



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Regular Meeting – June 7, 2006 – 9:00 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Bill Barnett, Mayor  
Johnny Nocera, Vice Mayor

**Council Members:**

William MacIlvaine  
Gary Price, II  
John Sorey, III  
Penny Taylor  
William Willkomm, III

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**Also Present:**

Robert Lee, City Manager  
Robert Pritt, City Attorney  
Tara Norman, City Clerk  
Victor Morales, Assistant to the City Manager  
Vicki Smith, Technical Writing Specialist  
Stephen Weeks, Technology Services Director  
Steven Moore, Chief of Police & Emergency Services  
Ann Marie Ricardi, Finance Director  
Robin Singer, Community Development Director  
Stephen Olmsted, Planning Administrator  
David Lykins, Community Services Director  
Cheryl Boutot, Network Specialist  
Jeffrey Cochran, Senior Network Specialist  
Jeff Lowenstein  
Joseph McMackin  
Sue Smith

Tom Gambucci  
Reverend Michael Kendrick  
Doug Finlay  
Dorothy Hirsch  
Charles Glisson  
Falconer Jones, III  
Tabitha Stadler  
Colin Kelly  
John Passidomo  
Thomas Spriggs, Ph.D.  
Ron Pennington

**Media:**

Aisling Swift, Naples Daily News

Other interested citizens and visitors.

**INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2**

Reverend Michael Kendrick, Cypress Woods Presbyterian Church.

**ANNOUNCEMENTS .....ITEM 3**

- Introduction of system for video streaming of meetings on City's website
- Employee Recognition Awards for years of service (list of those recognized contained in the file for this meeting in the City Clerk's Office)
- Sons of the American Revolution Day Proclamation

**SET AGENDA.....ITEM 4**

***MOTION by Sorey to SET AGENDA removing Item 6-f from the Consent Agenda for separate discussion; and adding Item 18 (interlocal agreement with other cities for an underground power study), Item 19 (in-house recycling service), Item 20 (construction site issues update), Item 21 (appointment of City of Naples Historian) and Item 22 (discussion of Naples Airport Authority issues). This motion was seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).***

**PUBLIC COMMENT.....ITEM 5**

(9:21 a.m.) **Tom Gambucci, 1493 Blue Point Avenue**, presented to Council a letter relating to what he deemed a shortage of downtown parking. (It is noted for the record that a printed copy of this document is contained in the file for this meeting in the City Clerk's Office.) He claimed that planned developments (PD's) were actually being amended by leasing, renting, or selling of PD-mandated parking through private agreements, and without the consent of City Council. Mr. Gambucci asked that further research into this issue be conducted by staff. **Doug Finlay, 3430 Gulf Shore Boulevard**, stated that while mandatory certification of lawn care providers would hopefully improve the quality of waterways, these requirements must be enforced, along with enforcement of water restrictions. Additionally he expressed concern regarding what he termed the aggressive pruning of the banyan trees remaining after Hurricane Wilma, expressing doubt that, even though wind load would be reduced thereby, survival in another storm event would result. **Charles Glisson, 625 Regatta Road**, noting the imminent hurricane season, urged that legislation be enacted providing for public education, including the construction industry, so that construction sites are secured during storm events. **Falconer Jones, III, 1255 Cobia Court**, presented Council with a copy of a letter from the Federal Emergency Management Agency (FEMA) to City of Naples former Building Official, William Overstreet, dated September 10, 2003 (Attachment 1). He advocated adoption of the 50% rule cited in the letter with reference to substantial improvement criteria reviewed in the second paragraph of the letter, with exceptions granted in the case of life safety issues such as installation of impact-resistant windows, roof replacement and electrical system upgrades. Furthermore, Mr. Jones cited what he described as a disparity between FEMA and the City with reference to appraisal methods and advocated negotiation and adoption by the City of an appraisal method acceptable to both. He concluded by saying that he feels strongly many of the older homes in the City could then be maintained. Council Member Price urged staff to address these issues by the end of summer recess; Council concurred. Council Member Sorey stressed the importance to the community of older homes. City Manager Robert Lee however reminded Council that FEMA regulations must be followed and that staff would provide an update; he also suggested inviting FEMA for a workshop discussion on this matter. Mr. Price thanked Mr. Jones, noting Council's willingness to do anything necessary within the law to maximize its authority to protect the citizens, stressing the importance of seeking further interpretation from FEMA. **Tabitha Stadler, Coastal Training Coordinator with Rookery Bay National Estuarine Research Reserve**, was afforded an opportunity to address Item 15 (certification program for lawn maintenance professionals) scheduled for action later in the meeting. Ms. Stadler said that Rookery Bay had been an ongoing partner with the City on this program, working closely with Natural Resources Manager Michael Bauer on the pilot program. While applauding the Council for this effort, Ms. Stadler also urged that an educational program, while costly, entails continuous follow-up to be successful. Ms. Stadler concluded by saying that, if developed and utilized properly, this program could become a model for the nation and her organization pledges continued support.

**Colin Kelly, 6651 Mangrove Way**, expressed concern with business closures precipitated by employee shortages which have occurred due to the rising cost of living in this area. He characterized the situation as a social infrastructure under distress. He also addressed Council with reference to a proposed amphitheatre to showcase local talent in an effort to recapture a feel for what many people had sought in the community. Mr. Kelly presented Council with a petition of support from interested Fifth Avenue business proprietors (a copy contained in the file for this meeting in the City Clerk's Office). Mayor Barnett directed staff to aid Mr. Kelly with the proper procedure for bringing his proposal to Council.

#### CONSENT AGENDA

**APPROVAL OF MINUTES** .....**ITEM 6-a**  
May 1, 2006, Workshop and May 3, 2006, Regular Meeting, as submitted.

**SPECIAL EVENTS** ..... **ITEM 6-b**

- 1) Heart Walk – American Heart Association – Cambier Park – 11/18/06 (amended date).
- 2) Jazz Festival – Bayfront Merchants Association – Bayfront – 07/22/06.
- 3) New Year's Eve Fireworks 2006 – City of Naples and Allen Systems Group, Inc. – Naples Pier – 12/31/06.
- 4) Naples Invitational Art Fest – Eden Institute Foundation, Inc. – Fleischmann Park – 01-27-28/07.
- 5) MS Walk – National Multiple Sclerosis Society – Lowdermilk Park – 03/03/07.
- 6) Walk-A-Thon – NAMI of Collier County – Cambier Park – 03/31/07.
- 7) 4<sup>th</sup> of July Private Block Party – Eleventh Avenue South – 07/04/06.

**RESOLUTION 06-11236**.....**ITEM 6-c**

**A RESOLUTION APPROVING A PURCHASE AND SALE OF GOODS AGREEMENT BETWEEN THE CITY OF NAPLES AND GATEWAY COMPANIES, INC., TO PROVIDE COMPUTER PURCHASES FOR FISCAL YEAR 2006; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AND SALE OF GOODS AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 06-11237**..... **ITEM 6-d**

**A RESOLUTION APPROVING THE SETTLEMENT OF A LAWSUIT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 06-11238**.....**ITEM 6-e**

**A RESOLUTION APPROVING THE MEDIATED SETTLEMENT OF A THIRD PARTY LIABILITY CLAIM; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

***MOTION** by Nocera to **APPROVE CONSENT AGENDA**, except 6-f (see below); seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

#### END CONSENT AGENDA

**RESOLUTION (Continued)** ..... **ITEM 6-f**

**A RESOLUTION ESTABLISHING THE SAM NOE AWARD IN ACCORDANCE WITH THE DESCRIPTION AND GUIDELINES ATTACHED HERETO AND MADE A PART HEREOF; AND PROVIDING AN EFFECTIVE DATE.** Title not read. (9:59 a.m.) Council Member Taylor stated that while she fully supports this award, she recommended that criteria be developed to assist in choosing nominees. Miss Taylor requested that City Clerk Tara Norman present to Council possible criteria which would include length of service and advocacy of public projects; Miss Taylor also requested methodology for a ranking system as part of a formal application process. Council then recommended development of this criteria over the summer with presentation to Council in September.

**Public Comment:** None (10:02 a.m.).

***MOTION*** by Taylor to ***CONTINUE THIS RESOLUTION*** to September 6, 2006, Regular Meeting to allow staff to develop additional criteria; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

**ORDINANCE (First Reading).....ITEM 7**  
**AN ORDINANCE DETERMINING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT 06-CPA2 DESIGNATING 83 ACRES “HIGH DENSITY RESIDENTIAL – HIGH RISE” FROM THE CURRENT COUNTY DESIGNATION OF URBAN RESIDENTIAL SUBDISTRICT IN ORDER TO AMEND THE FUTURE LAND USE ELEMENT AND TO AMEND THE FUTURE LAND USE MAP TO SUPPORT DEVELOPMENT OF HIGH DENSITY RESIDENTIAL DEVELOPMENT AS HAS BEEN APPROVED PURSUANT TO APPROVED DEVELOPMENT PLANS AT 120 MOORINGS PARK DRIVE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (10:03 a.m.). Planning Administrator Stephen Olmsted said that this petition is to amend the City’s Future Land Use Map contained within the Comprehensive Plan. It would designate the 83 acres (120 Moorings Park Drive) of annexed area as High Density Residential-High Rise. Mr. Olmsted stated that this action requires review by the Florida Department of Community Affairs (DCA) prior to final action by City Council (at second reading of this ordinance). Council Member MacIlvaine indicated that, per City Attorney Robert Pritt, there was no conflict of interest regarding his voting on this matter (Mr. MacIlvaine being a resident of Moorings Park).

**Public Comment:** None (10:06 a.m.).

***MOTION*** by Taylor to ***APPROVE THIS ORDINANCE*** on First Reading as submitted; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

**ORDINANCE (First Reading).....ITEM 8**  
**AN ORDINANCE AMENDING SECTION 110-95, SPLITTING OF SINGLE-FAMILY RESIDENTIAL LOTS, MOVING IT TO CHAPTER 98, SUBDIVISION STANDARDS, AND AMENDING SAID TEXT TO CLARIFY PERMITTED LOT SPLITS, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (10:07 a.m.). Mr. Pritt recommended amending Section 1(c) on page 2 of the ordinance draft as indicated in the motion below.

**Public Comment:** None (10:06 a.m.).

***MOTION*** by Taylor to ***APPROVE THIS ORDINANCE*** on First Reading as amended: Section 1(c) “***...as determined by the ~~Community Development Director or their designee~~ City Manager.***” The motion was seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

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**It is noted for the record that all titles contained in Agenda Item 9 were read concurrently and Items 9-b and 9-c were considered concurrently. (10:10 a.m.)**

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**RESOLUTION 06-11239.....ITEM 9-a**  
**A RESOLUTION SETTING THE PUBLIC HEARINGS REGARDING THE REZONING OF PROPERTY LOCATED EAST OF GOODLETTE-FRANK ROAD AND NORTH OF GOLDEN GATE PARKWAY FOR A PROPOSED DEVELOPMENT KNOWN AS THE**

**GORDON RIVER WATER QUALITY PARK AS PART OF A REGULAR CITY COUNCIL MEETING BEFORE 5:00 P.M.; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment:** None (10:11 a.m.).

***MOTION*** by Taylor to ***APPROVE RESOLUTION 06-11239*** as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

**ORDINANCE (First Reading)..... ITEM 9-b**  
**AN ORDINANCE DETERMINING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT 06-CPA1 IN ORDER TO AMEND THE FUTURE LAND USE MAP TO INCLUDE THE GORDON RIVER WATER QUALITY PARK LOCATED EAST OF GOODLETTE-FRANK ROAD AND NORTH OF GOLDEN GATE PARKWAY, DESIGNATING IT FOR TRANSITIONAL CONSERVATION USE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE (First Reading).....ITEM 9-c**  
**AN ORDINANCE DETERMINING REZONE PETITION 06-R3 REZONING THE PROPERTY EAST OF GOODLETTE-FRANK ROAD AND WEST OF GOLDEN GATE PARKWAY FROM HC HIGHWAY COMMERCIAL AND R3-12 MULTI-FAMILY, TO TRANSITIONAL CONSERVATION; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm, Price, Nocera, Taylor and MacIlvaine/familiar with site but no contact; Barnett/familiar with site and conversation with Henry Kennedy; and Sorey/familiar with site and conversations with Collier County Commissioner Fred Coyle, Henry Kennedy and various City staff members regarding the project. Referring to statements by Henry Kennedy during the public comment portion of the May 1 City Council Workshop, Mayor Barnett asked staff to clarify any discrepancies regarding the version of plans presented in that meeting. Planning Administrator Stephen Olmsted explained that the plan referred to by Mr. Kennedy had been a conceptual rendering used to introduce the project at various public information meetings; and the plan then being presented to Council embodies the same concept but is nevertheless slightly different. Mr. Olmsted said that the building was somewhat larger, and a bus loop and the northwest parking lot had been shifted northward and enlarged. Project Manager Thomas Spriggs, representing Collier County Transportation Department, then made an electronic presentation which addressed various aspects of the project as well as Mr. Kennedy's concern that a traffic light was to be installed at the entrance to the park. (It is noted for the record that a printed copy of this presentation is contained in the file for this meeting in the City Clerk's Office.) Dr. Spriggs stated that the 50-acre parcel will incorporate flood protection, water quality treatment, and passive recreation with the ultimate goal of promoting environmental protection and restoration prior to stormwater runoff flowing into Naples Bay. He then reviewed facility design highlights (Attachment 2), funding sources, wetlands capacity, species to be planted, establishment of wildlife, and the public educational and recreational uses. In response to Council Member Sorey, Dr. Spriggs indicated that 35 of the 50 acres would be covered by water and that proposed aquifer storage and recovery (ASR) wells would be primarily for use during dry seasons for plant survival. Also in response to Mr. Sorey, he said that a directional traffic signal is being considered at the entrance to the bus loop area which will provide for a left into the park for vehicles eastbound on Golden Gate Parkway. Mr. Sorey questioned whether such a light would disrupt westbound traffic from the overpass at Golden Gate Parkway and

Airport-Pulling Road, and Dr. Spriggs replied that this in fact would be the case. Mr. Sorey next received information from Dr. Spriggs to the extent that Brazilian hardwood would be used for the boardwalk. Mr. Sorey however expressed concern that the building and impervious parking area was larger than that shown on the initial conceptual plan, asking for assurance that Council would have an opportunity to approve or disapprove any additional growth in this regard. Planning Administrator Olmsted explained that in the future a conditional use petition would come before Council for approval and also a General Development and Site Plan (GDSP) review.

While stressing his support for the educational and water treatment aspects of the proposal, Council Member Sorey said that he could not support the aforementioned traffic light, expressing the belief that the traffic control is actually intended to benefit a development to be built south of the roadway and would become a full intersection, impeding traffic flow on Golden Gate Parkway. City Attorney Pritt explained that although the Florida Department of Transportation (FDOT) is the agency with jurisdiction over a traffic light, Council could request that none be installed. However, the City Council can control that which is allowed on the property through rezoning and site plan approval.

Council Member MacIlvaine questioned the placement of ASR wells and their impact on the City's nearby aquifer. Dr. Spriggs replied that the Department of Environmental Protection (DEP) both dictates placement, and monitors ASR's, stating that he foresees no possible contamination. Mr. MacIlvaine also concurred with Council Member Sorey with regard to a traffic light at the entrance to the park, adding that it was inconceivable that the County would invest over \$30 million on an overpass to improve traffic flow on Golden Gate Parkway and then interrupt it. Council Member Price praised the project, but asked why a change had been made from a 2005 concept which had the entrance positioned on an access road and not Golden Gate Parkway. Dr. Spriggs explained that public health and hazard analyses had found that a deceleration lane and a bypass at the same location would be unsafe, to which Mr. Price responded that he then regretted being unable to support the rezone.

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**Recess: 11:02 a.m. to 11:10 a.m. It is noted for the record that all except Council Member Taylor were present when the meeting reconvened, Council Member Taylor returning 11:19 a.m.**

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Vice Mayor Nocera asked whether the South Florida Water Management District (SFWMD) had approved the project, and Dr. Spriggs confirmed that this approval had been conferred. Council Member Sorey however noted that SFWMD had not in fact reviewed a detailed plan. Vice Mayor Nocera then received clarification that the City would contribute approximately \$3 million from ad valorem revenues and that the majority of the funding would be provided by Collier County.

Dr. Spriggs stated that no traffic signal was being proposed at that time but merely traffic patterns applicable to the entire project were being discussed. Mr. Sorey noted that it is not unusual for negotiation with developers during rezoning procedures to take place, therefore, negotiations with the County regarding the traffic light should pose no problem.

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**It is noted for the record that Council Member Taylor returned to the meeting at 11:19 a.m.**

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City Attorney Pritt pointed out that Council would have the opportunity of addressing the above issues at the final adoption; therefore, he recommended that approval of the Comprehensive Plan amendment be conveyed unless the intent is to halt the entire project.

Council Member Willkomm stated that he strongly agrees that the aforementioned traffic light should not be approved and therefore expressed concern with regard to proceeding with any plan that would impact traffic flow on Golden Gate Parkway. Council Members Price and Sorey however indicated that the elements of the project before the Council should then be approved so that the project is not halted; it was nevertheless noted that Council's impact as to planning could occur through such subsequent processes as conditional use approvals. Council Member Sorey therefore moved approval, but asserted that he would not support the ordinance on second reading unless the issues discussed had been resolved; Council Member MacIlvaine seconded, although deliberations continued. Council Member Taylor commended the project, but said that a deceleration lane should be used instead of a traffic signal light and that this issue must be reconciled before final approval could be given.

**Public Comment:** (11:25 a.m.) **Henry Kennedy, Pelican Avenue**, stated that while, in his opinion, the design has major flaws, he fully supports the educational and purification aspects of the project. He further said that he is strongly against the site becoming a tourist destination due to traffic and intersection issues. He provided a copy of a plan which had been submitted to the Collier County Commission but which he asserted was different from that given to the City Council. (It is noted for the record that the drawing provided by Mr. Kennedy is contained in the file for this meeting in the City Clerk's Office.) Mr. Kennedy urged the Council to halt this project.

City Attorney Pritt reiterated his position that review of the attributes under discussion would be considered at a later stage so that approval of the matter before Council could be granted exclusive of these other issues. Council Member Taylor sought assurance that the Comprehensive Plan amendment being considered does not include the site plan referenced above by Mr. Kennedy. Planning Administrator Olmsted responded by referring to an email from Margaret Bishop, Project Manager for Collier County wherein she had noted a traffic signal proposal for 70<sup>th</sup> Street SW near Livingston Road and Golden Gate Parkway, and that any other proposals would be in the future. (It is noted for the record that a copy of this material is contained in the file for this meeting in the City Clerk's Office.) **Sue Smith, 11<sup>th</sup> Avenue South**, expressed concern that the City Council has not been given the proper information and urged vision when considering items such as this. Miss Taylor said she believed that the Council's concern is that Golden Gate Parkway capacity would be adversely affected by a traffic light installation at the site, thus lowering capacity and necessitating another overpass.

**MOTION by Sorey to APPROVE THIS ORDINANCE (Item 9-b) at First Reading as submitted; seconded by MacIlvaine and carried 6-1, all members present and voting (Taylor-yes, MacIlvaine-yes, Willkomm-no, Sorey-yes, Price-yes, Nocera-yes, Barnett-yes).**

**MOTION by Sorey to CONTINUE THIS ORDINANCE (Item 9-c) at First Reading to allow City staff the opportunity to work with Collier County in clarifying noted issues. This motion was seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Taylor-yes, Price-yes, Sorey-yes, Nocera-yes, Willkomm-yes, Barnett-yes).**

**CONDITIONAL USE RESOLUTION..... ITEM 9-d**  
It is noted for the record that this item is to be considered at Second Reading.

**RESOLUTION 06-11240.....ITEM 10-a**  
**A RESOLUTION SETTING THE PUBLIC HEARINGS REGARDING THE REZONING OF PARK SHORE UNITS 2 AND 5 AS PART OF A REGULAR CITY COUNCIL**

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**MEETING BEFORE 5:00 P.M.; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (11:55 a.m.).

**Public Comment:** None (11:55 a.m.).

***MOTION*** by Taylor to ***APPROVE RESOLUTION 06-11240*** as submitted; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

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It is noted for the record that due to conflict with reference to representation by City Attorney Robert Pritt, Attorney Dennis M. Whalen would act as legal counsel for Item 10-b.

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**ORDINANCE (First Reading)..... ITEM 10-b**  
**AN ORDINANCE GRANTING REZONE PETITION 06-R4 FOR PROPERTY LOCATED IN UNITS 2 AND 5, PARK SHORE, MORE FULLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM PD, PLANNED DEVELOPMENT, TO A NEW PD, PLANNED DEVELOPMENT, IN ORDER TO ALLOW FOR THE SALE AND USE OF BOAT SLIPS IN UNITS 2 AND 5 TO RESIDENTS OF UNITS 1, 2, 3, 4, AND 5; AMENDING THE PLANNED DEVELOPMENT DOCUMENT FOR PARK SHORE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (11:56 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm, Price, Nocera, Barnett and MacIlvaine/familiar with site; Taylor/no contact; and Sorey/conversation with Murray Hendel of the Collier County Coastal Advisory Committee as well as members of the Park Shore Association during a bus tour. Planning Administrator Stephen Olmsted explained the request, indicating that this action would enable the boat slips in question to be made available to all Park Shore residents, staff therefore recommending approval.

Attorney John Passidomo, agent for the petitioner, gave a brief history of the development of the Park Shore area and noted that, upon annexation into the City, the subject boat slips became restricted as to sale and use. This petition would therefore allow them to be made available to residents of all the units within the Park Shore subdivision.

**Public Comment:** None (12:05 p.m.).

***MOTION*** by Sorey to ***APPROVE THIS ORDINANCE*** on First Reading as submitted; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

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**Recess: 12:05 p.m. to 1:29 p.m.** It is noted for the record that all Council Members were present except Council Member Price who arrived at 1:31 p.m. and Council Member Taylor who arrived at 1:33 p.m. during deliberation of Item 18.

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**RESOLUTION 06-11241..... ITEM 18**  
**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT TO PROMOTE UNDERGROUNDING OF UTILITY FACILITIES AND RELATED IMPLEMENTATION ACTIVITIES AMONG MUNICIPALITIES IN THE STATE OF FLORIDA FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM (MUUC) TO CHALLENGE THE TARIFF OFFERED BY FLORIDA POWER & LIGHT AS A CREDIT AGAINST THE CAPITAL EXPENDITURE OF UNDERGROUNDING FACILITIES; AUTHORIZING**



**THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AMENDING THE 2006-07 BUDGET AS APPROVED BY ORDINANCE 05-10962 TO APPROPRIATE SUFFICIENT FUNDS FOR THIS AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (1:30 p.m.) Construction Management Director Ron Wallace explained that an interlocal agreement was being proposed by a group of municipalities in disagreement with the sufficiency of the 25% credit offered by Florida Power and Light (FPL) for the undergrounding of power lines. This credit amount, he said, should be nearer to 40%. Mr. Wallace further said that FPL is believed not to have taken into consideration the post-storm costs incurred in repairing above-ground lines; furthermore, the City's portion of the cost for the study will be no greater than \$12,000 and is based on population and taxable value.

**Public Comment:** None (1:33 p.m.).

**MOTION by Taylor to APPROVE RESOLUTION 06-11241 as submitted; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).**

City Attorney Robert Pritt recommended correcting the participating municipalities from 28 to 29 to reflect the correct number throughout the documentation.

**ORDINANCE 06-11242.....ITEM 11**  
**AN ORDINANCE GRANTING REZONE PETITION 06-R2 FOR PROPERTY LOCATED AT 300, 340 AND 350 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM C1-A COMMERCIAL CORE, R3-12 MULTI-FAMILY AND "PD" PLANNED DEVELOPMENT TO "PD" FOR THE ENTIRE PARCEL OF APPROXIMATELY 1.84 ACRES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (1:33 p.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm/familiar with site and project through participation on Staff Action Committee (SAC); Price and Barnett/familiar with site and conversation with petitioner's agent, Attorney John Passidomo; Nocera and Taylor/familiar with site but no contact; and MacIlvaine and Sorey/no contact. Planning Administrator Stephen Olmsted presented the petition, saying that since first reading, three additional parking spaces had been provided for the project and he therefore concurred with approval. It is noted for the record that the petitioner waived comment.

**Public Comment:** None (1:37 p.m.).

**MOTION by MacIlvaine to ADOPT ORDINANCE 06-11242 as submitted; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).**

**RESOLUTION.....ITEM 12**  
**A RESOLUTION DETERMINING VARIANCE PETITION 06-V6 FROM SECTION 110-45 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH ESTABLISHED THAT SWIMMING POOLS MAY NOT BE CLOSER THAN 15 FEET TO ANY REAR LOT LINE IN ORDER TO PERMIT THE CONSTRUCTION OF A POOL 5'11" AND 6'1" FROM THE REAR LOT LINE AND 2'6" INTO THE REQUIRED SIDE YARD, AT 1086 9<sup>TH</sup> AVENUE NORTH, MORE FULLY DESCRIBED HEREIN; SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING**

**AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (1:37 p.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm, Price, Nocera, Barnett and Sorey/visited site; Taylor/familiar with site; and MacIlvaine/no contact. However, this item was continued until the June 14, 2006, Regular Meeting at the request of the petitioner who was unable to attend.

**Public Comment:** None (1:39 p.m.).

***MOTION by Barnett to CONTINUE ITEM 12 to the June 14, 2006, Regular Meeting; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).***

**RESOLUTION 06-11243.....ITEM 13**

**A RESOLUTION DETERMINING APPEAL OF PETITION 06-AA2 FROM THE ADMINISTRATIVE DECISION OF THE PLANNING DIRECTOR REGARDING HEIGHT MEASUREMENT OF A POOL DECK IN THE REAR-YARD SETBACK AS SET FORTH IN SECTION 110-54, YARDS, THAT PROHIBITS STRUCTURES OTHER THAN SWIMMING POOLS TO EXCEED 30" IN THE REQUIRED YARD, AT 2220 SNOOK DRIVE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (1:40 p.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm, Price, Nocera and Sorey/visited site but no contact; Barnett/familiar with site but no contact; and Taylor and MacIlvaine/no contact. Community Development Director Robin Singer explained that this petition is an appeal of an administrative determination with reference to the allowable height of a swimming pool and its related decks as this particular installation extends beyond the building envelope into the required setbacks. She said that although a building official had previously found that the pool decks could be built up to six-feet above adjacent grade, it was subsequently determined that no basis for this extension existed within the building code. Mrs. Singer said that she had the understanding that the basis of the prior decision was the six-foot height allowance for fences; however, she explained that the code states that nothing over 30-inches in height is allowed in the required yard. Even though the project had been approved and permitted, inspection found it to be higher than 30 inches.

Attorney Jeff Lowenstein, agent for the petitioner, said that approvals of the design had been issued on two occasions, the first with the plans for the house and then again when the pool was to be installed; no deviation from the submitted plans for either was made. After discussion, City Council determined that the petitioner had applied for permitting in good faith, received approval of the plans and had constructed the projects with no deviations, therefore decision of the staff should be overruled.

**Public Comment:** None (2:18 p.m.).

***MOTION by Willkomm to APPROVE RESOLUTION 06-11243 (Administrative Appeal 06-AA2) as submitted, overruling administrative decision; seconded by Price and carried 4-3, all members present and voting (Sorey-no, Price-yes, Willkomm-yes, Nocera-yes, MacIlvaine-no, Taylor-no, Barnett-yes).***

In addition, staff was directed to develop language to amend the Code to afford equity in extreme cases of special circumstances, wherein permitting was granted in error. These recommendations are to be presented to Council after the summer recess.

**It is noted for the record that Council Member Willkomm was absent during consideration of Item 14.**

**ORDINANCE 06-11244.....ITEM 14**  
**AN ORDINANCE ADOPTING THE 2005 LEVEL OF SERVICE REPORT; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (2:18 p.m.).

**Public Comment:** None (2:18 p.m.).

***MOTION by MacIlvaine to ADOPT ORDINANCE 06-11244 as submitted; seconded by Taylor and unanimously carried (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-absent, Barnett-yes).***

**RESOLUTION 06-11245.....ITEM 15**  
**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PROGRAM FOR THE CERTIFICATION OF LAWN AND LANDSCAPE MAINTENANCE PROFESSIONALS WORKING WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (2:29 p.m.). Community Services Director David Lykins recommend language be incorporated into Section 3 to provide for continuing education requirements. He explained that this would however necessitate an annual renewal certificate. Council Member Sorey stressed the need for training of homeowners as well and Mr. Lykins noted that information would be sent to homeowners via letter and on the City website and television channel. He added that the efforts of implementing the program are to be concentrated on larger commercial operations, but Mr. Sorey suggested that owner-operated businesses also be involved in the program. Mr. Lykins confirmed however the goal is to target the managers of companies since they would be the responsible party for compliance. Mayor Barnett stressed the importance of the program and asked whether Collier County would also consider implementing these types of requirements. Mr. Sorey said that he intended to make this request at the next Big Cypress Basin Board meeting. City Manager Robert Lee described the process as evolutionary and that since no ordinance was being enacted, no punitive action had yet been developed; however, staff would have more specific recommendations regarding this aspect as the program moves forward. Vice Mayor Nocera noted that notification of the additional requirements could be made at the time occupational licenses are issued; City Manager Lee stated that this could be done.

**Public Comment:** (2:34 p.m.) **Albert Katz, 3100 Gulf Shore Boulevard, North**, speaking on behalf of the Save the Bays organization, said that over the past ten years of quarterly water quality monitoring, his group had documented a decline in the level of dissolved oxygen and also a decline in the water quality in the Moorings Bay system. Furthermore, he said, they have noticed an increase in the level of ammonia and phosphorus, both of which are directly related to the topic being discussed. Mr. Katz added that he realizes that mandatory rules regarding application of pesticides and fertilizers are difficult to enforce, but such a program will nevertheless convey a positive statement to the residents of the City.

***MOTION by Sorey to APPROVE RESOLUTION 06-11245 AS AMENDED: Section 3: "...Confirmation of attendance in a three (3) hour annual refresher course must be provided to the City prior to issuance of a renewal certificate." And Section 9: "...outlined in Sections 7 and 8-and-9 above...". This motion was seconded by MacIlvaine and unanimously carried, all members present and***

*voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

**ORDINANCE 06-11246.....ITEM 16**  
**AN ORDINANCE AMENDING SECTION 2-119 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF AMENDING THE CITY'S TRAVEL POLICY RELATING TO MEAL ALLOWANCES; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**  
Title read by City Attorney Robert Pritt (2:41 p.m.).

**Public Comment:** None (2:41 p.m.).

***MOTION by Price to ADOPT ORDINANCE 06-11246 as submitted; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).***

**ORDINANCE (First Reading).....ITEM 17**  
**AN ORDINANCE RELATING TO OCCUPATIONAL LICENSE TAXES AND PEDDLER'S FEES, AMENDING SECTION 58-81, SCHEDULE OF TAXES, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF INCREASING OCCUPATIONAL LICENSE TAXES; AMENDING SECTIONS 18-62 AND 18-65 OF APPENDIX A FEE SCHEDULE FOR THE PURPOSE OF AMENDING THE LICENSE AND PERMIT FEES FOR PEDDLERS AND SOLICITORS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (2:41 p.m.).

**Public Comment:** None (2:42 p.m.).

***MOTION by Taylor to APPROVE THIS ORDINANCE on First Reading as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).***

**RESOLUTION 06-11247.....ITEM 19**  
**A RESOLUTION APPROVING A PROPOSAL FOR THE PUBLIC WORKS SOLID WASTE DIVISION TO PROVIDE RECYCLING SERVICES TO THE RESIDENTS OF THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROPOSAL; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (2:43 p.m.). City Manager Robert Lee reported that the City's current annual cost for curbside recycling services from Waste Management is \$238,824; however, Waste Management had submitted the lowest cost in the most recent bidding which was nevertheless at \$707,855.76. Furthermore, providing 65 gallon recycling bins with the Waste Management service would increase the annual amount to \$876,183.12. With the action requested, City Manager Lee explained that an in-house recycling program could be established at approximately \$415,000 per year; this would entail purchasing two trucks and hiring personnel. However, the staff is pursuing various options with reference to an entity to accept the City's recyclables and would provide an update on this matter prior to the summer City Council recess. Council suggested contacting Waste Management to ascertain the reason for the sizeable increase in cost.

**Public Comment:** None (2:51 p.m.).

***MOTION by MacIlvaine to APPROVE RESOLUTION 06-11247 as submitted; seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).***

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**DISCUSSION OF NEW CONSTRUCTION IMPACTS.....ITEM 20**

Community Development Director Robin Singer gave an overview of the following on-going issues: 1) accountability and hurricane preparedness; 2) raised elevations and pool decks; 3) generators and noise (to be addressed in detail at the upcoming 6/12/06 City Council Workshop); 4) pile driving and demolition; 5) drainage and coverage requirements; and 6) code enforcement. (It is noted for the record that Mrs. Singer's written report is contained in the file for this meeting in the City Clerk's Office.)

**Public Comment:** (3:01 p.m.) **Dorothy Hirsch, 626 Regatta Road,** urged Council to strengthen the Code as much as possible, and submitted an outline of public information for code enforcement (Attachment #3). Ms. Hirsch then urged strict enforcement so that contractors conform. Mrs. Singer commented on the various items contained in the outline. Council Member Willkomm urged that information provided on the City's cable television channel also include direction on how citizens may follow up when a citation had been issued. He also asked that Council revisit the possibility of City-issued contractor licenses, thereby affording additional control over construction site issues. Council Member Taylor pointed out that subcontractors would be under the control of the contractors, but owner/builders would be another matter as they need no contractor licensing but nevertheless could engage subcontractors. City Attorney Robert Pritt stated that the State is preemptive where owner/builders are concerned, but Mr. Willkomm noted that the stop-work order process could still be applicable. A brief discussion followed regarding stop-work orders, in which it was noted that both the Building Official and the City Manager have issuance authority. City Manager Robert Lee said that research could be done concerning the advisability of the City licensing contractors, with a presentation to Council at the conclusion of the summer recess.

**APPOINTMENT OF CITY OF NAPLES OFFICIAL HISTORIAN .....ITEM 21**

City Clerk Tara Norman referenced her memo regarding this matter (Attachment #4), stating that her concern rested with the possibility that the listed duties and responsibilities of a city historian could cause confusion among the public. Individuals, she said, may mistakenly attempt to obtain certain documents and/or information from a historian which are only available from the City Clerk's Office. It was decided to include a disclaimer on the list of duties and responsibilities as follows: "This is not a substitute for maintaining of official City records which are kept in the Office of the City Clerk."

**Public Comment:** (3:20 p.m.). **Sue Smith, 11<sup>th</sup> Avenue South,** took issue with appointing a private citizen to speak in this capacity for all the residents of the City as to their history. She explained that while this was not against any particular nominee, people remember events in various ways so that one person should not be represented as the remembrance of all.

**MOTION by Barnett to APPROVE THE APPOINTMENT OF CITY OF NAPLES HISTORIAN, amending "Duties and Responsibilities of a City Historian" as follows: "This is not a substitute for maintaining of official City records which are kept in the Office of the City Clerk." This motion was seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).**

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**Recess: 3:24 p.m. to 3:38 p.m. It is noted for the record that all Council Members were present when the meeting reconvened.**

**DISCUSSION OF NAPLES AIRPORT AUTHORITY.....ITEM 22**

Council Member Willkomm referred to three questions to which he said Naples Airport Authority (NAA) should respond (Attachment #5) and as a Member of the City Council he would, as suggested previously, individually seek this information. City Attorney Robert Pritt

pointed out that since the NAA must meet as a body to do so, no answer could be forthcoming without such a meeting.

**Public Comment:** (3:48 p.m.). **Ron Pennington, 3430 Gulf Shore Boulevard, North**, said that he had served both on City Council and the NAA and gave a brief history of the airport pointing out that it is operated with no taxpayer support. The NAA must generate its own operating funds, he said, and noted that some of these funds are being used to support the cleaning of County stormwater on airport property before it reaches the Gordon River. He concluded by strongly disagreeing with any attempt to divert funds from the NAA in any way.

The following consensus was then deliberated as to whether to contact the NAA Commissioners to determine their willingness to renegotiate the airport lease. Mr. Sorey-opposed (recommends obtaining answer from chief counsel); MacIlvaine-agrees (NAA should be made aware that Council is interested in the proposition); Taylor-agrees (the question should be answered before Council can decide what direction to take); Nocera-agrees (open dialog with NAA); Price-opposed (in favor of first determining whether NAA can actually renegotiate); Willkomm-agrees; and Barnett-agrees. It was determined that a letter would be drafted asking the NAA if, barring any legal prohibitions, the Commissioners would be willing to renegotiate the lease in question.

NAA Attorney Joseph McMackin explained that no NAA meeting had been scheduled before the Council's June 12 Workshop when NAA is to present its quarterly report, therefore no answer could be expected of the aforementioned letter. He also referred to the informal agreement between the City and NAA legal counsels to jointly submit a letter to the Federal Aviation Administration (FAA) in this regard. (It is noted for the record that a draft of the aforementioned letter is contained in the file for this meeting in the City Clerk's Office.) Mr. McMackin pointed out that the basic question to be answered is whether renegotiation would be allowed per the FAA because of the issue relative to diversion of revenue. Mayor Barnett assured Mr. McMackin that there had never been an intent to disparage the NAA Board Members, but that he sought answers to all of the questions posed, both to the NAA and the FAA. Council Member Willkomm asked City Attorney Pritt if he continued to feel it necessary to contact the FAA jointly with the NAA. Mr. Pritt said that he believed a response from the FAA would more likely be forthcoming if the NAA were one of the inquirers. Mr. Pritt suggested that the language of the letter be agreed upon by City Council and the NAA rather than by their respective legal counsel, stating that this would also enhance chances of a response. He said that he and Mr. McMackin would prepare the draft to be presented to Council and NAA at the Monday, June 12, Workshop. Council Member Taylor pointed out that the airport lease had been negotiated 37 years ago and while the actions of NAA in the intervening years are very significant, this issue should be brought to a conclusion.

Mayor Barnett asked Council and staff to list an agenda for the NAA to address at the June 12 Workshop and the following topics were agreed upon: 1) NAA quarterly report; 2) update of airport utilization plan regarding North Road impacts; and 3) review of draft letter to FAA.

#### **CORRESPONDENCE and COMMUNICATIONS.....**

Council Member Willkomm said that he had spoken with City Manager Robert Lee regarding an incident involving Tom Scholten, President of Scholten Construction, Inc., in which Mr. Scholten had a disagreement and verbal exchange with Paul Bollenback, Deputy Building Official for the City. (It is noted for the record that a printed copy pertaining to this item and

**City Council Regular Meeting – June 7, 2006 – 9:00 a.m.**

referenced during the discussion are contained in the file for this meeting in the City Clerk's Office.) Mr. Willkomm said he had mentioned this because Mr. Scholten is a member of the City Code Enforcement Board and behavior of this type is unacceptable and therefore, Mr. Scholten's continued membership of this Board should be reviewed. Council Member Taylor agreed. Vice Mayor Nocera however characterized Mr. Scholten as an excellent contractor and is an asset to the Board due to his extensive background. Miss Taylor asked City Clerk Tara Norman to share with Council a recent conversation regarding Mr. Scholten. Mrs. Norman stated that at a recent Code Enforcement Board Meeting, confusion had occurred as to whether Mr. Scholten was an alternate or regular member; packet information was subsequently found to have erroneously depicted him as a regular member, she said. City Attorney Robert Pritt said that due process must be followed, suggesting that Mr. Scholten be allowed to respond to this discussion by Council. Council requested that the City Manager research this matter to ascertain all details and follow up accordingly.

Vice Mayor Nocera expressed approval of the sodding of the football fields and also improvements being made to the traffic signal mast arms.

**PUBLIC COMMENT**.....

None (4:25 p.m.).

**ADJOURN**.....

4:25 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 9/06/06



# Federal Emergency Management Agency

Region IV  
3003 Chambliss-Tucker Road  
Atlanta, Georgia 30341

RECEIVED

OCT 03 2003

BLDG & ZONING DIVISION

September 10, 2003

Mr. William L. Overstreet, AIA  
Building Official  
City of Naples  
295 Riveride Circle  
Naples, Florida 34102

Reference: National Flood Insurance Program (NFIP) Substantial Improvement  
Cost of repairs/improvements

Dear Mr. Overstreet:

This is in response to the August 5, 2003, letter from Ms. Jennifer Fritchey, Floodplain Management Coordinator for the City, regarding the determination of cost of improvements or repairs for evaluating whether or not a proposed improvement is "substantial". In particular, we are referring to the City's "double appraisal method" to determine the cost of improvement, as is described in Section 94-43 (a) of the City Ordinance 99-8453. We thank you for providing a copy of the ordinance and the December 21, 1998, letter from this office to Mr. Robert Devlin.

According to the NFIP criteria, *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual work performed. The term does not, however, include:

- #2
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  - (2) Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure".

The Federal Emergency Management Agency or State of Florida NFIP Assistance Office representatives routinely review the local ordinances against a pre-established checklist. There may indeed be additional provisions such as the City's double appraisal method for which the checklist has no provision to review and verify for compliance with the NFIP criteria. We sometimes find even contradictory provisions in various parts of these ordinances because of the limitations associated with reviewing them against a checklist. This also gives us an opportunity to evaluate the effectiveness of reviewing local ordinances against a checklist and implement necessary changes.



(#1)

We assure you that comparison of cost of improvements – typically a detailed cost estimate by a contractor including all necessary costs of demolition (if any), raw and finish materials, labor, construction supervision and management, and overhead and profit (a copy of guidance document enclosed) – against the market value of the structure prior to the improvement has always been the practice to determine whether or not a proposed improvement is substantial. Alternatively, when a certified professional appraisal, other than a limited scope appraisal, containing the unit cost of replacement cost new is available, the same unit cost may serve as a good starting point to determine the cost of improvement. Additional alternatives may include qualified estimates by building officials and those using the standard national construction industry costs adjusted for local conditions.

✓ We have concluded that the City's alternative methodology, using the triple appraisal method – not a double appraisal method – is not acceptable to us. Please delete this provision from your ordinance, and forward a copy of the revised ordinance to our office. If you have questions or require additional information, please call Prasad Insula at (770) 220-5420.

Sincerely,



Brad G. Lott, CPM, Chief  
Community Mitigation Programs Branch  
Federal Insurance & Mitigation Division

Enclosure

**Project Overview and Objectives:**

Develop a stormwater mgmt. facility which incorporates flood protection, water quality treatment, and passive recreation

Use existing and projected conditions of stormwater in the area to design a stormwater treatment facility

Recommended alternatives consistent with the Gordon River Ext. Basin Study, Phase IV

Create engineering and design documents for future construction and maintenance activities

Promote environmental protection while providing passive recreational opportunities

Maximize public's participation in all phases of the project through public meetings (June 2005 & May 2006)

**Facility Design Highlights:**

Enhance stormwater treatment by using approx. 15 acres of newly constructed lakes and wetlands

- Previously poor quality, abandoned agricultural upland habitat

Stormwater from Goodlette - Frank Rd. improvements will flow by gravity into facility's main lake

- Drainage from approx. 14 acres of new impervious area

A portion of Goodlette - Frank Rd. west side canal stormwater will be pumped into facility's main lake

- Stormwater presently bypasses treatment and flows directly into the Gordon River
- Pump will convey water "on-demand" or during rain events when water is present in canal

All runoff generated onsite (from new impervious areas) will be treated onsite

Restore wetland habitat by removing exotic and invasive species

- Existing upland and wetland areas impacted by Brazilian pepper

Restore ecologically sensitive wetland habitat lost to past development while providing opportunity to treat present stormwater demands in this urban setting

Recharge aquifer with water stored in the lake and wetlands

Incorporate innovative technologies for treated water (Aquifer Storage and Recovery) for use during dry periods

Provide passive recreational opportunities through a series of trails, boardwalks, and covered pavilions

- Bird watching, nature photography, and hiking

Encourage public environmental education opportunities in the onsite Educational Facility

## PUBLIC INFORMATION FOR CODE ENFORCEMENT

1. Notice of how to contact and a basic list of code violations should appear on the City web site, TV channel and the Naples Daily News at least once a month on Sunday.
2. Citizens would be able to call or look at the Web site and see what is happening with there complaint and what is the final outcome.
3. Information on all complaints and the outcome should be available to all by the Web site or by phone.
4. Fines and penalties need to be given out in the legal max starting with the second violation based on total job sites for each builder in the city.
5. Subcontractors should also be fined if they are breaking the code.
6. Damage to neighboring property should not have to be civil it should come under code enforcement and builders should be given no more than five working days to correct damage to neighboring property or face losing there license.
7. Construction within the City of Naples should start or be limited until such time code enforcement inspectors can handle the volume.
8. Builders should not be able to appeal a code violation to the City Building Official without public knowledge.
9. Some code violations should be made criminal such as flooding neighboring homes, allowing polluted water to run into storm drains (pool contractors are the short term worst offenders), blocking city streets & not securing sites before a hurricane.
10. The City of Naples must do the licensing for all contractors and subs doing work within the City and if not then we need to be able to have the power to demand the County revoke a license for offense done in our City.

On another note I wish to remind all of you that CO's have been issued for a long time with code violations such as the height of pool pumps and noise. This was discussed at the last council meeting in May.

Dorothy Hirsch  
626 Regatta Rd.  
Naples, FL 34103  
239-450-8071



# Memo

## Office of the City Clerk

TO: Mayor Barnett  
FROM: Tara Norman, City Clerk  
DATE: June 5, 2006  
SUBJECT: Appointment of "City of Naples Official Historian"

I had not been aware that you were considering making a recommendation to the Council that the Council appoint a "City of Naples Official Historian" and have not seen a resolution that will take this action. However, I am concerned that four of the items in the list of "Duties and Responsibilities of a City Historian" (attached and annotated) are in conflict with Section 2-101 of the Code of Ordinances which enumerates the duties of the Office of the City Clerk. I have provided this section below for your reference. I am also concerned that members of the public may be confused that they could contact a city historian for official records over which that individual would have no control pursuant to Chapter 119, Florida Statutes.

**Sec. 2-101. Office established; duties of office.**

There shall be an office of the city clerk which shall be under the direction of the city clerk. The office of the city clerk shall be responsible for the following:

- (1) Maintaining records of all proceedings of the city council, appointed boards, committees and commissions of the city and providing information to the public on request from these records.
- (2) Maintaining all official documents of the city and providing information to the public upon request from these documents.
- (3) Directing the records retention program for all city records.
- (4) Providing assistance to all persons, upon request, in accessing non-exempt city records, regardless of actual custodian of said city records, in conformance with the State of Florida Public Records Law, Chapter 119, Florida Statutes.
- (5) Performing other duties as assigned by the city council.  
(Code 1957, § 1A-20(a); Ord. No. 99-8567, § 1, 6-16-99)

I would appreciate being able to discuss this with you prior to Council taking action on Wednesday.

## **DUTIES AND RESPONSIBILITIES OF A CITY HISTORIAN**

- ✓ **Preserve and maintain all historical documents and photographs regarding the history of the community.**
- ✓ **To be available to dispense historical information regarding the city.**
- Encourage the teaching of local history to students and newcomers to the area.**
- ✓ **To provide accurate information regarding the history of the city to those compiling historical data for use in the media.**
- Cooperate with organizations dedicated to the preservation of historical materials and the distribution of historical material.**
- Participate in the celebration of historical events within the community and to aid in the planning and execution of such celebrations.**
- Be available for discussions of the history of the city with data, photographs and other material relevant to the past.**
- Cooperate with civic organizations, media and school officials in the dispensing of historical information.**
- ✓ **Maintain archives in an orderly fashion of material pertaining to the history of the city.**
- Be available to those writing and otherwise dispensing historical material for public distribution to check the accuracy of such data.**
- Contact those in the community that may have historical documents and photographs of the past and urge them to contribute to the archives.**
- Encourage clubs, schools and civic organizations to provide historical programs and cooperate in facilitating accurate and factual information.**
- Write articles for various media in the community regarding the history of the region along with photographs and other illustrations depicting the past.**
- Make speeches and conduct lectures and seminars regarding the history of the city.**

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From: perfectnaples@aol.com [mailto:perfectnaples@aol.com]  
Sent: Monday, June 05, 2006 13:03  
To: City Council; jfyde@naplesnews.com  
Cc: PerfectNaples@aol.com  
Subject: Questions to Naples Airport Authority

Dear Naples Airport Authority,

I have three questions that I would like to have answered by all members of the Naples Airport Authority (NAA).

1. In your position as a Board Member of the NAA, will you support increasing the lease payment of \$1.00 per year paid by the NAA for the use of 600+ acres of City owned property to more closely reflect 'fair market value'?  
If not, why not.

2. Members of the Naples City Council are 'term limited' to two terms in office (8 years). Do you feel that elected members of the NAA should be treated the same and be limited to two terms in office (8 years)?  
If not, why not.

3. Members of the NAA are appointed by the Naples City Council. If asked to resign by the Naples City Council, will you comply?  
If not, why not.

Your earliest response will be greatly appreciated.

Sincerely,  
William (Bill) Wilkomm III  
Naples City Council