



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – January 2, 2001 – 8:37 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor

Council Members:

Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor

Absent: Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Ron Lee, Planning Director
Beverly Grady, City Attorney
Robert Pritt, City Attorney
Brenda Blair, Recording Specialist
Stanley Hole
Charles Kessler
Carl Kuehner
Amy Rego
James Black
Robert Navarre
William Boggess
Arlene Guckenberger
Virginia Corkran
Russ Reddick

Media:

Denise Zoldan, Naples Daily News

Other interested citizens and visitors

SET AGENDA (8:37 a.m.).....ITEM 2

City Manager Kevin Rambosk noted there would be no added items.

.....ITEM 3

JOINT DISCUSSIONS WITH THE PLANNING ADVISORY BOARD (8:37 a.m.) Planning Advisory Board (PAB) Chairman Stanley Hole expressed appreciation for the opportunity to address Council, as well as for the time Planning Director Ron Lee and City Attorney Beverly Grady had recently spent with the PAB with regard to the new by-laws. He then stated that the PAB members had identified several areas of concern to address such as rights-of-way during building construction; concerns relative to residential construction sites; City development and the Comprehensive Plan, the Code, site plan review, and other related issues; plans for the 41-10 area; water issues; beaches; and the Architectural Review Board. Although PAB Member Mary Lynn Stahnke was absent, her issue of concern is mega houses, Chairman Hole said, and then confirmed that although they were PAB items, members would be speaking on behalf of themselves. Vice Mayor Herms asked that the PAB Members offer recommendations for solutions whenever possible.

PAB Member Robert Navarre stated that since the PAB provides a service to the community, he would concentrate on those issues helpful to the Council. He then voiced concern relative to the quality of life during the wide-spread construction presently occurring in the City and suggested determining how to make this process less burdensome upon affected neighbors. He then cited difficulties with vacant residential and commercial lots, streets congested with construction traffic, overflowing trash containers and discarded trash attracting vermin. Mr. Navarre recommended mandating site enclosures in such areas as Fifth Avenue and at the Four Corners in order to conceal the site, keep sand from blowing, contain the construction refuse, and provide construction parking. He also recommended exploring both the cost and activity of Code enforcement, which he said had not increased despite increases in construction; he advocated that this be funded by building permits. He then noted that since many existing regulations apply only to very large homes, the redevelopment process would be greatly enhanced with more restrictive Codes. Chairman Hole recommended applying commercial building requirements to residential properties.

Mayor MacKenzie said these concerns are often expressed by citizens at Town Hall meetings, but cited a related problem of pile driving noise and suggested reducing permitted hours. Council Member Galleberg said that alternate technologies may exist which are reasonable from both a cost and engineering standpoint. Council Member Tarrant noted a recent instance in which Council had requested that a developer work with staff to identify these methods. Mr. Hole affirmed that using other methods may impact the local economy and suggested that either the PAB or Building & Zoning submit draft proposals to Council. Council Member Tarrant expressed support for Mr. Navarre's ideas, and Vice Mayor Herms proffered a motion to instruct staff to develop the aforementioned ideas for presentation at a Council Workshop. Council Member Taylor suggested also requiring a cost analysis of hiring additional Code enforcement personnel, and determination of the effect upon building permit fees. City Manager Kevin Rambosk said that staff could readily perform this research because it is already in the process of revamping commercial maintenance codes.

Council Member Galleberg stated that the city of Palm Beach requires that construction occur during the summer months and that both the construction industry and residents have adapted. Mr. Navarre, however, stated that he believed seasonal building would simply prolong construction projects. Council Member Galleberg predicted, however, that implementing this in the City would be a political struggle. Council Member Tarrant said he could not support this level of regulation, and Vice Mayor Herms emphasized that his motion did not include direction to study seasonal work. In

response to Council Member MacIlvaine, City Manager Rambosk stated that existing regulations and Code enforcement are inadequate to address construction management issues due to the number and magnitude of current projects; Mr. Rambosk therefore stressed the importance of staff research prior to submitting recommendations on amendments.

Public Input: None.

MOTION by Herms to INSTRUCT STAFF TO RESEARCH THE PROPOSED CHANGES DISCUSSED INCLUDING THE FISCAL IMPACTS INVOLVED IN HIRING ADDITIONAL CODE ENFORCEMENT OFFICERS AND ON THE PERMITTING AND LICENSING FEES; THIS INFORMATION TO BE PRESENTED AT A COUNCIL WORKSHOP. *This motion was seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes).*

MOTION by Herms to NOT PROCEED IN INVESTIGATING ANY TYPE OF SEASONAL CONSTRUCTION SCHEDULE WITHIN THE CITY; *seconded by Tarrant and carried 4-2 (Galleberg-no, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-no).*

Mayor MacKenzie said she would be willing to investigate any innovation that could reduce construction impact. Council Member Galleberg questioned whether Vice Mayor Herms had a conflict since he is developing and building houses. City Attorney Beverly Grady explained that Florida Statutes require that only in the event of a pecuniary interest would a Council Member disclose a conflict, and abstain from voting. Council Member Taylor cautioned that seasonal construction could undermine construction and peripheral industries, Council Member Galleberg however disagreed. Miss Taylor suggested conducting a Town Hall meeting with area contractors, and Mayor MacKenzie recommended including representatives of the President's Council. Council Member Tarrant urged Council to be cognizant that construction activity will serve to enhance the community and increase property values.

PAB Member Carl Kuehner said he has been a developer for 30 years, although he has had no ongoing projects in the City for some time. In conjunction with developing properties throughout the country, however, Mr. Kuehner expressed the view that Naples is one of the easiest cities in the country to obtain a building permit, and that the Comprehensive Development Code is flawed and contains many loopholes. He stated that he would however focus on proposed revisions to Section 86-202, which deals with commercial development and site plans. (A copy of this information is contained in the file for this meeting in the City Clerk's Office.) He explained that Section 86-202(a)(1) is not sufficiently comprehensive and is presently limited to Highway Commercial parcels over five acres, and Planned Developments, although all commercial projects, other than a simple renovations, should be subject to review. Mr. Kuehner said that including multi-family districts in such regulations is also important because many projects intrude into the rights-of-way, and because there appears to be a lack of concern for integration into the rest of the community. He then proposed in Section 86-202 (c)(3) expanding the data a developer must submit with a General Development and Site Plan (GDSP) review petition, and enhancing Section 86-202(c)(5) to ensure that any plans approved by the PAB are the same as submitted to Council, with any unauthorized changes to be resubmitted to the PAB. Mayor MacKenzie stated that redrawing the plans to accommodate the PAB's recommended changes is not costly or time consuming, and that she believed this should be done prior to Council's consideration. Mr. Kuehner added said staff could verify that those changes are in fact in compliance with the PAB's recommendations. He also recommended Section 86-203(a) be clarified to indicate that approval of a conditional use application is discretionary. Mr. Kuehner then explained that all of the aforementioned

recommendations relate to an Architectural Review Board, which he said would significantly improve the quality of the projects developed.

Vice Mayor Herms pointed out that Council also sometimes modifies plans. Mr. Kuehner however said that the petitioner should then make the necessary adjustments and resubmit the final product at the next reading. He emphasized that Council should render approval only on the final plans. Chairman Hole clarified that the final plans will later be compared against those submitted to the Building & Zoning to ensure that all the changes were made. Mayor MacKenzie commented that Building & Zoning had reported that it sometimes must check the accompanying text for changes. Council Member Tarrant expressed support for these changes but said he would prefer to omit multi-family districts for the present and concentrate on larger commercial projects. Council Member Taylor however disagreed expressing the view that multi-family is overwhelming Old Naples. Council Member MacIlvaine observed that homeowners knowingly sell their properties for multi-family development, and that the multi-family is visually oppressive in Old Naples at the present time. Council Member Galleberg also recommended including multi-family due to its significant impact.

In further discussion, Vice Mayor Herms recommended specific standards for site plan review. Mayor MacKenzie said she believed this to be a large undertaking which should be referred back to the PAB. She recommended that as Council examines architectural standards for commercial buildings, it conduct frequent joint workshops with the PAB. She suggested that Council direct the PAB to research the Code section-by-section to identify inconsistencies and provide recommendations on correction. Council Member MacIlvaine concurred. Council Member Tarrant said he favored seeking the cooperation of developers, but opposed punitive legislation to force compliance with design standards. Council Member Galleberg made a motion to direct the PAB to research the Comprehensive Development Code; however, further discussion ensued. Mayor MacKenzie said she believed Council must address the review process as well as the standards to ensure that the commercial and possibly multi-family properties are attractive. Council Member MacIlvaine suggested the PAB review the entire Comprehensive Development Code in making its recommendations.

MOTION by Galleberg to DIRECT THE PAB TO RESEARCH AND IDENTIFY INCONSISTENCIES WITHIN THE COMPREHENSIVE DEVELOPMENT CODE AND TO PROVIDE RECOMMENDATIONS;
seconded by Taylor and carried 5-1 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-absent, MacKenzie-yes).

Council Member Taylor recommended immediately requiring developers make no changes to the site plan after PAB review. Mayor MacKenzie however recommended that this traverse the normal review and approval process. Planning Director Ron Lee suggested that the PAB review and make recommendations on a text amendment at its February meeting. Council Member Galleberg noted that any plan change required by the PAB must be reflected in the Council submittal, but that any change initiated by Council would not return to PAB. Mr. Lee added that he would advise applicants of upcoming changes. Council Member Taylor suggested a motion to direct the PAB to begin a text amendment on Section 86-202 (c)(5) at its earliest possible meeting; however, further discussion ensued. City Attorney Grady suggested that Council proffer a motion at its Regular Meeting to give staff direction to notify potential applicants, and that it give staff additional time and clearer direction as to what should actually be written in this process.

Recess 10:12 a.m. to 10:28 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Vice Chairman Charles Kessler recommended that the newly formed 41-10 Task Force clearly identify its objectives before beginning the planning process, and requested Council assistance, noting however that due to competing interests, and that it would be impossible to satisfy all involved. He then expressed the hope that the Task Force could retain the small 41-10 businesses, although noting the difficulty in involving neighborhood associations. Mr. Kessler predicted that area developers and investors would nevertheless be vocal and willing to serve. He further suggested that Council require regular progress reports. City Manager Kevin Rambosk concurred, saying that Council should be involved throughout.

City Manager Rambosk reported that staff had already held several meetings conducted strictly at the request of the business owners and not part of the Task Force. Mr. Kessler said he feared that a group such as this would proceed with its own agenda, and urged that Council formalize this group and give it appropriate direction. Mayor MacKenzie however explained that these discussions were simply to provide information on landscaping some of the avenues. Council Member Tarrant expressed the belief that the parking problem has delayed development, and therefore recommended that the Task Force address this issue on a block-by-block basis. Vice Mayor Herms suggested establishing quarterly meetings to exchange ideas and to keep the program moving forward, and Council Member MacIlvaine suggested a monthly update as well as a quarterly meeting.

Public Comment: Virginia B. Corkran, 213 Ninth Avenue South, a Gateway Committee member, said that Council had previously given her group permission to consider improvements beyond the Naples Depot at 10th Street onto Four Corners but recommended assigning this to the 41-10 Task Force since it would overlap into its purview. Mrs. Corkran added that the Gateway committee would however work in tandem with the 41-10 Task Force, and that she would attend its meetings with a particular interest in the Four Corners.

PAB Member James Black stated that the PAB has expressed concerns about the use and maintenance of the rights-of-way, including sidewalks, driveway entrances, and alleys. However, he said, Council had directed staff to cease construction sidewalks due to citizen complaints. Although the Code allows installation and enforcement, there is currently no schedule, Mr. Black said, and therefore asked Council to give the PAB direction.

City Manager Rambosk noted, however, that the process had been restarted at the direction of Council approximately two months before and that staff is currently developing an integrated sidewalk plan to present to Council in March. PAB Member Black noted the availability of \$25,000 available through a federal program, as well as sidewalk funding in the Building Department. Council Member Tarrant stated that this is a safety issue, especially in areas such as Third Street South where there is heavy traffic. Mr. Black added that pedestrians cannot use many of the existing sidewalks because of overflow parking. Mr. Black recommended putting sidewalk on at least one side of the street for areas around focal points such as schools, libraries, and churches. Vice Mayor Herms concurred, saying that residents in low traffic areas had however opposed installing sidewalks. Mr. Black however pointed out that traffic is increasing even in single family areas as units are constructed to multi-family. He then said that he would like to review those items staff is presently considering, and that he would gladly contribute.

In response to Council, PAB Member Black affirmed that right-of-way parking is a problem, especially near the beach. City Manager Rambosk stated that staff has grown increasingly concerned about this and that he had directed Planning Director Lee to review parking needs and requirements. Vice Mayor Herms concurred, noting that Council would have to either install

additional parking or, preferably decide to maintain the community's residential character. Council Member Tarrant expressed appreciation and encouraged Mr. Black to work with staff. Chairman Hole stated that he would request either the City Manager or his designee to present staff's plans and concerns at an upcoming PAB meeting.

PAB Member Kuehner asserted that architectural control could be approached in either of two ways: setting forth a series of rules and regulations constitute a board composed mainly of professionals who would review each proposal. Because there could be no single set of regulations to adequately address such diverse areas as 41-10, Third Street South, and the airport, he recommended against the regulatory approach in favor of a board which would value each project on its own merits. He pointed out that the PAB had worked for a year on various drafts of an ordinance that would establish an Architectural Review Board (ARB), and although the City had been fortunate thus far, difficulties may arise due to the infiltration of multi-family and boat storage facilities. Mr. Kuehner emphasized that producing good architecture throughout the City is important even though it may be construed as another level of regulation. He recommended the board being on a voluntary basis for a period of time in order to produce design guidelines which could later become mandatory.

Council Member MacIlvaine concurred, and noted that Council had considered allowing the ARB one year in which to develop guidelines; PAB Member Kuehner however advocated 90 to 180 days due to the current rate of development and the pressing need for specific standards. Mr. MacIlvaine expressed support for the PAB's work and concurred with proceeding. Council Member Taylor also concurred, and suggested that the professionals on the ARB be replaced regularly in order to obtain different viewpoints. Council Member Tarrant suggested including engineers and builders. Mr. Black explained that the board would be comprised of nine members: three architects, one landscape architect, one building professional, one civil engineer, and three citizens at large. In response to Council Member Tarrant, Mr. Kuehner acknowledged an inherent conflict of interest in order for architects practicing in the City to participate. City Attorney Beverly Grady explained that the Code contains restrictive conflict provisions with no exemptions prohibiting an ARB member from representing private clients before Council and the PAB. Mr. Kuehner therefore said that this approach would not be successful unless there is a sufficient number of retired architects or Council can identify a means to allow practicing architects to serve .

Mayor MacKenzie suggesting combining the two concepts of design guidelines with a design review board. Mr. Kuehner however reiterated his concern that a set formula which would not function with a diverse building mix and added that he believed the ARB's generalized guidelines would likely be most appropriate for the City. Vice Mayor Herms said that zoning was at fault for the unattractive buildings, such as the boat storage facilities, and that he believed standards should relate to height and density along with architecture. He then voiced doubt that an ARB could contribute significantly, saying that although some of the buildings are too tall, they are architecturally attractive; Mr. Kuehner disagreed. Council Members Galleberg and Herms equated the impetus to build for maximum return with the increase in property values. Mr. Herms also noted that this factor would alter the character of the community to a greater extent than all of the architects. Council Member Galleberg however disagreed with this point, stating that as long as the building stays within realistic bounds, there will still be economic pressure to fill the building cube, and said that standards should relate to how that cube should be filled.

PAB Member Navarre voiced concern that the PAB and the Council would be forced to become architects, albeit lacking adequate time, experience, and talent to make architectural decisions. He therefore advocated allowing an ARB to sort through the relevant issues, such as an appropriate fit

with the adjoining properties. He added that he saw the ARB as a resource which could facilitate good decisions. Mayor MacKenzie expressed support for establishing architectural standards for commercial buildings, but said she could not support subjecting a petitioner to another layer of government review until the standards are approved by Council. In response to Mr. Kuehner, Mayor MacKenzie suggested that these standards be prepared by volunteers from the local American Institute of Architects (AIA) chapter. While Council Member Tarrant concurred, he also voiced concern about what he described as a constant conflict of interest on the part of ARB members. Mayor MacKenzie however explained that the conflict would occur only when the ARB is empanelled and drawing up the design standards. Council Member Galleberg nevertheless said that if Council excludes from consideration all active City architects, it would eliminate all knowledgeable practitioners. Council Member Taylor proposed that there also be a design board; Mayor MacKenzie suggested establishing such a board after the guidelines are approved and enacted. Council Member MacIlvaine said that once a set of standards is codified, the Building Department could assume this function, however, such standards could not in fact be codified because of the need for an artistic sense of proportion, color, and design. Mr. Kuehner then explained that the PAB is available to guide Council on creating the cube, and that the ARB would provide guidance on what goes inside. Vice Mayor Herms commented that architects have their own personal styles, and therefore encouraged researching the ARB members' portfolios in order to determine whether their work would benefit the City. Council Member Taylor however noted that having several architects along with a landscape architect on the ARB should produce a collaborative effort. Chairman Hole suggested contacting other communities to ascertain their experiences in using an ARB.

In response to Council, City Attorney Grady affirmed a need to amend the City's ethics ordinance in order to allow practicing architects to serve on the ARB. Mayor MacKenzie suggested exploring term length for architects since an architect may be willing to forgo work in the City limits for a year or less. City Attorney Grady said she was uncertain of the rules on board commissions and would perform the necessary research.

MOTION by Taylor to DIRECT THE CITY ATTORNEY TO RESEARCH THE MEANS BY WHICH AN ARCHITECT COULD SERVE ON AN ARB WITHIN THE ETHICS ORDINANCE; seconded by MacIlvaine and carried 4-2 (Galleberg-yes Herms-no, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-absent, MacKenzie-yes).

Mayor MacKenzie noted that the City Attorney had written a memo (a copy of which is contained in the file for this meeting in the City Clerk's Office) recommending that Council advertise in the newspaper an official Notice of Zoning in Progress. City Attorney Grady explained that the purpose is to make architects aware of pending regulations, which would help to strengthen the City's position in applying them and in limiting claims of estoppel. She however advised waiting until Council has a clear direction and has begun to formulate regulations.

It is noted for the record that Council Member MacIlvaine left the meeting at 11:52 a.m. and returned after the recess.

PAB Member Amy Rego then read a memo into the record regarding current conditions and problems with potable water and possible solutions. (See Attachment 1.) Chairman Hole said the PAB has discussed this issue at length and asked whether Council wished to instruct the PAB to develop programs. Council Member Galleberg suggested, however that the PAB first determine what in fact is under the City's control. City Manager Rambosk stated that staff is currently working on some of the solutions mentioned in Ms. Rego's memo and would present to Council in February proposals for reuse water, conservation, and revised fee structures. Council Member Taylor pointed out that citizens seem to be ignoring the present water restrictions. City Manager Rambosk said that

although staff currently issues citations, new regulations would strengthen its enforcement; Miss Taylor suggested alerting the public via the City's cable channel.

Although acknowledging Mrs. Rego's information as correct, City Manager Rambosk provided clarification on some of the issues. He pointed out that the 14 wells being taken out of service were not pumping, and should have previously been deleted from the water application. He emphasized that the City would not be losing currently operating wells. Council Member Tarrant noted the importance of making the public aware that 63 City wells are located on land in the County. He added that the State and federal governments are in fact proposing to construct over 300 aquifer storage and recovery (ASR) wells to accommodate explosive growth, which he said is a means to avoid tying development to existing water resources. Chairman Hole stressed the importance of monitoring the zoning changes outside the City limits but within the City's service areas to ensure that the projected demand estimates are appropriate and that any request for a zoning change within the City that would increase water demand be denied. Council Member Tarrant noted what he described as clear signals from South Florida Water Management District (SFWMD) that the price of water would increase, and predicted that the City would be faced with serious decisions regarding the use of potable water for irrigation.

Planning Director Lee stated that staff has been working on various ways to implement Policy 2-21 of the Comprehensive Plan, which is essentially to establish a system to link water use planning with land use planning. He then said that staff had estimated the City's build-out population and had used a Metropolitan Planning Organization (MPO) report to obtain the figures for service areas outside City limits. Staff then used these figures in conjunction with the 300 gallons per person per day minimum established in the level of service standards in the Comprehensive Plan to determine the amount of water needed. The other side of the equation; however, is available water, Mr. Lee explained, and said that staff had used the figure allowed by the current permit, which is 24.5 million gallons per day, but is uncertain as to the true figures as SFWMD has not as yet provided the requested information. Vice Mayor Herms said he believed the ultimate question is how much population should be allowed and recommended that Council determine a permissible level to which it could guarantee reasonably priced water, understanding that if exceeded, the cost of water would increase. He also suggested halting the issuance of building permits and prohibiting any increases in density when the population reaches a certain level. Mr. Lee stated that staff could provide an analysis that demonstrates at what point in the City's population would exceed water available under its current permit. Mr. Herms recommended establishing this by ordinance. Chairman Hole confirmed that the PAB would deny any request for rezoning that would greatly increase water demand. City Attorney Grady, however, pointed out that under its concurrency management system, Council is to determine that the appropriate infrastructure is in place when approving development, and if Council in fact determines capacity is inadequate, it must preclude further development until the infrastructure is increased to meet that demand. Mr. Lee briefly described the annual level of service report, and confirmed that the City could not issue building permits if it could not provide the required minimum. Mayor MacKenzie however said that the City could in fact obtain required water from various sources such as cisterns and recaptured stormwater, so wellfield inadequacy does not necessarily afford adequate protection. Chairman Hole however said he believed the water must be obtained from a public water supply. PAB Member Rego stated that the water County residents draw from private wells ultimately emanates from the aquifer noting that much of the natural sheet flow into the aquifer is being curtailed by building and diverted into the Florida basin or Naples Bay. She recommended that the City consider a broad approach due to the potential for future problems.

Recess 12:23 p.m. to 1:39 p.m. It is noted for the record that all Council Members except Mrs. Wiseman were present when the meeting reconvened.

City Manager Rambosk clarified for Mayor MacKenzie that staff would use the same population figures submitted for the City's water permit, but that he would attempt to obtain additional information.

PAB Member Boggess stated that although many people come to the City to enjoy its natural amenities, the beaches have been neglected and abused; he read his memo on this issue into the record. (See Attachment 2.) In response to Council, Mr. Boggess assessed blame with the Florida Department of Environmental Protection (FDEP), the County, and its consultant, which he said had been confirmed during a recent internal investigation. Council Member Tarrant then questioned Mr. Boggess' recent objection to the County's proposed parking garage. Mr. Boggess stated the County Code is explicit as to what can be done with TDC (tourist development) funds although the County had nonetheless pledged or spent \$15 million of the \$30 million collected for beaches for projects which are not expressly authorized. He said he believed the County should complete the Naples beach, noting that beaches had been shorted 275,000 cubic yards of storm protection amounting to \$4.4 million. Mr. Boggess clarified that the proposed parking garage is estimated at \$3.8 million, and that two others are currently planned. Mayor MacKenzie questioned Mr. Boggess on whether he was recommending an ordinance to tighten coastal construction setback line variance procedures and another to exert greater City control over the specifications for beach renourishment sand. Mr. Boggess however said this could be accomplished in one ordinance, and that the City support enforcement State standards for sand coloration and grain size.

Vice Mayor Herms cited what he described as the City's 13-year struggle to identify a quality sand source for renourishment and that on several occasions the County discovered and ultimately rejected sand due to poor quality. In 1995, the County guaranteed an offshore sand source as containing no rock or shell although when brought to shore significant amounts of rock were pumped onto several portions of the beach. He therefore recommended that the City exert have some type of permitting oversight and reserve the ability to halt a project if the material not meet minimum City and State specifications. He asked whether the City has the ability to draft such an ordinance. City Attorney Robert Pritt stated that he was unaware of any preemption in State law to prohibit enacting City standards as long as they did not fall below those established by the State. Mr. Boggess stated that although the County has authority over the beaches, the City has control over the coastal construction setback variances and should not allow construction seaward that would hamper its interests. Although Mr. Boggess said that the FDEP could delegate to the City beach authority, City Attorney Pritt said that it is more likely FDEP would favor the County. In response to Mayor MacKenzie City Attorney Pritt stated that while it could be within the City's purview whether the FDEP and Army Corps of Engineers (ACOE) would continue to evaluate whether the terms of the permit had been met, the City should consider whether it actually wants this responsibility.

MOTION by Herms to DIRECT THE LEGAL AND MANAGEMENT STAFF TO RESEARCH AVAILABLE OPTIONS; seconded by Tarrant and carried 6-0 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-yes).

Public Comment: Virginia B. Corkran, 213 Ninth Avenue South, expressed appreciation for PAB Member Rego's water report and stated that under State law, SFWMD must provide water supply information which the City may insist upon. With appropriate population and water information, she added, Council could establish a water budget and proceed with Comprehensive Plan Policy 2-21. Mrs. Corkran recommended that Council also research various conservation measures and enact appropriate ordinances.

Council Member Tarrant proffered a motion, seconded by Vice Mayor Herms, to direct staff to correspond with SFWMD as recommended by Mrs. Corkran; however, further discussion ensued. Council Member Galleberg expressed uncertainty about the City effectiveness given that it receives its allotment from SFWMD. City Manager Rambosk however pointed out that each municipality must develop its own relationship between available water and building. Mrs. Corkran also recommended that the City consider its contract and obligations relative to the County water users when addressing its water budget.

MOTION by Tarrant TO DIRECT THE CITY ATTORNEY, WITH THE COOPERATION OF THE MAYOR AND CITY MANAGER, TO DRAFT CORRESPONDENCE TO SFWMD REQUESTING WATER SUPPLY INFORMATION, WITH A COPY TO THE GOVERNOR'S OFFICE CONTAINING A BRIEF BACKGROUND EXPLAINING THE DIFFICULTY THE CITY HAS HAD IN OBTAINING THIS INFORMATION. This motion was seconded by Herms and carried 6-0 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-yes).

City Manager Rambosk stated that staff is proceeding to develop a water reuse master plan, and would include research on an expanded water master plan as well. Mayor MacKenzie said in the meantime the City is working on replacing its entire irrigation system, and City Manager Rambosk confirmed that the City is placing rain gauges on its median systems.

Mayor MacKenzie expressed appreciation to Chairman Hole for the PAB's dedication and commitment to the community. Chairman Hole recommended that when Council considers revising water service areas, it also consider agreements on debt service. Council Member Tarrant said he felt it important to stress that Council is not considering changing the current level of service for County residents, but would merely research the legal ramifications of the contract. PAB Member Rego noted that there would be a workshop on the Everglades restoration and water on January 13th in the Von Liebig Art Center.

.....**ITEM 5**
DISCUSSION OF A 2001 CHRISTMAS PARADE (Requested by Council Member Tarrant) (2:31 p.m.) Council Member Tarrant suggested replacing the City's traditional Christmas Parade with one entitled the "The Naples Downtown Old Christmas Dickens Parade" as a means to emphasize the true meaning of Christmas without commercialization. He also recommended establishing a task force comprised of Naples Players and Naples Art Association representatives, and representatives from local schools to ensure that parade floats reflect an old fashioned Dickens-style celebration and likewise urged inclusion of the 41-10 Business District. Council Member Galleberg noted that the City itself does not stage the Christmas Parade and that the 2000 Christmas Parade did not occur due to a lack of sponsorship. Council Member Tarrant said the City should nevertheless play a role in encouraging a quality celebration. City Manager Rambosk then noted that Fifth Avenue South representatives had relayed their request that the parade not coincide with scheduled street closings such as the Christmas Walk. Council Member MacIlvaine said the participants themselves should form the task force, organize the parade, and approach Council. Vice Mayor Herms suggested participation by the business associations from Third Street South and Fifth Avenue South and possibly the Old Naples Association and 41-10 Business District, depending upon the parade route. He also recommended that the Mayor draft a letter to the editor explaining to the community that the City was not responsible for the cancellation of the 2000 Christmas Parade. Council Member Tarrant then suggested contacting the organizers of prior such parades and Council Member Galleberg said he would support a community-based effort to stage a traditional event. Vice Mayor Herms said the

City should also participate in the process and suggested future workshop discussions on this issue with the various organizations.

MOTION by Herms TO DIRECT THE STAFF TO INVITE (INCLUDING BUT NOT LIMITED TO) THE THIRD STREET SOUTH BUSINESS ASSOCIATION, FIFTH AVENUE SOUTH BUSINESS ASSOCIATION, OLD NAPLES ASSOCIATION, AND THE 41-10 BUSINESS ASSOCIATION TO A FUTURE WORKSHOP TO DISCUSS THE POSSIBILITY OF A OLD FASHIONED CHRISTMAS PARADE WITH THE UNDERSTANDING THAT THIS PARADE WILL NOT BE PROJECTED AS A COMMERCIAL VENTURE BUT RATHER A DICKENS-STYLE APPROACH TO CHRISTMAS This motion was seconded by Tarrant and carried 6-0 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-yes).

It was determined that these discussions would take place within the next 4 weeks.

.....**ITEM 6**
BRIEFING BY CITY MANAGER (2:49 p.m.) It was determined that since the City has a bill pending regarding school crossings on major highways, the City Manager, Acting Chief of Police, and Vice Mayor Herms would attend the Legislative Delegation meeting on January 17th pending a determination of that meeting's schedule.

City Manager Rambosk then said that the City Attorney would request that Council convene an Executive Session to discuss strategy in the pending aquifer storage and recovery (ASR) test well litigation. Council Member Tarrant described it as a City obligation to as soon as possible inform its water customers of its concerns on this issue and recommended proceeding with a mailing. City Manager Rambosk commented that he had forwarded a copy of Mr. Tarrant's draft correspondence to Donald McNeill, the City's water consultant for comment and also confirmed a formal request to the County Commission to discuss this issue, although no reply had yet been received. Council Member Tarrant noted that a Florida Department of Environmental Protection (FDEP) geologist had at a June 6th ASR meeting noted a deep well injection system leak in the Palm Bay area, but that it was only a potential problem because a monitoring well had indicated the presence of contaminated substances. Mr. Tarrant observed that this explanation would however not sufficiently comfort Naples water customers. City Manager Rambosk indicated that staff would overview the proposed mailing at the upcoming Regular Meeting, and provide copies of the videotape of the aforementioned State meeting. Vice Mayor Herms suggested airing that meeting on the City's cable channel as well.

MOTION by Herms to DIRECT STAFF TO SEND COPIES OF THE 6/6/00 ASR MEETING VIDEOTAPE TO THE COUNTY MANAGER AND EACH OF THE COUNTY COMMISSIONERS; INVITE THEM TO ATTEND AN UPCOMING COUNCIL MEETING ON THIS ISSUE; AND INCLUDE THOSE QUESTIONS RAISED BY THE CITY'S CONSULTANT IN WRITING TO THE COUNTY STAFF. This motion was seconded by Tarrant and carried 6-0 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-yes).

Vice Mayor Herms suggested including in the mailing a customer comment card And City Manager Rambosk stated that he and Mr. Tarrant had discussed several options such as using the City's utility bills or conducting a special mailing.

City Manager Rambosk then reported a water main break on Park Shore Drive which had been readily corrected. He then stated that the Galley Restaurant had agreed to halt live entertainment until

such time as it receives authorization from Council. Mr. Rambosk said that plans for a Beach Renourishment meeting between Marco Island, the County Commission, and the City is pending and that he had spoken to County staff regarding plans to remove rocks from the beaches as they are identified. He added that there either is or will be a consent order issued with regard to the beaches, and that he would confer with the Natural Resources Manager. Mr. Rambosk then recommended that representatives from the City and Marco Island Council meet regarding the County MSTU, and plan to make a presentation to the County Commission.

.....ITEM 7
REVIEW OF ITEMS ON THE 1/3/01 REGULAR MEETING AGENDA (3:34 p.m.) Item 6-b (1) (Celebration Community Church service at Lowdermilk Park) and Item 13 (public hearing to consider settlement of Hermann Fluitt vs. City of Naples) – Mayor MacKenzie noted these items would be withdrawn. Added Item 19 (discussion regarding ASR wells). Item 6-b (2) (Sports Masters International, Inc. Fishing Tournament) – Council Member Taylor requested that this item be removed from the Consent Agenda for separate discussion due to the size of the event. City Manager Rambosk said he would invite the petitioner to present an overview. Item 10 (consider a variance in order to permit a 15.16-foot rear yard setback) – Council Member Galleberg questioned whether there is a utility easement on the property. Item 11 (consider appointing members to the Heart of Naples Committee) – City Manager Rambosk stated that the resolution was not as yet complete because the two positions for River Park have not been filled. Mayor MacKenzie suggested inviting Mary Ellen Hawkins (former State Representative) or a member of the Wynn family as an alternate, and contacting Andrea Clark Brown (River Park Center architect) and James Whittaker (River Park Recreation Leader) to help identify potential representatives. Item 14 (consider a request to reduce or waive the rental fee for the Jones wedding at the Wilkinson House) – City Manager Rambosk said he would provide an overview, and would request the petitioner to provide additional information. Council Member MacIlvaine questioned the current status of the Wilkinson House contributions. Although City Manager Rambosk said Council had discussed refunding these funds, Council Member Galleberg said he was uncertain whether this was actually legally possible. Mr. MacIlvaine commented that he would not consider returning any monies to the Blumquists.

MOTION by MacIlvaine to DIRECT THE CITY ATTORNEY TO RESEARCH WHETHER THE CITY CAN REFUND THE VOLUNTARY WILKINSON HOUSE CONTRIBUTIONS; *seconded by Galleberg and carried 6-0 (Galleberg-yes Herms-yes, MacIlvaine-yes, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-yes).*

Item 15 (consider various matters relative to the Wilkinson House) – City Attorney Robert Pritt confirmed that at least one attorney from Roetzel & Andress would be present for the discussion. Council Member Galleberg requested additional information on handling a potential third-party issue. Item 18 (consider the settlement agreement proposed by SFWMD pertaining to the Calusa Bay wells) – City Manager Rambosk said he would respond with factual information to a letter written by James Wallace which appeared in the Naples Daily News, and determine whether the settlement agreement had been finalized. Council Member Tarrant suggested sending a copy of the aforementioned Wallace letter with Mr. Rambosk's response to SFWMD. In further discussion, City Attorney Pritt explained that the three parties to this agreement are the City, SFWMD, and The Groves. Council Member Tarrant questioned the solvency of The Groves; however, Council Member MacIlvaine said that the City need not be concerned due to the escrow account.

CORRESPONDENCE & COMMUNICATIONS (4:00 p.m.)
Council Member Tarrant requested that Council discuss the Royal Poinciana Golf Club (RPGC) development agreement at its upcoming Regular Meeting. Council Member MacIlvaine said he believed this matter to be more of a Burning Tree Drive question, and that the improvements, previously estimated \$750,000, will actually be approximately \$80,000. Council Member Tarrant

however said that legal violations had occurred during the approval process, and that the PAB Chairman had caused ethical problems in his handling of the matter. Mr. MacIlvaine disagreed, saying that James Kessler, whom he said has no standing, had filed a frivolous lawsuit against the City. Vice Mayor Herms pointed out that former City Manager Richard Woodruff had originally estimated the improvements at \$1.2 million, and questioned the actual cost.

Council Member MacIlvaine explained that installing a drainage system on the north side of Burning Tree Drive would benefit many people in the Pine Ridge Road area as well as those west of Goodlette-Frank Road and north of Granada Boulevard. He also noted that a major part of the expense is due to a joint State/County/City study currently underway to determine ways to correct the drainage problems that have caused flooding. Mr. MacIlvaine further explained that the City would actually be reconfiguring Burning Tree Drive to install stormwater and to underground the utilities, for which the RPGC has donated land and that the City performs such improvements for its annexed properties in order to bring them up to the City's standards. Mr. MacIlvaine therefore asserted that he believed no one had acted inappropriately, and that the lawsuit is without merit. Council Member Tarrant however stated that regardless of cost, there has been an abuse of the public trust pointing out that when initially presented, neither the previous Council nor the PAB had been given adequate information in order to make a reasoned decision. He characterized the transaction as manipulated and urged that Council to rectify it. In response to Council, Mr. Tarrant explained that information relative to the financial impact to the capital budget had been lacking, but Council Member Galleberg said that this type of decision is instead made during the budgeting process. Vice Mayor Herms said that there had been significant disparity in purported cost and that he believed PAB Chairman Hole violated at least five sections of the City's ethics code. Mayor MacKenzie, however, commented that the document alleging this (a copy of which is contained in the file for this meeting in the City Clerk's Office) represents only one side of the lawsuit, and that the request then under consideration is to put the matter on the agenda for the upcoming Regular Meeting, which she said she believed to be premature. Vice Mayor Herms concurred, and proffered a motion to place it on the agenda for the January 17th meeting.

City Manager Rambosk said that staff would provide all the necessary information for Council to reach a decision and identified the main questions as being whether the improvements should legally be made, the identity of the true beneficiaries, and the actual cost. Mr. Rambosk noted further that a portion of the community would lose access to its property, which would pose a safety hazard if the City cannot assist in obtaining alternative access. Council Member Tarrant however recommended voiding the development agreement, and then meeting with the RPGC Board of Directors and others involved to craft a new one. Council Member MacIlvaine pointed out that Chairman Hole had not benefited from his actions, and is therefore not guilty of anything illegal or unethical.

MOTION by Herms to PLACE A DISCUSSION OF THE ROYAL POINCIANA GOLF CLUB DEVELOPMENT AGREEMENT ON THE JANUARY 17, 2001 REGULAR MEETING AGENDA; seconded by Taylor and failed 3-3 (Galleberg-no Herms-yes, MacIlvaine-no, Tarrant-yes Taylor-yes, Wiseman-absent, MacKenzie-no).

Council Member Galleberg requested that the City Attorney provide advice as to public statements which the Council may make on this matter due to the pending litigation. Attorney Fred Hardt explained that the original complaint was filed in April and amended shortly thereafter when Mr. Tarrant withdrew and additional parties were added. Various motions had been filed since relating to standing and misjoinder, he said, and that Judge Hayes had granted a motion to dismiss with leave to replead. Attorney Hardt stated that he is currently waiting for the plaintiffs to file a second amended complaint, and that he would present an opinion to Council by January 17th. Vice Mayor Herms

questioned whether he may request in writing that the City Attorney issue an opinion on Mr. Hole's actions. City Attorney Pritt said that he could do so, but added that this has more to do with interpreting the law itself than to the appropriateness of Mr. Hole's actions. He said he would research the legislative history to determine Council's intent in adopting the ethics ordinance. Attorney Hardt explained that the first issue is whether a violation of the local ethics ordinance or the State law governing conflicts in voting had occurred; if so, the issue to be determined is the effect on the development agreement. Attorney Hardt said it would be prudent to wait for the amended complaint before proceeding further.

Vice Mayor Herms stated that a citizen had requested that Council look at the alleys between Second and Third Avenues South; City Manager Rambosk stated that he had previously forwarded that request to the Engineering Department. Council Member Taylor said that upon reviewing the Wilkinson House documents, she became aware that any new owners could waive the 50% rule if they chose to register the house on the local historic register, should Council enact an enabling ordinance. City Manager Rambosk suggested requesting a legal opinion on holding the purchaser to this standard. He also recommended placing the ordinance on the PAB and Council agendas expeditiously, and commented that this would be both a selling and a preservation point. In response to Council, City Attorney Pritt stated that the ordinance would provide that once a house is placed on the register, it could not be removed without Council action. Mayor MacKenzie suggested it be at the Council's sole discretion, but at the request of the property owner. Council Member Taylor however urged that registering the property be voluntary, and suggested that one of the prerequisites be the placing of these deed restrictions in the platting. Council Member MacIlvaine observed that a 1.5% percent commission of \$105,000 which he e very generous, although Council Member Galleberg proposed 2% in order to obtain a favorable price for the property. Vice Mayor Herms pointed out that the City may in fact receive a favorable bid and may not have to pay any commission.

Mayor MacKenzie then noted correspondence from William Lascheid relative to waiving the application fee for rezoning the property currently occupied by the Naples Bay Car Wash in favor of the Neighborhood Health Clinic. (A copy is this memo is contained in the file for this meeting in the City Clerk's Office.) Vice Mayor Herms recommended that the petitioner be provided with information relative to waiver of permit and impact fees. Mayor MacKenzie urged that the City install a pedestrian crosswalk sign at the intersection of Eighth Street and Fifth Avenues South which had been said to be more cost-efficient after the parking garage and paver crosswalks were installed. City Manager Rambosk said he would provide information at the Regular Meeting.

OPEN PUBLIC COMMENT (4:52 p.m.)......
None.

ADJOURN (4:52 p.m.)

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 3/7/01

**JOINT PLANNING ADVISORY BOARD
AND
CITY COUNCIL MEETING
JAN. 3, 2001**

A.D.REGO: POTABLE WATER:

Present conditions are: insufficient rainfall>>lower aquifer levels>>water restrictions
increased development >>increased potable water usage

(Have we received our Water Use Permit yet?)

Correct me if I am wrong, it is my understanding that in our application we're abandoning 14 wells/Coastal Ridge but still asking to keep the same figure of maximum withdrawals = 11.6mgd. How can that be? 14 wells down - yet we have the same if not a greater need. Therefore why are we asking for only 2mgd extra from the Golden Gate wellfield. [coastal ridge capacity=16.63mgd....permitted max withdrawal = 11.6mgd]
[present permitted capacity of both wellfields can't exceed 24.64mgd]

Policy 2-21: "By 1999" we were to "establish a system to link water use planning with land use planning. The Comprehensive Plan to be amended accordingly to recognize the established system."

To date we have not done this.

?Will the City's wellfields, taking into account local considerations and constraints, be sufficient to meet the City's future needs? We are told by So.Fl.Water Mgt. that the recently completed Lower West Coast Water Supply Plan (April 2000) states that "future increases in production from the Surficial Aquifer System along the coast beyond existing withdrawal levels, appears limited due to the potential for wetland impacts and saltwater intrusion. Proposed withdrawals above existing demands need to be evaluated on a project by project basis and must be determined through the District's CUP(Consumptive Use Permit Program).

Clarence Tears(Big Cypress Basin) Oct.20,2000 said that available "cheap water" resources have been expended, and alternative water supply resources need to be addressed and considered to meet our increasing demands.

Which brings me to the following:

- what will the number of people be at build-out?
- what will the County's number of people in our service area be at build-out?
- what will the result mean in water availability for city residents?

Possible Solutions:

- I Have in place a strong land use planning and water management program (Policy 2-21) Issue no. of building permits in accordance with "water budget".

**JOINT PLANNING ADVISORY BOARD
AND
CITY COUNCIL MEETING
JAN. 3, 2001**

- II Development of Alternative Sources:
 - Desalination: works with Gulf water as well as the brackish water from the Floridan Aquifer
 - Reuse Water: filtered and disinfected wastewater for irrigating golf courses; lawn watering (i.e. Mr. Lanane's proposal re Port Royal); provides uninterrupted water source of beneficial plant nutrients (nitrogen and phosphorus).
 - Rain Shut-Off Switches in **all** sprinklers not only new (law'91)

- III Increase the Cost of Water: those who use it pay in proportion to amt.
 - Water Rates: to reflect the full cost of developing new water resources; based on level of usage ie- above a certain num- of gals.per billing period the rate is increased. this would encourage conservation while at the same time those who use more pay more. (a basic average usage level needs to be determined) different rate levels for domestic irrigation; for commercial (hotels, marinas, restaurants, etc.)

 - Water Fees: increase/establish water impact fee on new develop- ments. Their added strain on present water availability will necessitate increased costs to provide water.

What is the direction the City Council wishes to take? Whichever of the above proposals or others, we need to start planning now. The cost for alternative water sources will be exceedingly expensive--in the millions. We must avoid crisis management. It is only fair to City residents to be informed of the direction in which the City intends to go, and the dollar cost to taxpayers.

The Comprehensive Plan 's purpose is to be proactive and the PAB needs to know the Council's intent in order to make informed decisions.

William S. Boggess

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Naples, Florida, 34102

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E-Mail: William-Boggess@webtv.net

[1-pier]

+++JANUARY 2, 2001+++

++CITY COUNCIL AND PLANNING ADVISORY BOARD JOINT
WORKSHOP++

GOOD MORNING, LADIES AND GENTLEMEN, A HAPPY MILLENNIUM TO
EACH OF YOU!

MY SUBJECT,--- STRANGE AS IT MAY SEEM,--- IS BEACHES.

FIRST,--- THE CITIZENS OF NAPLES OWE A DEBT OF GRATITUDE TO TWO
COUNCILMEN, WHO FOR YEARS OF THANKLESS DEDICATION AND
ADVERSE PUBLICITY, HAVE TRIED TO SAVE OUR BEACHES. ---- FRED
TARRANT AND JOE HERMS, THEY HAVE BEEN PROVEN,--- ABSOLUTELY
RIGHT --- IN THEIR WARNING OF THE PENDING DISASTERS, WITH THEIR
UN-TIRING BATTLE FOR DECENT BEACH NOURISHMENT.

FIVE MINUTES IS INSUFFICIENT TIME TO PROPERLY ADDRESS BEACHES,
SO PLEASE FIND IN FRONT OF YOU, FOURTEEN (14) PAGES OF
DOCUMENTS, WHICH BRIEFLY OUTLINE WHAT I FEEL ARE SOME OF THE
MORE IMPORTANT SUBJECTS.

IT HAS BEEN SUGGESTED IN THE PAST, THAT THE CITY NEEDS AN
ORDINANCE CONTROLLING WHAT IS DONE ON OUR FRAGILE BEACHES.

'TIS TRUE,--- CHAPTER 161, AND SECTION 125.0104, OF FLORIDA
STATUTES, DELEGATES AUTHORITY TO THE COUNTY COMMISSION AS
BEING IN CHARGE OF BEACHES AND THE TOURIST DEVELOPMENT
FUNDS.

IT IS INCUMBENT HOWEVER, FOR THE CITY OF NAPLES, ON BEHALF OF
ITS CITIZENS, VISITORS, SNOWBIRDS AND SOME BUSINESS', TO WARD OFF
FURTHER ASSAULTS OF OUR BEACHES, SUFFERING FROM THE COUNTY
COMMISSIONERS BLATANT, ILLEGAL AND DEFIANT VIOLATIONS OF
BOTH, THE INTENT AND LETTER, OF SAID STATUTES, CLAIMING IN PART,
TO BE EXEMPTED THERE FROM BY THEIR --- "LEGISLATIVE FINDINGS"---,
IF INDEED SUCH EXISTS?

THE CITY OF NAPLES IS TO REVIEW COASTAL CONSTRUCTION SETBACK
LINE VARIANCES, INSURING SUCH DOES NO HARM. -- PAST CITY
ADMINISTRATIONS HAVE FAILED,---YOU CAN MAKE A DIFFERENCE,
SIMPLY BY DOING YOUR JOB.

THE COUNTY COMMISSIONERS HAVE VIOLATED THE EXISTING,
RESOLUTION 95-7438, BY FAILURE TO RE-APPLY WHEN ALTERING THEIR
APPROVED PLANS,---[2-xsec]--- NAMELY; 1)-- INTENTIONAL BURYING

1/2/01 City Council Workshop Mtg.
Attachment 2, Page 2 of 2.

ROCKS, 2)-- NOT COMPLETING THE NAPLES PORTION OF THE PROJECT AND 3)-- ADDING ILLEGAL BEACH FILL MATERIALS WHICH FAILED TO MEET REQUIREMENTS OF RULE 62B-41.007(2)(j), FLORIDA ADMINISTRATIVE CODE (FAC).

---[3-spec&curve]--- THE CITY SHOULD SUPPORT THE UNDER STAFFED DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) IN PROTECTING OUR BEACH,--- A VALUABLE INVESTMENT AND NATURAL ATTRACTION,--- BY ENFORCING STATE BEACH FILL MATERIAL AND OTHER REQUIREMENTS, THOSE WHICH OUR COUNTY COMMISSIONERS CONTINUE TO VIOLATE.

CITY OF NAPLES CAN AND SHOULD, ENACT AN ORDINANCE, INSURING; 1)-- EASEMENTS HAVE BEEN OBTAINED, 2)-- MATERIALS BEING PLACED ON THE BEACH ARE IN COMPLIANCE AND 3)-- ALL STATE AND FEDERAL PERMITS ARE OBTAINED, WITH COPIES IN CITY FILES, PRIOR TO ISSUING A CITY RESOLUTION OF THE COASTAL CONSTRUCTION SET BACK LINE VARIANCE.

THE CITIES LATEST LETTER TO THE STATE AND FEDERAL OFFICIALS, DID EFFECT THAT WHICH WE SOUGHT. IT RENDERED SUPPORT WHICH BROUGHT ABOUT DEP REVISITING OUR FAILED BEACH PROJECT AND THEREAFTER, CAUSING FURTHER ACTION, CURRENTLY BEING PREPARED AGAINST COLLIER COUNTY AND ITS CONSULTANT, IN DEP'S LEGAL DEPARTMENT, AS SO INFORMED, DEC.19TH.

[2-xsec] THIS ACTION MAY JUST BE WHAT THE STATE ATTORNEY NEEDS TO PROCEED WITH CRIMINAL CHARGES, FOR THE THREE (3) FALSIFIED PROJECT REPORTS SUBMITTED TO THE DEP, BY MICHAEL T. POFF, P.E., PROJECT ENGINEER OF COASTAL ENGINEERING CONSULTANTS, INC.!

IT WAS POFF WHO AUTHORIZED THE CONTRACTOR TO BURY KNOWN ROCKS IN OUR BEACH, AND IT WAS POFF, UNDER SUPERVISION OF DR. MICHAEL F. STEPHEN, P.G., OF SAID COASTAL, INC.,--- WHO THEN, JAN. 17, 1996, SET ABOUT RE-DESIGNING MORE THAN THREE (3) MILES OF NAPLES REMAINING BEACH PROJECT TO ACCOMMODATE THE ROCKY MATERIAL, CALLING IT "DUAL LAYERING".

DR. ORRIN PILKEY, THE WORLD RENOWN BEACH EXPERT FROM DUKE UNIVERSITY, WHILE VISITING OUR BEACH PROJECT, WAS QUOTED IN THE NEWS PAPER, JAN. 24, 1996, --- THAT HE DIDN'T THINK THIS 'LAYERING' IS A WISE CHOICE,--- BUT COASTAL, INC.'S, DR. STEPHEN WAS QUICK TO STATE, HE FELT IT WAS INDEED A GOOD CHOICE AND DR. PILKEY'S FEARS OF THE BAD MATERIAL BECOMING EXPOSED WOULD NOT OCCUR!

SUBSEQUENT EROSION AND THE ACTIONS OF STATE DEP AND ARMY CORPS OF ENGINEERS, SUPPORT DR. PILKEY'S, FRED TARRANT'S, AND JOE HERMS', COMMON SENSE VIEW POINTS!

YOU, CAN BEGIN THIS NEW MILLENNIUM, BY CHOOSING TO PROTECT OUR REMAINING BEACH, ACT NOW, DON'T WASTE IT,----- PROCEED, POST HASTE, BY ENACTING AN ORDINANCE TO PROTECT OUR BEACHES!

+++THANK YOU FOR YOUR TIME AND ATTENTION+++