said that it was also important to protect the rights of those people who have rented out their guest houses for a period of time, noting, "This has been quietly accepted but let's set a definite line so it's not continued in other neighborhoods." Dr. Woodruff confirmed that the City could only be credited for affordable housing if there was some type of registration process. Mrs. Anderson suggested

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implementing a questionnaire which owners of guest houses would file with the City every year. This questionnaire could denote whether the rental was on a seasonal or annual basis and if it was provided for someone employed works on the property which would qualify it as affordable housing. If people do not register and are leasing guest houses, there should be an immediate fine.

Council Member Pennington emphasized the importance of enforcing the City's laws. He said that he had been appalled at the condition of some guest houses in the City and observed situations that were not only unsightly but potential safety hazards. If renting of guest houses is to be allowed, said Mr. Pennington, the City should ensure that they are safe through an inspection process. He said that licensing guest houses could be required and should inspection requirements be established, those requirements should be well defined and publicized. Mr. Pennington also asked if a guest house were to be labeled affordable housing, would the City have a legal right to control the rent? Also, if a guest house was rented for a short time, should the tenants be paying Tourist Development Tax? Mr. Pennington concurred that the City should not differentiate between guest houses and guest suites. He read questions pertaining to guest houses which had been submitted to him by Robert and Marcia Flynn (Attachment #1).

Council Member Korest commented, "We need to recognize that guest houses have been part of the Old Naples scene for many years. I'd like to see some sort of zoning regulations change to recognize this. I think the intensity is already there and don't see that as a problem. I would like guest houses allowed to be refurbished but not beyond their original footprint." Mr. Korest said that he also had concerns about having the ability to count this stock as affordable housing, however, he added, he envisioned guest houses going in and out of the affordable housing category or depending on seasonal use as ownership changes. He said that he could foresee considerable staff work should such a serious regulatory effort be imposed on guest houses. Mr. Korest agreed that Old Naples should have its own zoning district and said that he was not in favor of allowing any new guest houses in other areas of the City.

Council Member Herms stated that in order to enforce guest house regulations, more employees would be needed and many cases would come before the Code Enforcement Board, consequently resulting in many irate citizens. He said that he would have no problem with some sort of registration procedure or with staff members surveying neighborhoods. Mr. Herms recognized that guest houses should be inspected if there appeared to be a safety hazard. He said that he was not necessarily in favor of setting up a separate zoning district but was in favor of allowing the existing districts to be approved. Mr. Herms also concurred with eliminating the term "guest suite." Because of density problems, he said he would not be in favor of additional guest houses. Mr. Herms also commented on the fact that there have been substantial tax increases in the neighborhoods discussed and therefore, a number of people had begun to rent a portion of their homes in order to pay those higher taxes.



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Council Member Van Arsdale remarked that he definitely would not want the City to become involved with regulating rents. He said that he believed the main problem was controlling expansion of rental properties on existing single family properties. With respect to affordable housing, Mr. Van Arsdale suggested possibly paying a property owner an annual fee to register in the affordable housing pool.

Vice Mayor Sullivan reminded Council that for three years they had been discussing the need to be consistent in enforcing laws. He said that he was opposed to neighborhood zoning. With respect to refurbishing guest houses, Mr. Sullivan said that should only be allowed within the existing footprint and volume. He stated that he was a firm believer in affordable housing, however, he was concerned about too much government intrusion which could occur should registration be implemented. Mr. Sullivan said that perhaps all rentals should be charged a fee which would be dropped when a rental unit qualifies for affordable housing. With respect to guest suites, Mr. Sullivan pointed out that there are families in Naples who probably would like to provide housing facilities for elderly family members. Today's restrictions make that impossible. Mr. Sullivan remarked, "We do a disservice when we deny that capability to residents. With the state of what's happening today and the potential for abuse that exists, many people would feel more comfortable if they could be near them but not intruding on them. Eventually those same elderly people could cause us other financial problems. This is a trend that will become much more evident and widespread over the years." He also said, "I think we're groping for a simple answer to an extremely complex problem. To continue to hide behind an unenforceable ordinance is not wise."

Mayor Muenzer noted that Old Naples was a unique area with many existing guest houses, the majority of which have become year-round residences. It is imperative, he said, to comply with affordable housing needs. The Mayor also expressed a desire to establish regulations which would allow people to make improvements. He stated that Council cannot get involved with mandating Tourist Development Tax money for guest houses. Should a voluntary registration process be established, he said, it should involve a very basic survey sheet and a minimum fee, if any.

City Attorney Chiaro advised Council that they must determine where they want to allow rentals. Anyone presently renting out guest houses is doing so in violation of the law, although there may be some very minimal grandfather rights. Rent control cannot be enacted without going through a very complicated statutory procedure.

**BREAK:** 11:00 a.m. - 11:06 a.m.

Council Member Anderson enumerated the various suggestions made by Council:

- If guest houses are to be regulated, the laws must be enforced and penalties imposed.

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- Guest houses can be rebuilt within the original footprint and cubic volume.
- All Council Members, with the exception of Mr. Herms and Mr. Sullivan, agreed that neighborhood zoning districts should be established.
- Eliminate as much governmental regulating as possible.
- Keep the procedure as simple as possible.
- Take credit for as much affordable housing stock as possible.
- Until such time as neighborhood zoning is instituted, establish a minimum size for guest houses.
- Quantify whether or not Council will allow rentals.
- Make it very difficult for neighborhoods other than Old Naples to have rentals.

Community Development Director McKim suggested that overlay districts be developed which could be adopted whenever Council so desires. These overlay districts would apply to lots less than 30,000 square feet. Current guest house provisions could stay in place for lots over 30,000 square feet in size. Ms. McKim also suggested establishing a size limit on guest houses and allowing one detached structure per lot which should meet current regulations and have parking space on the lot. She proposed that over the next six to twelve months, people could be allowed to register existing guest houses or suites which are rented. Anything not registered by the deadline would not be grandfathered. Council Member Anderson interjected that a substantial penalty could be instituted for those not registered at the end of the registration period, to begin the day they are discovered to be in fact renting. Ms. McKim told Council that staff would begin the enforcement process through such methods as studying newspaper advertisements, contacting local realtors, and investigating rental signs. It was the consensus of Council not to expand rental possibilities within the City.

Ms. McKim summarized Council's suggestions:

- Enforce the law.
- It was the consensus of Council that staff should design an overlay district for guest houses. This will be brought to Council for consideration.
- Eliminate the term "guest suite" throughout the City.
- Renovation to be allowed within the original footprint.

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- Establish credit for affordable housing.
- Eliminate excessive governmental regulations.

Ms. McKim announced that the draft regulations would go to the PAB (Planning Advisory Board) first, then to Council. She said that staff would not be comfortable instituting a registration procedure until regulations are established.

It was the consensus of Council that guest houses will be between 250 and 400 square feet in size. On the basis of today's suggestions, staff will draft guest house regulations, to be presented to the PAB for deliberation, then to Council.

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### ITEM 3

#### **DISCUSSION OF PROPOSED STANDARDS FOR CORNER VISIBILITY. CONTINUED FROM OCTOBER 19, 1992 MEETING.**

City Manager Woodruff described the proposed corner visibility standards, reminding Council that trees within the corner visibility zone would be exempt as long as they have cleared the area from two and one-half to six feet above the ground.

Mayor Muenzer commented that, in his opinion, there were more problems of visibility on the U.S. 41 dividers than there were within the City neighborhoods. Planner II Ann Walker informed Council that a survey had indicated that most accidents occur at signalized intersections.

Council Member Korest asked why it was necessary to adopt an ordinance specifically defining a clearance rather than simply stating that adequate clearance should exist at corners. City Manager Woodruff stated that it was necessary to either have a quantifiable standard, or no regulations, for corner visibility. In the absence of a standard, he noted, the City had nothing by which to direct the property owner to correct a situation. Dr. Woodruff said that the proposed standards would measure from the actual asphalt curb line.

Council discussed the necessity of regulating corner visibility. City Attorney Chiaro informed them that the City has the ability to trim bushes and trees in situations where unsafe conditions exist. This would apply to City rights-of-way as well as privately owned bushes and trees which overhang onto City rights-of-way.

It was the consensus of Council that staff should draft the necessary legislation to repeal the existing corner visibility ordinance.

## City Council Workshop Meeting - December 7, 1992

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### ITEM 4

#### DISCUSSION OF CITY/COUNTY BEACH RENOURISHMENT ADVISORY COMMITTEE.

Council Member Pennington distributed and reviewed proposed changes to the Beach Renourishment Committee, made by the existing Committee (Attachment #2). It was recommended that a new Committee be formed, maintaining the present quorum as a core group. Mr. Pennington said that the question still exists whether or not elected officials should be included on the Committee. Adding representatives from specific beachfront areas in the County, such as Marco Island and Vanderbilt Beach, had been recommended. It was suggested that the new Committee be formally established by a City/County interlocal agreement. Mr. Pennington told Council that in the opinion of the present Committee, the proposed County ordinance was unacceptable.

Mr. Pennington reviewed some of the Committee's background. He stated that if a reasonable agreement could not be reached with the County, it may be necessary to retain the present City Committee. Mayor Muenzer emphasized, and Mr. Pennington agreed, that it would be a mistake to place this Committee and the beach renourishment funding under the jurisdiction of the TDC (Tourist Development Council). The Mayor said that he personally believed that any funds should be administered through the County rather than through the TDC.

Council Member Korest said that perhaps this matter should be handled administratively by the City and County staffs. He suggested that City staff take Council's input to the appropriate County staff members, for negotiation of a cooperative, enlarged Committee. Mr. Korest said that he was not in favor of a new Committee as presently proposed by the County.

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### ITEM 5

#### REVIEW AGENDA OF JOINT CITY/COUNTY MEETING, DECEMBER 9, 1992.

City Manager Woodruff announced that he would give an orientation to the new County Commissioners. He noted that this will be an excellent opportunity for City Council and staff to educate the County Commissioners about City government.

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Mayor Muenzer told Council that he would have stormwater utility maps available for their viewing. He emphasized that he would be asking the County to give top priority to stormwater prevention in Naples Bay.

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With respect to Item E on the Agenda, 'Discussion regarding outstanding monies due the County for Airport Road project,' City Manager Woodruff explained that the City had agreed to pay a portion of the expenses. The County now claims that there are additional charges and has signed a change order. Dr. Woodruff stated that the ordinance had been violated because the County did not first get pre-clearance for that change order from the City. Staff will report on the status of those City water customers on Pine Ridge in the area of Pace, Checkers, etc.

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### ITEM 6

#### **REVIEW CITY CHARTER WITH RESPECT TO PETITION TO BE FILED REGARDING COASTLAND MALL EXPANSION.**

City Manager Woodruff announced that City Clerk Janet Cason had received a letter from Attorney Robert Gebhardt, who represents Penelope Taylor. Ms. Taylor formed a petitioner's committee for the purpose of commencing a referendum proceeding in connection with the legislation recently adopted approving the Coastland Mall expansion. Dr. Woodruff clarified that at no time before December 3, 1992, had requests been made for the City to provide copies of the pertinent ordinance and resolution. He explained the procedures involved in the initiative process as well as the referendum process. A petition must be filed within thirty days after adoption by Council, which occurred on November 18, 1992.

Should a referendum be required, it would be at the City's expense and would cost approximately \$25,000.00 to \$30,000.00. Supervisor of Elections Mary Morgan presently has no contract with the City to handle special elections. City Attorney Chiaro stated that, in her opinion, the Supervisor of Elections is responsible for verifying signatures on the petition according to State Statute.

Dr. Woodruff informed Council that the petition committee had asked permission to set up a table in City Hall for the purpose of collecting signatures. He denied their request, which is his prerogative, since he had consistently denied similar requests from many other groups. Written permission from the City Manager is required for such activities. The petition committee did, in fact, set up a table however, their attorney had been notified that it must be removed. They do have the right to stand on City property and collect signatures, however.

**City Council Workshop Meeting - December 7, 1992**

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**ITEM 7**

**REPORT ON CITY RECYCLING PROGRAM.**

Council Member Herms, who had requested this item, asked for Council's support of the recycling program. He said that the equipment currently being used was archaic and difficult for the employees to operate. City Manager Woodruff pointed out that in September, Council had authorized the purchase of containers which will be used for newspaper recycling. Staff is presently writing the specifications for the vehicle needed for picking up those containers.

"We need a complete program," said Council Member Herms. Staff will provide a report of the entire recycling program. Dr. Woodruff also told Council that staff was in contact with Waste Management Company which hopes to make a proposal to the City.

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**ANNOUNCEMENTS/CORRESPONDENCE/COMMUNICATIONS**

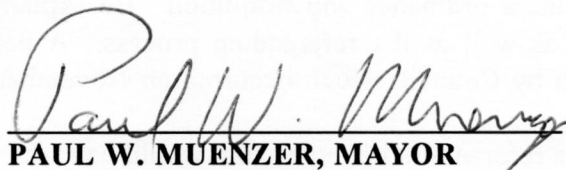
City Manager Woodruff announced that evaluations for the City Attorney and for himself will be distributed to Council in the near future.

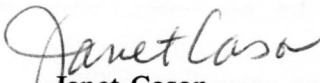
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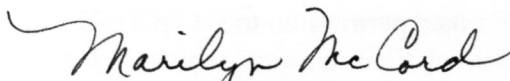
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**ADJOURN: 1:40 p.m.**

  
**PAUL W. MUENZER, MAYOR**

  
Janet Cason  
City Clerk

  
Marilyn McCord  
Deputy City Clerk

These minutes of the Naples City Council were approved on 1/6/93.

ROBERT AND MARCIA FLINN  
144 Tenth Avenue South  
Naples, Florida 33940-6819

**QUESTIONS TO CONSIDER WITH GUEST HOUSE DISCUSSION**  
**December 7, 1992**

1. What is your definition of a guest house?
2. Are you counting only guest houses on property zoned single family?
3. Can you provide me with a list of the 200 guest houses you have identified? Are some of these guest houses on multi-zoned lots to be considered houses and not guest houses? Are you counting guest houses in Port Royal and all other city neighborhoods?
4. Does the city intend to create and enforce rent control?
5. If the city legalizes the renting of guest houses, will it apply to **all** guest houses or only those that rent for \$750. or less per month?
6. Why would I want to rent my guest house on a yearly lease for \$750. per month, or less, when I can make the same amount of money by renting it seasonally to winter guests for \$2000. per month? I would have less wear and tear on my property, less density in my immediate neighborhood, and be able to use my guest house out-of-season for myself.
7. Why do guest houses need to be inspected?

Does the city inspect all condos, apartments and houses before it allows such property to be rented?

If the city suspects a guest house may not meet the codes, then why not make an inspection, a determination and if necessary, enforce the law?

8. Why does the utility dept. require two water meters for a single family property with a guest house that cannot be rented? Since the city does not allow me to offer my guest house for another family's use, why must I pay as if I can?

Why is the above provision not uniformly applied to all single family properties with a guest house?

9. How would the city enforce changes to guest house ordinance?
10. Consider repealing present ordinance. Allow owners to register their guest houses if they fall under affordable definition.

12/07/92

Proposed Changes to Beach Committee:

12-7-92

I. Majority of members to be non-city residents.

II. Establish as a Subcommittee of TDC.

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Comment:

1. The existing city committee was formed in February 1991 after the demise of the county ad-hoc beach committee following voter rejection of sales tax as the beach funding source in 1990.
2. The city committee has, since inception, pursued the goal of beach renourishment from a total county perspective. Determination of beach areas to be restored was made by the county, as recommended by their consultant. The city committee has not suggested any change to those areas. Early on the committee requested representation from the county which resulted in Commissioner Saunders appointment to the committee. Additionally, county staff, usually Mr. Harry Huber, has been a continuing participant and Frank Blanchard, from Marco Island, is a technical advisor. The present committee consists of a group of dedicated individuals who have spent hundreds of hours in collecting and evaluating data; bringing in experts from around the state, including representatives from the Army Corps of Engineers, DNR, and other professionals in nourishment of beaches; representatives from communities that have experienced successful nourishment projects; and every advocate of different methods of beach nourishment or enhancement that wished to come before us. From all this the committee has generated a plan of action with milestones to enable beach renourishment to become a reality. Additionally, committee members have worked at keeping the public informed through the print media, TV and radio talk shows and speaking to groups as diverse as a Chamber of Commerce committee and the D.A.R., including many property owners associations and Commissioner Volpe's 2nd District meeting. These efforts most assuredly were a significant contribution toward the degree of public support evidenced by the tourist tax vote.
3. Last January the County Commission was provided a presentation of the committee's proposed beach renourishment program, as adopted by City Council, with a request for endorsement by the commission. The commission chose to take no action other than to accept the report.



4. During the committee's meeting of last August, the desirability of recognition of the committee by the County Commission was again discussed. Action to that end was initiated by Commissioner Saunders and it was brought before the board in September. At that time Commissioner Hasse recommended addition of some additional representation from the county; however, the conclusion seemingly was that the present committee would be the nucleus, with some augmentation from the county.

5. County augmentation has now apparently evolved to where many different factions, areas and groups want to have representation on the committee. The committee has carefully avoided this being a city vs. county issue, or for the program to become embroiled in political or partisan issues. We are not opposed to some additional members from the unincorporated area of the county. However, for the existing committee to become the minority is considered inappropriate. Also, the suggestion that the committee become a subcommittee of the TDC is not considered appropriate, as the two advisory bodies have totally different responsibilities. The only common thread is that the TDC has a statutory responsibility to review and recommend any program functions to be funded by TD tax funds and to provide a review of expenditures to ensure appropriateness.

6. It must be recognized that of the nine miles of beach cited for nourishment,  $1\frac{1}{2}$  miles are Vanderbilt Beach and the remaining  $7\frac{1}{2}$  miles are within the city; of the 47 public beach access points in the county, six are in the unincorporated area and 41 are in the city. To the city, our beaches are of extraordinary importance. Therefore, if we cannot reach a reasonable agreement on a combined committee, it may be necessary that the city retain its existing committee and reduce our scope of concern to the beaches and two passes within the city. The county could then establish a separate committee for the unincorporated areas.

Naples, Florida, December 9, 1992

LET IT BE REMEMBERED, that the Board of County Commissioners in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 9:00 A.M. in JOINT SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Michael J. Volpe

VICE-CHAIRMAN: Burt L. Saunders

John C. Norris  
Timothy J. Constantine  
Bettye J. Matthews

CITY OF NAPLES:

MAYOR: Paul W. Muenzer

VICE MAYOR: Fred L. Sullivan

Kim Anderson  
R. Joseph Herms  
Alan R. Korest  
Ronald M. Pennington  
Peter H. Van Arsdale

ALSO PRESENT: Annette Guevin and Ellie Hoffman, Deputy Clerks; Neil Dorrill, County Manager; Jennifer Edwards, Assistant to the County Manager; Ken Cuyler, County Attorney; Richard Yovanovich, Assistant County Attorney; George Archibald, Transportation Services Administrator; Frank Brutt, Community Development Services Administrator; Tom Olliff, Public Services Administrator; Bill Lorenz, Environmental Services Administrator; Fred Bloetscher, Assistant Utilities Administrator; Tom Conrecode, Capital Projects Management Director; Greg Mihalic, Affordable Housing Director; John Boldt, Water Management Director; Vlad Ryziw, Transportation Engineer Project Manager; Dr. Richard Woodruff, City Manager; and Maria Chiaro, City Attorney.

COLLIER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
CITY OF NAPLES  
CITY COUNCIL

AGENDA  
Wednesday, December 9, 1992  
9:00 a.m.

NOTICE: ALL PERSONS WISHING TO SPEAK ON ANY AGENDA ITEM MUST REGISTER PRIOR TO SPEAKING.

ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THESE BOARDS WILL NEED A RECORD OF THE PROCEEDINGS PERTAINING THERETO, AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ALL REGISTERED PUBLIC SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES UNLESS PERMISSION FOR ADDITIONAL TIME IS GRANTED BY THE CHAIRMAN.

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. BOARD OF COUNTY COMMISSIONERS

- A. Recommendation to consider a request from the City of Naples that the Board of County Commissioners hear a proposal from the City relative to the creation of EMS user fees to reduce or eliminate the dependence of ad-valorem property tax to fund EMS.
- B. City/County water and sewer issue discussion.
- C. Requirements for receiving funds under Florida State Housing Initiatives Partnership (SHIP) documentary stamp tax funds.
- D. Ordinance creating the City/County Beach Renourishment Advisory Committee to advise the Board of County Commissioners and the Naples City Council on providing beach renourishment facilities and improved storm protection of beaches in Naples and Collier County.
- E. Discussion regarding outstanding monies due County for Airport Road project.
- F. Discussion regarding beach renourishment - engineering and design without the use of a special taxing district and/or bonding.

4. CITY OF NAPLES

- A. Orientation of three new County Commissioners.
- B. Discussion of reorganization of the Bay Management Organization (resolution will be distributed at the meeting).
- C. Stormwater utility - review of County/City programs.
- D. Overview of City of Naples EMS proposal.
- E. Beach renourishment reorganization (resolution will be distributed at the meeting).

5. ADJOURN

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Tape #1  
(80)

APPROVAL OF AGENDA

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Commissioner Saunders moved, to remove Item #3D from the agenda for alternate discussion.

The motion died for lack of a second.

Council Member Anderson noted several items under the Board of County Commissioners and City Council are related. She suggested discussion of those items be heard together.

It was the consensus of both groups that related items be heard as one discussion.

Commissioner Matthews moved, seconded by Commissioner Norris and carried unanimously, to approve the agenda as presented.

Mayor Muenzer noted that the City Council will continue their normal practice of roll call votes on their motions.

Council Member Pennington moved, seconded by Councilman Herms, to approve the agenda as presented. Upon roll call, the motion carried unanimously.

(284)

Item #3A & #4D

PROPOSAL FROM THE CITY OF NAPLES RELATIVE TO THE CREATION OF EMS USER FEES TO REDUCE OR ELIMINATE THE DEPENDENCE OF AD VALOREM PROPERTY TAX TO FUND EMS - COUNTY MANAGER DIRECTED TO MEET WITH CITY MANAGER TO SET UP EMS UTILITY AND RETURN WITH PROPOSAL AT THE NEXT JOINT MEETING IN MARCH, 1993

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Dr. Richard Woodruff, City Manager, noted the Board of County Commissioners is not being asked to authorize a program this date, rather to consider a new way of looking at EMS. He gave a brief overview of why the City began to look at the EMS issue. He noted the primary question concerns whether there is a better way to fund EMS than the way it has always been done. He indicated this presentation shows the justification for such an alternative. He explained that through information received from the Property Appraiser, the City believes a more equitable system is to establish user fees which would



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cost each residential unit approximately \$18.38 per year with a transportation charge or \$46.96 without a transportation charge. He noted the figures being presented are based on the urban area only, and exclusively pertain to developed residential properties.

Commissioner Volpe remarked that calls for service have proven much higher in retail, office or commercial space as opposed to residences. He suggested that point must be factored into the proposal and questioned how commercial properties would be billed under the City's proposed system?

Dr. Woodruff explained if it is decided that commercial properties are to be included, an equivalent residential unit (ERU) system can be established, whereby those properties would pay based on their equivalency to single-family homes. He noted that would substantially reduce the cost to the residential units.

Commissioner Saunders commented the City's proposal is a persuasive argument for an alternative funding mechanism. He said the Board has been struggling with how to fund EMS, and suggested a decision be made this date whether to accept the concept that there is a better way to fund this service.

Commissioner Matthews mentioned her concern that the transportation fee would be eliminated. She suggested that issue be revisited. She said that otherwise, she agrees with the need for an alternate funding mechanism.

Dr. Woodruff indicated his agreement that a transportation charge be retained, explaining the figures were presented both ways due to a recent newspaper article.

Commissioner Saunders added if the transportation charge is completely eliminated, it would not be possible to bill insurance companies.

Commissioner Constantine concurred with Commissioners Saunders and Matthews that there is a better way to fund EMS.

Commissioner Norris pointed out that another issue to be kept in mind is the approximately 27,000 residences in the County that are

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assessed at less than \$50,000. He said that is true because there are so many people living on low incomes, which must be considered when discussing everyone being assessed equally.

Dr. Woodruff stated there are many ways to look at this issue. He indicated his hope that through this discussion, both bodies will authorize their respective Staffs to do a more in-depth study on possible alternatives.

Council Member Pennington communicated that the large number of residents on Medicaid must also be considered, not only those with low incomes.

Commissioner Volpe noted the system being proposed does not contemplate the non-resident, non-taxpayer utilizing EMS services. He asked if any thought has been given to how to treat the visitor to this community?

Dr. Woodruff suggested that issue be dealt with through retaining a transportation fee.

Commissioner Saunders moved, seconded by Commissioner Constantine, to direct County Manager Dorrill and his Staff to meet with Dr. Woodruff and his Staff with the aim of potentially setting up an Emergency Medical Services Utility whereby there is an assessment to both residential property as well as commercial property; that there be a mechanism to insure that insurance companies and visitors are paying their fair share; and recognizing that the Board of County Commissioners must appropriate funds to the Tax Collector to enhance the computer system in order to accommodate this additional program.

County Manager Dorrill suggested the costs to administer this change need to be more fully explored. He also asked the group to keep in mind that those residents owning homes assessed at less than \$50,000 will see their tax bills increase by an average of 11% through this proposal, while those in million dollar homes will see an almost negligible reduction.

Council Member Korest suggested the cost of EMS Administration could be improved.

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Council Member Herms added the amount to be assessed individual properties may be significantly lowered through better efficiency.

Council Member Anderson supported setting a minimum assessment on residences with lower property values. She suggested the State Insurance Commissioner be asked if a service availability charge may be imposed on insurance companies. She also proposed that the City's Charter be amended to delete the Fire Rescue services, because in her opinion, it is a duplication of service that is not in fact providing a total service to City residents.

Upon call for the question, the motion carried unanimously.

Council Member Pennington moved, seconded by Council Member Anderson, to support the above motion, adding that City Staff will investigate deleting the Fire Rescue services and the City Attorney will look into amending the Charter.

In response to Council Member Korest, Commissioner Saunders indicated his desire that this program be completed for implementation during the next budget cycle.

Mayor Muenzer asked that this proposal be placed on the agenda for the next joint City/County Meeting in March, 1993.

Upon roll call vote, the motion carried unanimously.

\*\*\* Recessed: 10:20 A.M. - Reconvened: 10:35 A.M. \*\*\*

At this point, discussion ensued with regard to both parties being allowed to discuss an item after one group has made a motion. It was the consensus that once a motion is made, discussion will be limited to the group having made the motion.

Council Member Pennington suggested that Staff provide the Council and Commission with basic rules of procedure for future meetings.

(3090)  
Items #3D, #3F & #4E

PROPOSED ORDINANCE CREATING THE CITY/COUNTY BEACH RENOURISHMENT ADVISORY COMMITTEE - IN LIEU OF ORDINANCE, COUNTY RESOLUTION 92-656 RECOGNIZING CURRENT COMMITTEE AND ITS REPORTS - ADOPTED; CITY TO MODIFY THEIR RESOLUTION INCREASING COUNTY MEMBERSHIP ON THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE BY FOUR MEMBERS

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Legal notice having been published in the Naples Daily News on November 19, 1992, as evidenced by Affidavit of Publication filed with

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the Clerk, public hearing was opened.

County Attorney Cuyler advised that both groups have previously reviewed the proposed ordinance, noting certain changes were suggested by the Board of County Commissioners during their meeting of December 1, 1992.

**Tape #2**

Commissioner Volpe explained the Board debated the composition of the Committee in terms of numbers of members, and whether the Committee should report directly to the Tourist Development Committee (TDC) or to both the Board of County Commissioners and City Council. He suggested that the Board of County Commissioners should be able to select more than five members, or 50%, of the Committee.

Commissioner Norris concurred, adding whether considering miles of beach, dollars contributed or population, the City is much smaller than justification for 50% of the committee.

Commissioner Saunders noted he is more concerned with the expertise of members on the Committee rather than numbers of members. Also, he said, the existing committee has spent three years evaluating various methods of beach renourishment. He said this proposal is only to formalize the body to allow their findings to be presented to both the City and County. He urged the Board to consider this group as a technical committee.

Commissioner Volpe questioned whether a new committee is really necessary?

Commissioner Saunders agreed that a new committee may not be needed. He suggested the Board can simply accept the current Committee's report with no obligation to follow its recommendations.

Mayor Muenzer disagreed with the comments of Commissioners Volpe and Norris with regard to the number of County representatives on the proposed committee. He advised that the City has much more usable linear feet of beach and more parking spaces than does the County. He also suggested the requirement that the City only appoint a City resident, with the County appointing only a County resident, be elimi-

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nated, so that the most qualified people be selected for membership by both parties, irregardless of where they live.

Council Member Pennington provided the group with a history of the current committee and its accomplishments.

Council Member Anderson indicated her hope that with this new committee, beach renourishment will become a priority with the Board of County Commissioners.

Commissioner Saunders communicated that both the City Council and Board of County Commissioners have worked very diligently towards beach renourishment. He said if this new committee is not established, the Board at least must accept the report of the existing group.

Council Member Herms added the current Committee has seven members who are extremely well-versed in beach renourishment. He reported those members would like to expand their group to include one member each from Marco Island, Pelican Bay, Vanderbilt Beach and one in-land member. He urged the Board to continue this Committee, or at least include current members as the core group of the new committee.

Council Member Sullivan urged both entities to recognize the need for beach renourishment and set aside politicism to accomplish that goal.

Council Member Van Arsdale inquired why a change was made in the proposed ordinance regarding the issuance of bonds?

Commissioner Saunders advised the purpose of the proposed language is to advise the committee of the objective by the City Council and the Board of County Commissioners to seek proposals to develop the beach without bonding tourist development taxes or utilization of other funds.

Mr. Korest commented he is in favor of not changing the current structure of the committee. He indicated since most of the work has already been done, this new committee is not necessary.

The following people spoke regarding this item:

JoAnn Varie  
Frank Blanchard

August Rocco

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\*\*\* Council Member Anderson left the meeting at this time. \*\*\*

Commissioner Constantine moved, seconded by Commissioner Norris and carried unanimously, to close the public hearing.

Commissioner Constantine moved, seconded by Commissioner Saunders, to leave the Committee in its existing form and formalize the reporting process to the Board of County Commissioners.

Commissioners Matthews, Norris and Volpe agreed to support the motion with the understanding that the City of Naples will expand the Committee by four County members.

Upon call for the question, the motion carried unanimously.

Council Member Herms moved, seconded by Council Member Pennington, to support the motion made by the Board of County Commissioners and modify the resolution pertaining to the Beach Renourishment/Maintenance Committee to expand the membership by four County members; those members to be selected by the Board of County Commissioners. Upon roll call vote, the motion carried 6/0 (Council Member Anderson out).

Commissioner Saunders moved, seconded by Commissioner Constantine, to accept by resolution, the City's Committee as newly constituted by the City Council as the County's Beach Renourishment Committee.

Commissioner Volpe stated he is not supportive of the motion, because the debate of the Board of County Commissioners has included the desire that more County members than City members be appointed.

Commissioner Saunders amended the motion, seconded by Commissioner Constantine and carried unanimously, that the Board will rely on this Committee as the technical advisory committee for purposes of providing a report.

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\*\*\* Council Member Anderson returned to the meeting at this time. \*\*\*

(2756)  
Item #3C

**REQUIREMENTS FOR RECEIVING FUNDS UNDER FLORIDA STATE HOUSING  
INITIATIVES PARTNERSHIP (SHIP) DOCUMENTARY STAMP TAX FUNDS - CITY STAFF  
DIRECTED TO DEVELOP AN INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE  
SHIP PROGRAM**

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Greg Mihalic, Affordable Housing Director for Collier County, advised the group of the requirements for receiving funds under the State Housing Initiatives Partnership Program (SHIP). He explained the funds are received from the State as the result of a one-cent tax per \$100 valuation on documents registered with the State. He said the money is set aside to assist in the production of affordable housing. He reported Collier County anticipates receiving approximately \$254,000 during this first year, increasing to approximately \$1-million in FY 95/96. He indicated the money is allocated to the County with a separate portion entitled to the City of Naples, whose proportional share this year is \$31,000. He noted the State is encouraging interlocal agreements so that the administration of these funds are handled in an interlocal manner. He mentioned the Board of County Commissioners has recently directed Staff to develop the required ordinance for this program. He commented the Board has also directed Staff to insure that 70% of these funds are used for very low income households with the remaining 30% for low income families. He added it was the intention of the Board that moderate income households would not be entitled to these benefits. He expounded on the various requirements set forth by the State for the receipt of SHIP funds.

There was no action taken by the BCC on this item.

Council Member Herms moved, seconded by Council Member Anderson, to direct City Staff to develop an interlocal agreement for the administration of SHIP funds. Upon roll call vote, the motion carried unanimously.

Commissioner Volpe suggested a discussion of affordable housing be included on the agenda for the next joint meeting.

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(3470)  
Item #4B

**DISCUSSION OF REORGANIZATION OF THE BAY MANAGEMENT ORGANIZATION - TO BE RECREATED AS A CITIZEN ADVISORY COMMITTEE WITH MEMBERSHIP EXPANDED TO INCLUDE A MEMBER FROM THE CHAMBER OF COMMERCE**

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Commissioner Saunders noted the Bay Management Organization (BMO) currently consists of three members from the Board of County Commissioners and three City Council members. He communicated there seems to be a problem with the ability of these elected officials to attend meetings of the BMO, whose purpose is to improve water quality in Naples Bay. He suggested elected officials be removed from membership, and the Committee be reformed into a citizens advisory group.

**Tape #3**

Dr. Woodruff proposed that the membership continue to include three representatives of the City and three from the County, and be expanded to include an additional member representing the Chamber of Commerce. He advised the Chamber of Commerce was instrumental in the creation of the BMO and continues to work diligently on water quality problems. He also proposed the BMO be required to give a report at each quarterly meeting of this joint group.

Council Member Herms suggested the duties of this committee be expanded to include stormwater run-off.

The following people spoke regarding this item:

John Garbo

Michael Steven

Council Member Sullivan recommended that both City and County Staffs, as well as the Big Cypress Basin Board and the South Florida Water Management Department, be advisors to the reconstituted BMO.

Council Member Herms moved, seconded by Council Member Sullivan, to recreate the Bay Management Organization as a citizens advisory committee with an expanded membership to include one member from the Chamber of Commerce. Upon roll call vote, the motion carried unanimously.

Commissioner Matthews moved, seconded by Commissioner Norris and carried unanimously, to support the above motion.



(440)  
Item #3B

**CITY/COUNTY WATER AND SEWER ISSUE DISCUSSION - CITY AND COUNTY STAFFS  
TO WORK TOGETHER TO EXAMINE WAYS TO SOLVE PROBLEMS**

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County Manager Dorrill explained this item is intended to be a brief overview of what the agreement entails and to advise the City Council that one of the areas the County may ask the Council to address prior to the next budget cycle involves the current 25% surcharge of utility rates for those utility customers who reside outside the City limits.

Fred Bloetscher, Assistant Utilities Administrator, noted the City/County agreement has been amended at least nine times since its inception in 1977. He said County Staff is desirous of cleaning up the document because of its current cumbersome form. He indicated at the same time, there are a number of issues needing to be addressed, such as the County Courthouse complex and effluent. He reported at the present time, both the City and County have effluent systems, and both have problems with supply and demand. He stated the County has been looking into disposal alternatives, one of which is to interconnect the City and County systems. He concluded with a request that the City Council and Board of County Commissioners direct both Staffs to rewrite the existing agreement and return to this joint group early in 1993.

Dr. Woodruff explained, through a slide presentation, the boundaries of the City's water and sewer systems. He said even if the boundaries of the franchise agreements do not change, there is still the need to clean up the agreement, because the various amendments create conflicts. He added in that discussion, there may be serious dialogue about transferring franchise territories.

**\*\*\* Deputy Clerk Hoffman replaced Deputy Clerk Guevin at this time \*\*\***

Commissioner Saunders remarked that the surcharges are applied pursuant to state law which permits cities to charge customers outside the City limits. He indicated that he feels there will be a problem

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with the bond documents. He related that it is appropriate for the two staffs to continue working on all these issues, but noted the surcharge will probably be in place for as long as the bonds are active.

Council Member Herms cited that this will be an extremely valuable commodity not only in the winter, but also in the summer, five or ten years from now. He stated that his feeling is that the system needs to be expanded.

Mr. Bloetscher explained that the County is currently doing a test well on Manatee Road for potable water. He reported that staff proposes to have a storage of water coming off the Golden Gate Canal. He indicated that the intent is to supplement the irrigation system which is currently all effluent. He stated that there is the possibility that DER may give approval for effluent.

Council Member Korst moved, seconded by Council Member Sullivan that the respective staffs work together and examine potential areas of resolving some of the problems. Upon roll call, the motion carried unanimously.

Commissioner Matthews moved, seconded by Commissioner Norris and carried unanimously, to support the above motion.

\*\*\* Recess 12:55 P.M. - Reconvened 1:10 P.M. \*\*\*

Item #3E

DISCUSSION RE OUTSTANDING MONIES DUE THE COUNTY FOR AIRPORT ROAD PROJECT -

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Commissioner Volpe announced that County Manager Dorrill has advised that this item will be discussed by both staffs and presumably a satisfactory resolution of same can be arrived at.

Item #4A

ORIENTATION OF THE THREE NEW COUNTY COMMISSIONERS

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Commissioner Volpe stated that the City Manager and the City staff desire to make certain information available to the new members of the Board of County Commissioners.

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Dr. Woodruff indicated that he would provide the background information to the new commission members.

**Item #4C**

**REVIEW OF COUNTY/CITY STORMWATER UTILITY PROGRAMS**

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Mayor Muenzer revealed that the origin of this item came from a Commission Meeting when stormwater controls were being discussed. He cited concerns relative to the Bay of Naples and its future.

Dr. Woodruff provided a status report of what the City has done during the past two years, as per EPA laws requiring stormwater management.

Dr. Jon Staiger, City of Naples Natural Resource Manager, referred to a map depicting the areas of Collier County that actually drain into Naples Bay through the Golden Gate Canal, Gordon River, or other drainages.

Dr. Staiger stated that occasionally there is 600-900 MGD coming from the Golden Gate Canal. He indicated that the Big Cypress Basin of the South Florida Water Management District has been attempting for many years to hold more and more water back in the Golden Gate system.

Dr. Staiger urged the County to follow Messrs. Boldt and Lorenz's lead with regard to achieving the clean up in Naples Bay.

Commissioner Norris called attention to the map, and noted until the Sabal Bay project gets underway, the water has no place to go due to the poor condition of the Lely outfall canal.

Water Management Director Boldt explained that the Master Plan identified the Lely Basin as the number one priority and permits from the agencies are being pursued. He reported that the Gordon River Extension has been identified as the second priority, however this would involve a \$500,000 study.

Mr. Boldt reported that staff will be presenting a new stormwater utility concept and will be requesting action on the second phase with the consultant. He suggested that implementation of the stormwater utility be put off until 1994, but suggested that the studies go for-

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ward.

Commissioner Volpe cited the importance of public education and community awareness.

Mr. Dick Siegel spoke with regard to this item.

No action was taken.

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There being no further business for the Good of the County, the meeting was adjourned by Order of the Chair - Time: 1:40 P.M.

BOARD OF COUNTY COMMISSIONERS  
BOARD OF ZONING APPEALS/EX  
OFFICIO GOVERNING BOARD(S) OF  
SPECIAL DISTRICTS UNDER ITS  
CONTROL

\_\_\_\_\_  
MICHAEL J. VOLPE, CHAIRMAN

ATTEST:  
JAMES C. GILES, CLERK

\_\_\_\_\_  
These minutes approved by the Board on \_\_\_\_\_  
as presented \_\_\_\_\_ or as corrected \_\_\_\_\_.