

## **ROLL CALL**

**Present:** Paul W. Muenzer, Mayor  
  
Fred L. Sullivan, Vice Mayor  
  
Kim Anderson  
R. Joseph Herms  
Alan R. Korest  
Ronald M. Pennington  
Peter H. Van Arsdale  
Council Members

**Also Present:** Dr. Richard L. Woodruff, City Manager  
Norris C. Ijams, Assistant City Manager  
Maria J. Chiaro, City Attorney  
Jon Staiger, Ph.D., Natural Resources Manager  
Ann (Missy) McKim, Community Dev. Director  
John Cole, Chief Planner  
Ann Walker, Planner II  
Steve Uman, Building Official  
Al Lane, Public Works Analyst  
Glen Chesebrough, Training Chief  
Tara Norman, Administrative Analyst  
Sheldon Reed, Fire Marshal  
Larry Barnet, Public Works Director  
William Harrison, Finance Director  
Michael Whitcavage, Service Worker III  
George Henderson, Sergeant-At-Arms  
Marilyn McCord, Deputy Clerk

See Supplemental Attendance List - Attachment #1.

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## **ITEM 2**

### **REVIEW OF 1992 SPECIAL EVENT - TASTE OF COLLIER; REQUEST FOR 1993 EVENT.**

Administrative Analyst Tara Norman, representing the Special Events Committee, addressed Council. She began by informing Council that Taste of Collier representatives had expressed a desire to keep the event in the Third Street area, where it has been located since its inception.

Mr. Al Mader of the Restaurant Association introduced several Taste of Collier representatives in attendance. He told Council that the 1991 event had been an "unqualified success." To the groups knowledge, he said, no complaints had been registered with the City. The local merchants were polled and offered no negative comments. In fact, said Mr. Mader, several merchants had asked if the event could be held more often.

Mr. Mader told Council that a considerable investment had been made by the group including approximately \$25,000 which had been spent on trash containers for the event. In addition, lead shields had been installed in the sidewalks so that tents can be put up quickly. The physical layout of the event was critical to its success, he noted. The "key players" had pledged to participate as long as the event was held on Third Street. Mr. Mader assured Council that Taste of Collier was a family event and a food event rather than a "drinking" event.

President of the local Mental Health Association Cliff Barksdale informed Council that proceeds from the Taste of Collier were crucial to the Association's yearly operations. It had become a tradition to hold the event in the Third Street area, he said, and would lose much of its reputation and impetus if held elsewhere. Mr. Barksdale encouraged Council to approve the Third Street location for the 1993 Taste of Collier.

Council Member Pennington said that he had attended the 1992 event and found it very orderly, however he suggested Fifth Avenue as a viable alternative. In reply, Mr. Mader said that some Fifth Avenue businesses stay open later on Saturdays and should setup for the event begin, access to those businesses would be difficult. He added, "I think for every

negative comment there's a positive comment from the Third Street residents." Mr. Pennington said that he would appreciate hearing from some of the residents of that area who were in favor of the location.

Council Member Korest commented that he also had observed no evidence of problems and he did not have a strong opinion that the event's location should not be changed. He noted that Council must recognize the fact that the event does benefit the entire community. Mr. Korest and Mr. Mader discussed the sale of alcoholic beverages at the event. Mr. Mader said, "We aren't going to let anything happen that will be bad for any of our restaurants or for the City. I stress that this is a food event, not a drinking party."

Council Member Herms said that he appreciated the group's position on alcoholic beverages, however, statistics have shown that a number of mental health problems are caused by the abuse of alcohol. Mr. Herms went on to say, "What the Mental Health Association is trying to accomplish is tremendous, but I think the concept that you can do away with it and have a healthy life is important." Mr. Herms agreed that Fifth Avenue was an excellent alternative location. He also suggested Coastland Mall and Kings Lake Plaza, noting that perhaps the event should be taken to the County.

Council Member Van Arsdale asked if it would be possible to quantify the neighborhood's opinions. He noted that there was a certain level of inconvenience that everyone lives with because of location, however there was a limit to what residents of any one neighborhood can tolerate.

Vice Mayor Sullivan explained that he had been opposed to Sunday liquor sales. Although he did not challenge the statements which had been made, he said, he did challenge the message that was being sent to young people. Mr. Sullivan stated that he sensed a "tremendous amount of resistance to change in the approach by Taste of Collier" when alternative locations are suggested.

Council further discussed the possibility of holding the event in a different location. The Taste of Collier representatives were asked to identify two

additional sites at the time application for permit is made. Mayor Muenzer assured the representatives that Council would be responsive to the "pros and cons" of any alternative sites. City Manager Woodruff said that staff could also prepare a questionnaire in order to survey the Third Street area residents as to their opinion of the Taste of Collier event.

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### **ITEM 3**

#### **DISCUSSION OF BUILDING CODE REVISIONS TO COMPREHENSIVE CODE.**

City Manager Woodruff explained that Council would be asked to consider two ordinances in connection with the Building Code at the Regular Council Meeting on June 15th. Staff, the local A.I.A. (American Institute of Architects) and CBIA (Collier Business Industries Association) have requested a three-month review of the amendments; all three groups have the desire to help the City. A letter from the A.I.A. and CBIA offering their help was read to Council. (Attachment #2).

Mr. Pat Cornelison, representing CBIA, told Council that the two groups believed they could offer a good public service to the City. After the three-month review, guidelines could be recommended. Community Development Director Missy McKim said that the groups had identified the same areas of weakness that staff had identified. Working with a team of architects and contractors would help in identifying necessary changes even further, she commented. Two areas which should be improved are plan review and better information required for submittal of plans.

Council Member Korest said this would be a wonderful opportunity for the City and thanked the A.I.A. and CBIA for their willingness to help. He expressed support of setting up the joint review committee.

During Council's discussion of the proposed Building Code amendments, the following changes were recommended:

Screen enclosures over pools: Add language to grandfather in any

existing pools.

Backing material - MR (moisture resistant) backing to be required on tub and shower walls.

ENMT (electric non-metallic tubing) to be required.

Adopt the County's language pertaining to electrical installations - to be engineered when they consist of more than 400 amps.

Treads and Risers (Page 3 of the proposed ordinance) - staff should provide a diagram which shows the difference between single family and commercial requirements. Language of ordinance must be very clear, specifying single-family and commercial requirements.

Time limitations (Page 12, proposed ordinance) - Add language: Building must be completed within 18 months or a longer period based upon an approved construction schedule at the time of issuance of permit. Council Member Herms recommended that in addition one 90-day extension be granted.

Illustrated supplement attached to draft ordinance: provide more detailed information with respect to why stirrups will be required.

City Manager Woodruff expressed his and staff's appreciation to everyone who helped in this matter.

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## **ITEM 1**

### **DISCUSSION OF REGULATION OF STORAGE OF SAILBOATS AND OTHER SMALL BOATS ON THE BEACH.**

City Manager Woodruff reviewed the draft ordinance, which would require registration of all boats kept on the beach. He said that staff believed the Police Volunteers would be the appropriate ones to issue those permits. Dr. Woodruff stressed the importance of keeping the procedure as simple as possible. Staff will have a map available to give to those people registering their boats; that map will identify those rights-of-way where boat parking will be allowed. No boat will be allowed to approach the vegetated dunes or to be located where it would interfere with any pedestrian walkway.

Council discussed the proposed ordinance, and the following recommendations were made:

Staff should determine what price the City presently charges for towing illegally parked automobiles.

Arrange for an indemnification waiver. When registering a boat, its owner must show proof of insurance coverage.

Section (C)(6) of the ordinance:....responsible for the registration or removal of any boats located on his or her property.

Staff will revise language, Section (D)(2) - Remove the boat upon the threat of severe weather and extreme high tides or upon receipt of Hurricane **Warning** from the National Weather Service and National Hurricane Center; or upon announcement by the City;....Announcements will be facilitated by a press release, advertisement on Palmer TV's public service channel, through WNOG, etc.

Section (E) Violations - Council Member Pennington requested that language be changed to state "the City **will**" rather than "the City **may**."

Staff will add an introductory paragraph under "Violations" stating that any violation shall be enforced one of the three ways identified.

Council Member Pennington requested that a fourth section be added to (E) Violation: "Sixty days after enactment the City will perform a sweep of the beach and remove all non-conforming boats."

The City Attorney recommended that added to the Purpose of the ordinance should be a statement as to its purpose being to assure the safety to the citizens of Naples as relates to the use of its beaches. (Rita, please help word this more clearly;thanks)

Add language requiring that boats must be in good condition, with seaworthy halyards.

Mayor Muenzer requested that boat registration stickers be placed in a specific place on the boats, for ease of identification.

The Mayor suggested that boat registrations have the same residency requirements as beach parking sticker.

Staff will add language which refers to boats parked on the beach just for the day.

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**LUNCH RECESS:** 12:15 p.m. - 1:20 p.m.

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## **ITEM 5**

### **HARTMAN & ASSOCIATES - SANITATION FEES AND MISCELLANEOUS CHARGES FOR WATER, WASTEWATER AND REUSE WATER.**

City Manager Woodruff announced that a rate increase would not be proposed; however increases on some of the charges would be

recommended.

Mr. Jerry Hartman, representing Hartman Associates, made the presentation to Council and reviewed the Rate Report. His firm was proposed a rate increase for reuse water. No changes were recommended for solid waste rates. Various charges, including meter tapping fees, were discussed. Mr. Hartman recommended a policy whereby there would be no seasonal turn-offs.

Council discussed the Rate Report with Mr. Hartman. The Report will be modified and returned to Council. Items to be modified include:

Charge a flat \$25.00 fee for dishonored checks.

**MISCELLANEOUS SERVICE CHARGES** - Amend language: Meter Test Fee (**Customer indicated**).

Late Payment (Delinquent Fee) - It was the consensus of Council that it be a \$5.00 minimum or 5%, whichever is greater, for each billing cycle.

Council directed that **PRORATION OF BILLINGS** be continued.

Hartman & Associates will report on what rate structure will be needed in order to recover all costs.

Hartman & Associates will report on maintaining outside-City surcharge at 25%. The firm will also further study adopting industrial strength surcharge.

Hartman & Associates will report on a typical billing cycle and present water reuse customers.

Staff will report - How many days per week does the City actually pump anything into Naples Bay?

Council Member Herms requested statistical information with



respect to recyclables.

Staff will report on the current Solid Waste Fund balance.

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## **ITEM 10**

### **ELECTION LAW REVIEW COMMITTEE REPORT.**

City Attorney Chiaro informed Council that the Election Law Review Committee had met for the first time last week. The Committee will draft and submit to Council for approval some changes to the Charter and Code of Ordinances, setting forth administrative proceedings for a protest to an election. In order to put such a proceeding into place, Council will be required to review a time frame, steps for filing a complaint, and change in certification of election results. Any changes would be implemented by ordinance. Attorney Chiaro listed those people serving on the Committee: Dudley Goodlette, John Passidomo, Joseph Freni, Michael Volpe, Jan Cantor (check spelling), Gilbert Wiel, and .....(check list)

Attorney Chiaro assured Council that she would be reporting results of the Committee meetings regularly.

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## **ITEM 4**

### **UPDATE REPORT SUMMARIZING STATUS OF ALL CONTAMINATED SITES WITHIN THE AREA OF THE CITY DESIGNATED FOR REDEVELOPMENT.**

Natural Resources Manager Jon Staiger reviewed for Council the twelve underground storage tank sites along the Tamiami Trail between Seventh Avenue North and Goodlette-Frank Road. He said that all but one had reported petroleum contamination and were participating in the State's

cleanup assistance program.

Council discussed the various sites and the State's reimbursement program. Dr. Staiger pointed out that staff was willing to do all it could to assist the property owners in their dealings with the State.

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## **ITEM 8**

### **EMERGENCY RECOVERY PROGRAM DISCUSSION.**

Fire Chief Tom Smith reviewed the City's Emergency Recovery Program, noting that each department head had had the opportunity to upgrade their part of the Program. If the City adopts the Program officially, he said, it will get FEMA (Federal Emergency Management Agency) insurance points. Chief Smith pointed out that the Program would be updated annually.

Chief Smith told Council that they would also be asked to address the State-wide Public Works Mutual Aid Agreement. This Agreement would give the City access to resources from throughout the State. Manpower and equipment could be requested to help get through an initial recovery phase after an emergency. On the other hand, said Chief Smith, if another municipality experiences an emergency and Naples does not, the City would honor the Agreement.

Chief Smith explained that the County was in the process of setting up training sessions to insure uniformity in filling required forms for Federal aid after a storm. If the forms are completed correctly, the City could be reimbursed for "every penny" spent on recovery.

City Manager Woodruff requested that Council contact staff with any questions they might have pertaining to this matter. He said that staff would also be requesting approval to set up an emergency command center. Chief Smith said that the P.A.L. (Police Athletic League) building at Fleischmann Park would be a more appropriate location than the second floor of City Hall. Staff will be reporting further to Council on the

emergency command center. Council Member Anderson suggested taking this item to the community as a project.

Council further discussed the item, and Council Member Pennington requested the following:

Page 82 of the Emergency Recovery Program document - Update Collier County telephone numbers.

Define the responsibilities for the Human Resources Department.

Pages 14 and 15 of the document - Public Works Streets & Traffic: update lists of employees and equipment.

Staff should provide details relative to training City employees in those duties which would be necessary after a hurricane, such as driving heavy equipment.

Staff should verify the location of the underground tank referred to on Page 11 of the document.

Mr. Pennington also suggested that it would be advantageous to include the phone numbers of the various civic associations and property owners associations in the City included in the document.

City Manager Woodruff assured Council that once this Program was adopted, staff would "get into the training mode." He said that it should not be necessary to hire outside help if staff already includes people who can be trained to do the necessary work. Council Member Herms expressed discomfort in not having experienced heavy equipment operators, should an emergency arise, and asked that private contracting be considered.

Dr. Woodruff emphasized, "This plan is not intended to "put the City back to being a beautiful City, but to return to a degree of mobilization and security and to put the water and sewer systems into a limited operating capacity." Council Member Korest commented that the City has a "good Manager" who will use his best judgment should an emergency occur.

item 7 flags/realtor signs

#### ITEM 1

DISCUSSION OF REGULATION OF STORAGE OF  
SAILBOATS AND OTHER SMALL BOATS ON THE  
BEACH.