



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council/ Marco Island Joint Meeting – November 15, 1999 – 1:30 p.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Naples:

Present: Bill Barnett, Mayor
Bonnie R. MacKenzie, Vice Mayor
Council Members:
Fred Coyle (Arrived 1:32 p.m.)
Joseph Herms
John Nocera (Arrived 1:41 p.m.)
Fred Tarrant
Peter H. Van Arsdale

Marco Island:

Chairman Kjell Petterson
Vice Chair John Soldenwagner
Council Members:
Capt. Ed R. Day
E. Glenn Tucker

Absent: David E. Brandt
Harry Cowin
Ruth J. Schuler

Also Present:

Kevin Rambosk, Naples City Manager
Kenneth B. Cuyler, City Attorney
Robert Devlin, FEMA Coordinator
Virginia Neet, Naples Deputy City Clerk
Jessica Rosenberg, Recording Specialist
Duncan Bolhover, Admin. Specialist
Dudley Goodlette, State Representative

A. William Moss, Marco Island City Mgr.
Laura Litzan, M. I. Deputy City Clerk
James Dean

Media:

AnneElena Foster, Naples Daily News

ITEMS TO BE ADDEDITEM 3

None. (1:30 p.m.)

Council Member Day noted that he distributed a resolution relative to legislation calling for a unified State telecommunications tax. (See Attachment 1.)

It is noted for the record that Council Member Coyle arrived at 1:32 p.m.

.....ITEM 2
WELCOMING COMMENTS BY THE MAYOR AND CHAIRMAN (1:30 p.m.)

.....ITEM 4

DISCUSSION ON THE FOLLOWING TOPICS: A.) LEGISLATIVE ISSUES FOR LEGISLATIVE DELEGATION; B.) BEACH RENOURISHMENT COMMITTEE MEMBERSHIP – MARCO ISLAND; C.) UPDATE ON THE ACCOMPLISHMENTS OF INTERGOVERNMENTAL AFFAIRS COMMITTEE; D.) TOURIST DEVELOPMENT COUNCIL (TDC) / TOURIST TAX FUNDING; E.) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGULATIONS, AND F.); SHERIFF’S BUDGET – ROAD PATROL (1:38 p.m.) Council Member Herms stated that the Intergovernmental Affairs Committee had nine meetings in the last year, and has obtained Metropolitan Planning Organization (MPO) membership for Marco Island and successfully opposed the landfill relocation. He added that the committee has taken positions on the future Tourist Development third cent tax, and the development of a sixth cent gas tax. He added that the committee has reviewed the sheriff’s road patrol budgets and made several recommendations, and had recommended Marco Island representation on the Beach Renourishment/Maintenance Committee. Mr. Herms added that staff from both governments has worked on beach maintenance issues, police and emergency services, TDC funding, cable franchises, and unfunded State mandates.

It is noted for the record that Council Member Nocera arrived at 1:41 p.m.

Council Member Day stated that he believed a County cannot tax municipalities for services it has not provided such as the Sheriff’s budget for road patrol. City Attorney Kenneth Cuyler however stated that the Sheriff’s attorney may allege that no direct benefit is required for these services. Vice Chair Soldenwagner, citing limited City growth, said that Marco Island would be paying approximately \$5.4 million for Sheriff’s services despite providing its own law enforcement; he predicted that this imbalance would continue to increase. City Attorney Cuyler noted a dual taxation agreement between the County and City of Naples approximately 20 years ago whereby certain structured taxing arrangements (Municipal Service Taxing Units) limited what City residents paid for County services. Council Member Coyle noted that while he believed the City should contribute to the Sheriff’s budget, it should not be subjected to an ever-increasing commitment due to the population growth. He added that Council should urge the County to fund its needed increased services through impact fees. Council Member Herms noted the Intergovernmental Affairs Committee had recommended that the City Managers negotiate with the Sheriff and County Commission to resolve the matter prior to attempting to enact legislative changes at the State level. Council Member Herms suggested including newly chartered Bonita Springs in the process. Vice Chair Soldenwagner proposed investigating agreements for contractual police work with the Sheriff’s office. Council Member Tucker advised taking into consideration the uniqueness of law enforcement needs in each City.

Both councils directed their staffs to investigate potential means in which the two municipalities could jointly negotiate with the Sheriff and the County Commission to ensure equity relative to amounts funded in the Sheriff’s budget.

Council Member Coyle noted concern regarding certain elements of the new Federal Emergency Management Agency (FEMA) regulations which, he stated, appear to protect insurance

companies rather than property owners. He stated this would lead to the construction of buildings on stilts or unsightly stem walls, and that it would ultimately change the character of neighborhoods. He suggested that FEMA authorize the use of this lower level as living space, with the property owners taking full responsibility for any damage. Council Member Tucker observed that the regulations also appear to also be lender-driven. Mr. Coyle added that the current flood elevation maps appear to be based on the worst possible storm scenario, which may not occur and noted that the City recently retained consultants to determine whether proposed changes are reasonable. Mr. Coyle suggested that the legislative delegation may be able to review FEMA regulations and restore some of the property owners' rights. State Representative Dudley Goodlette offered his support in fostering a more thorough discussion and understanding of the new regulations and their impacts.

Council Member Coyle and Council Member Day will address the Collier Legislative Delegation Hearing on December 2nd relative to Federal Emergency Management Agency issues.

Council Member Tarrant suggested addressing the Legislative Delegation regarding aquifer storage and recovery, which involves injecting contaminated surface water into an aquifer and then chemically treating it. He voiced grave concern that any equipment malfunction would result in contamination of the water supply. After further discussion, however, Mr. Tarrant indicated that he would address the issue at an upcoming Naples City Council Meeting.

Council Member Day noted that although the Intergovernmental Affairs Committee, both City Councils, and the Beach Renourishment/Maintenance Committee have supported Marco Island representation on the Beach Renourishment/Maintenance Committee, the County Commission appointed someone else. Council Member Herms recommended that if again unsuccessful, the Naples City Council appoint a Marco Island representative. Council Member Van Arsdale however contended that Marco Island should resolve this matter and Mayor Barnett proposed obtaining a better understanding of the County Commission's position and urging it to effect this change.

Naples City Council directed its staff to draft correspondence to the County Commission urging the appointment of a Marco Island representative on the Beach Renourishment/Maintenance Committee.

Again, regarding TDC funding, Council Member Herms noted that the Intergovernmental Affairs Committee had discussed the possibility of the State modifying the tourist tax laws either on the distribution to the municipalities, or a separate tourist tax for municipalities. Vice Mayor MacKenzie noted that the tourist tax funds have been spent for beach-related activities, rather than beach renourishment, and urged tighter control. State Representative Dudley Goodlette stated that although this issue can be discussed at the Legislative Hearing, it would ultimately require a change in State law. The Councils discussed addressing this with the Legislative Delegation, however Council Member Van Arsdale recommended first taking formal positions on this and on the FEMA matter. Vice Mayor MacKenzie proposed discussing the issues at a workshop before the Legislative Hearing.

Naples City Council directed its staff to research regarding the Tourist Development tax issues for discussion at the November 29th Workshop Meeting to facilitate a presentation at the Collier Legislative Delegation Hearing.

State Representative Dudley Goodlette recommended caution on Mr. Day's resolution on what is commonly referred to as simplified tax, saying that the telecommunications industry has very complex issues. (See Attachment 1.) Representative Goodlette noted that he encourages cities to work independently, as in establishing a resolution, as well as jointly with the Florida League of Cities in order to thoroughly address this issue.

CORRESPONDENCE & COMMUNICATIONS (2:44 p.m.)

None.

OPEN PUBLIC INPUT(2:44 p.m.)

None.

ADJOURN

2:44 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica Rosenberg, Recording Specialist