



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting - **April 16, 2012 - 8: 29 a.m.**

Mayor Sorey called the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

John F. Sorey III, Mayor
Gary Price, II, Vice Mayor

Council Members:

Bill Barnett
Douglas Finlay
Teresa Heitmann
Samuel Saad, III
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Tom Weschler, Police Chief
Larry Bacci, Fire Marshal
Paul Bollenback, Building Services Director
Stephen McInerney, Fire Chief
Bob Middleton, Utilities Director
Stephen Weeks, Technology Services Director
Michael Bauer, Natural Resources Manager
Roger Jacobsen, Code & Harbor Manager
David Lykins, Community Services Director
Tom Babington

Henry Kennedy
Jan Rombouts
Alan Parker
Larry Schultz
Sue Smith
Ewing Sutherland
Hans Gruenberg
Michael Reagan
William Koffel
Jim Boula

Media:

Kristine Gill, Naples Daily News
Other interested citizens and visitors.

SET AGENDA.....ITEM 2

MOTION by Price to SET THE AGENDA as submitted; seconded by Barnett and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

PUBLIC COMMENT.....ITEM 3

(8:30 a.m.) **Henry Kennedy, Naples**, expressed his concerns with the recent approval for the submittal to the FDOT (Florida Department of Transportation) of the Four Corners pedestrian crosswalk project design for its review. (It is noted for the record that the intersection of US 41 and Fifth Avenue South is commonly referred to as the Four Corners.) He said that he believed no further approvals would be necessary for the project to proceed once the FDOT review was complete, noting prior public outcry had been heard against the project as too dangerous for pedestrians and motorists. **Jan Rombouts, 826 Tenth Avenue South**, stated that with the increase in noise from aircraft and the frequency of flights, his family would no longer encourage fellow Belgian residents to relocate to the City. If decreasing aircraft noise had been the goal of the recent runway extension, it is a failure, he said, stating that something must be done to

address these issues. **Alan Parker, 741A Third Street South**, expressed concern with the current practice of intersection takeoffs at the local municipal airport and requested that an investigation into the extension of taxiway A be undertaken, claiming that he believed Council had been unaware of the latter when approving the extension of runway 5/23 last year. In response to Council Member Heitmann, Mayor Sorey requested that the City Manager contact the Naples Airport Authority's (NAA's) Executive Director, Ted Soliday, asking that a document be prepared addressing the aforementioned issues prior to the upcoming joint workshop of the NAA and Council. The information is to include responses to the points raised by Mr. Parker, and the number of departures and arrivals since the beginning of 2006. Mr. Parker then submitted into the record his response to the April 6 letter by NAA Member Ernest Linneman (both of which are appended hereto as Attachment 1). **Larry Schultz, Aqualane Shores**, noted his disappointment with Council's determination not to pursue a citizen's airport advisory committee, questioning the lack of transparency of the NAA. Referencing the comments by Mr. Parker above, he agreed that the Federal Aviation Administration (FAA) had requested the extension of taxiway A due to safety and that the situation has become increasingly dangerous because of intersection takeoffs. He further maintained that his public records requests of the NAA had not been met with full disclosure. **Sue Smith, 11th Avenue South**, questioned the process of items placed on the Consent Agenda and expressed concern with the ejection of a resident from a recent Council meeting by the Mayor. The aforementioned citizen was then not allowed to attend the Community Redevelopment Agency (CRA) meeting which followed the Council meeting. She further cautioned against Council Members utilizing personal electronic devices during meetings, saying that this practice is disrespectful to residents. Mayor Sorey then explained the Consent Agenda process and noted that he had met with the resident removed from a previous meeting, pointing out that this individual has in fact attended meetings since that incident.

ECONOMIC DEVELOPMENT PRESENTATION.....ITEM 4

Dr. Michael Reagen, CEO, Naples Chamber of Commerce will summarize economic development initiatives in Collier County. (8:50 a.m.) Dr. Michael Reagen provided a brief overview of the economic development efforts by the Greater Naples Chamber of Commerce utilizing an electronic presentation. (It is noted for the record that excerpted text is appended hereto as Attachment 2 / a printed copy of the complete presentation is contained in the file for this meeting in the City Clerk's Office.) He concluded by saying that an 11 county study regarding economics, including demographics, would be completed by Hodges University within the week. Dr. Reagen indicated that he would forward a copy to each Council Member, further noting that Lee, Sarasota and St. Lucie counties had been studied in-depth.

In response to Council Member Saad, Dr. Reagen recommended that the City convey it is open for business and communicate with such sectors as health care to encourage local expansion. He pointed out that information readily available on the Internet allows investors to compare areas and their impediments to development. He said that, in his view, the City should enhance and promote those areas in which it excels, such as being known as a wealthy, residential city, particularly to the health care industry.

Dr. Reagen then gave an overview of the local economic taskforce which he explained had been an offshoot of the foreclosure taskforce. He assured Council Member Heitmann that local groups would coordinate with those at the regional level with regard to the issues and solutions. **Public Comment:** (9:43 a.m.) **Sue Smith, 11th Avenue South**, commended Dr. Reagen for the Chamber's efforts, urging Council to heed his advice but keep in mind the needs of current residents.

PRESENTATION OF NEW STATE OF FLORIDA FIRE CODE.....ITEM 5

The State of Florida has adopted amendments to the Fire Code. One amendment has implications related to construction of single-family homes of 5,000 square feet and

above by requiring minimum "fire flow" (water to fight fires) to properties. Where minimum fire flow is not available, alternatives include: installation of sprinkler system, replacement of existing water lines, and other options. (9:48 a.m.) (It is noted for the record that a background memorandum by Fire Chief Stephen McInerney is appended hereto as Attachment 3.) William Koffel, Koffel Associates, Inc., utilized an electronic presentation in reviewing the information provided in his April 10 summary of fire flow requirements. (It is noted for the record that Mr. Koffel's summary and excerpted text of the presentation are appended hereto as Attachments 4 and 5. respectively; a printed copy of the complete presentation is contained in the file for this meeting in the City Clerk's Office.) Mr. Koffel concluded by pointing out that in most areas of low water flow for fire suppression, the installation of sprinkler systems enables required fire flow to be met by reducing the requirement by 50%. In response to Council Member Finlay, City Manager William Moss clarified that Mr. Koffel had provided no engineering or design services, that he was merely interpreting the Fire Code. Mr. Finlay however maintained his opposition to those profiting from more stringent requirements being involved in legislative mandates. Mr. Finlay added that while the City may have issues with its fire flow, areas in Collier County are in greater crisis. Mr. Moss further explained that an outside consultant had been retained to present this information in an attempt to disassociate staff from the alternatives presented; the information is intended to allow Council to make informed decisions. Mayor Sorey agreed, additionally pointing out that no recommendations had been forthcoming from Mr. Koffel, only alternatives to meet the new regulations imposed.

In further response to Council Member Finlay, Consultant Koffel clarified that an alternative to providing the amount of fire flow required would be to allow the amount of fire flow available to dictate the maximum size of structures. Mr. Koffel further explained that the total floor area of all floor levels of a structure is used to calculate square footage relative to the fire flow mandate (NFPA 1), not the footprint.

Vice Mayor Price brought up the subject of risk assessment, namely, the number of deaths resulting from fires which had occurred in the state in the past ten years is zero. Most homes are concrete block construction and a balance must be found between fire safety and the cost of the protection measures, he said.

In response to Mayor Sorey, City Attorney Robert Pritt explained that the state fire code must be followed and that eventually the state fire marshal can issue an order to the City for enforcement at which time state funding could be withheld. Criminal fines could also be imposed and the Governor has the power to remove elected officials on various grounds, including malfeasance. Furthermore, he indicated that he had reviewed the analysis submitted by Mr. Koffel and found it correct although a challenge to the statute could be made both as an unfunded mandate and on the grounds that the law is self-amending.

Recess: 10:49 a.m. to 11:00 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and discussion of Item 5 resumed.

Vice Mayor Price pointed out that with requiring homeowners to build to a size to meet fire flow rather than improving infrastructure, then an unfunded mandate argument as noted above may not be successful.

Council Member Heitmann received clarification that the consultant had been retained within the past eight weeks via approval by the City Manager. Mr. Moss explained that numerous new building permit applications were being received and as the issue of sprinklers was also a contentious one, the decision had therefore been made to move forward with this discussion in a timely manner.

The history of the new Fire Code requirements was then reviewed with City Manager Moss explaining that staff had been unaware of its impacts until enactment, saying that he then

sought outside interpretive aid. The intent of the current discussion, Mr. Moss continued, is to assess risks, costs and responsibilities, and to avoid the denial of building permits due to failure in meeting the Fire Code. In further response to Mrs. Heitmann, he stated that it is necessary to either enforce the revised laws or challenge them should Council wish to do so. Risk of life and/or property is relatively low in the City and the focus should be on identifying alternatives to meet the new regulations. Areas in which fire flow is low must be addressed at some point, Mr. Moss said, for the protection of new as well as existing structures. Fire flow analysis is ongoing and some improvements have already been made. He agreed with Mayor Sorey that the State Fire Marshal and the legislature should be approached with the impacts to local governments resulting from the new regulations, pointing out that many areas of Florida do not have the same issues as Naples, such as homes over 5,000 square feet. He confirmed for Mrs. Heitmann that a letter had in fact been sent to the Governor regarding the issues but no response had as yet been forthcoming. Council Member Sulick cautioned that the Code must be enforced or property insurance rates for homeowners will be impacted and a way must be found to continue issuing building permits.

Referencing information contained in the meeting packet, Council Member Saad cited Section 18.4.3.1 (2009 Edition NFPA / a copy of which is contained in the file for this meeting in the City Clerk's Office), which states, "Fire flow requirements shall be permitted to be modified downward by the AHJ (*Agency Having Jurisdiction*) for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire flow requirements is impractical." He therefore asked whether the City of Naples could find relief under this provision. Building Services Director Paul Bollenback noted that his position would be considered the AHJ with regard to enforcement of the Florida Building Code (FBC) and the Fire Marshal or Fire Chief would be the AHJ for the fire provisions, not Council. Fire Marshal Larry Bacci then read into the record the definition of AHJ as follows: "An organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials and insulation or procedure." City Attorney Pritt stated that Council does not enforce the law and City Manager Moss added that the Fire Marshal has a statutory responsibility to do so, that he as the City Manager could not direct the Fire Marshal to ignore or not enforce a law.

In response to Council Member Finlay, Mr. Bollenback explained that he had become aware of the issue when the Florida Fire Prevention Code was updated on January 1; the intent of that day's discussion is to obtain direction from Council. Consultant Koffel then clarified for Mr. Finlay that the provision under discussion requires 1,000 gallons of water per minute for homes over 5,000 square feet, previously this had been required at 3,600 square feet. Most areas of the City have sufficient fire flow, he continued, maintaining that the problem of low fire flow occurs at the end of water mains in older communities, especially those located on a peninsula. Mr. Moss advised that the fire flow to some structures in the City will not reach the mandated fire flow; therefore, the owner could then install a sprinkler system and decrease the aforementioned requirement by 50%. Purchase of a tender truck or a fireboat should be considered so that the statement can be made that 1,500 gallons per minute can be delivered throughout the City and at a cost much less than infrastructure, he concluded.

Public Comment: (11:37 a.m.) **Ewing Sutherland, 4005 Gulf Shore Boulevard North, and Hans Gruenberg, 1717 Gulf Shore Boulevard North**, both read into the record their individual statements regarding the item; these statements are appended hereto as Attachment 6 and 7, respectively. **Henry Kennedy, Naples**, stated that the issue of water pressure must be addressed, that the new code has been adopted and must be enforced; building permits should not be issued unless the project meets that code, he added. He then questioned the source of funding for the consultant's contract and the total amount charged, requesting that this information be provided during that meeting and entered into the record (see Correspondence and Communications below).

Mr. Moss then recommended that a number of prior building permits be reviewed to determine the best solution should the new fire code standards not have been met in each instance. In addition, during the upcoming budget discussions, tender trucks, a fireboat, or other alternatives to increase fire flow should be a consideration. Following hydraulic analysis, Mr. Moss said, a long-range plan could then be presented to Council.

Discussion followed regarding the continued issuance of building permits and City Attorney Pritt stated that no grace period could be granted, although the above cited Section 18.4.3.1 could be applicable, allowing some flexibility. Mayor Sorey disclosed his recent meeting with State Fire Marshal and Chief Financial Officer Jeff Atwater, saying that Mr. Atwater is well aware of the City's situation and a letter should be sent as indicated in the consensus below.

Consensus that City Manager, City Attorney and Mayor draft letter to State Fire Marshal and Chief Financial Officer Atwater regarding impracticality/hardship of implementing fire flow requirements under NFPA 1, citing the temporary use of Section 18.4.3.1 by the City for issuance of building permits in certain instances.

Recess: 12:36 p.m. to 1:00 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Heitmann who returned at 1:02 p.m.

INFORMATION TECHNOLOGY MASTER PLAN.....ITEM 6

EPIC Engineering & Consulting Group, LLC (EPIC) was retained to provide professional, independent, and objective consulting assistance to develop an Information Technology (IT) Master Plan. The focus was on the City's current IT Environment about which EPIC has identified needs, opportunities and strategies for the next three to five years. In addition, the Plan addresses the governance, organizational structure and operational management of technology and professional resources in a local government best practice context. (1:01 p.m.) City Manager William Moss introduced the item by reviewing the agenda memorandum submitted by Technology Services Director Stephen Weeks (Attachment 8). Consultant Thomas Babington, EPIC Engineering & Consulting Group, LLC, utilized an electronic presentation to provide an overview of the Information Technology Master Plan. (It is noted for the record that the plan and a printed copy of the presentation are contained in the file for this meeting in the City Clerk's Office; excerpted text of the presentation is appended hereto as Attachment 9.) A brief discussion of a private cloud or virtual storage of data included his opinion that this type of storage should not be considered for at least five years due to the industry's lack of maturity. Solutions to certain issues such as security, especially with regard to public records, the precise location where data is stored, and the City's software being available for its needs must be addressed. He further noted that some governmental agencies are sharing data storage where security would not be such a significant issue from outside influences. In response to Council Member Saad, he recommended that the City remain at least one or even two years behind new technology, and that a sound business reason therefore exists before purchasing new equipment and/or software.

City Manager William Moss clarified that a timeline had been included in the above referenced memorandum (see Attachment 8, Pages 2 and 3). Vice Mayor Price recommended that Collier County be approached with regard to a data storage partnership.

Public Comment: (2:05 p.m.) **Sue Smith, 11th Avenue South**, pointed out that the community had grown rapidly and that historical records especially must be kept in a secure manner.

CREATION OF NAPLES BAY ADVISORY COMMITTEE (Continued from 03/19/12).....ITEM 7
Discussion pertaining to the creation of a seven-member citizens advisory committee for matters related to the Naples Bay, including dredging, maintenance of aids to navigation, shoreline armoring, water quality efforts, habitat management, and other matters where

City Council seeks citizen input. (2:07 p.m.) Natural Resources Manager Michael Bauer provided a brief overview of the proposed committee and its purpose as contained in his agenda memorandum (Attachment 10), stressing that the group would obtain input on issues related to Naples Bay and then provide Council with recommendations. Mayor Sorey indicated that he had believed the committee would be instrumental in documenting a vision for the Bay with input from all interested parties. Council Member Barnett stated that he did not support the proposal due to the existence of the City’s Natural Resources Division and the East Naples Bay Citizens Advisory Committee. Mayor Sorey explained that he however viewed the proposed committee as an asset for Dr. Bauer and his department, that with the limited resources of the City, a consensus-based group might provide valuable input with regard to water quality, recreation, and water-based businesses.

Council Member Sulick agreed with Council Member Barnett, noting Dr. Bauer’s 20-year restoration plan for Naples Bay, adding that the Naples Bay Alliance and the former Save Naples Bays, were additional groups addressing pertinent issues. She suggested that coordinated meetings of the existing groups might be fruitful, and should include the City’s water department and waterfront commercial interests. Dr. Bauer agreed that the business community’s input was needed and the desires of the waterfront businesses should be ascertained. Council Member Heitmann then suggested that quarterly workshops be scheduled for discussion and gathering of input of Naples Bay issues; Council concurred. Vice Mayor Price stressed the importance of considering stormwater runoff that is generated from Collier County, then approaching the state with the issue; he also noted that public input could be received during upcoming town hall meetings.

Public Comment: (2:22 p.m.) **Henry Kennedy, Naples**, stated that he did not support the establishment of another committee and commended Dr. Bauer and his staff for its efforts; additional resources should be made available for the Bay’s cleanup, he concluded.

Consensus that workshop discussion be scheduled quarterly regarding Naples Bay / no committee to be created.

OPEN CONTAINER LAWS.....ITEM 8

Alcoholic beverages in open containers are prohibited in certain commercial areas, such as Fifth Avenue South and Third Street South. While rarely a problem, the grant of special event permits, such as activities during St. Patrick’s Day, may be in conflict with existing City codes. The discussion will summarize the issue and determine what, if any, amendments to the Code or special events are appropriate. (2:29 p.m.) City Manager William Moss briefly reviewed the issues as contained in the memorandums prepared by Police Chief Thomas Weschler and Community Services Director David Lykins (Attachments 11 and 12, respectively). It was noted that exceptions to the prohibition may be granted by Council for certain special events, which has not been an issue in the past, but it appears that some businesses are taking advantage of permits granted to other entities. Chief Weschler agreed, adding that he believed communication with those serving alcoholic beverages must be increased to address the apparent lack of understanding and that the Fifth Avenue South Business Improvement District (FASBID) should be more involved with this aspect within its area of influence.

Council Member Sulick indicated that the ordinance should be enforced and Council Member Heitmann agreed, saying that the special event permits should be posted during the event to aid officers in enforcement. Council Member Saad cautioned that a policy should be established prior to the Fourth of July celebration urging that a letter be sent to pertinent businesses in the offending districts explaining the issue and citing the law. Director Lykins then clarified that less than 10% of special events involve the sale of alcoholic beverages.

Public Comment: (2:42 p.m.) **Henry Kennedy, Naples**, stated that, if allowed to continue, the issue would become a problem. He then cited Chapter 562.06, Florida Statutes, which stated

that it is unlawful to sell, or permit the sale of alcoholic beverage except on the premises covered by the license (a copy of the cite is appended hereto as Attachment 13).

REQUEST FOR ATTORNEY/CLIENT EXECUTIVE SESSION.....ITEM 9

The City Attorney requests an Attorney/Client Executive Session pertaining to the following: *State of Florida v Michael William Bailey, Case No. 11-2012-IN-000096-AXXX-XX- before Judge Turner; and State of Florida, James Rickney, Case No. 11=2012-IN-000097-AXXX-XX - before Judge Provost (combined for trials). (2:47 p.m.)*

Request approved.

REVIEW OF ITEMS ON THE 04/18/2012 REGULAR MEETING AGENDA.....ITEM 10

(2:48 p.m.) The following were removed from the Consent Agenda for separate discussion: Item 6-b-5 (iLearn Life, Inc. 239 Music Fest) (Sulick); Item 6-c (CDBG application) (Heitmann); and Item 6-d (booth / vendor fee amendments) (Saad).

CORRESPONDENCE / COMMUNICATIONS.....

(2:51 p.m.) Council Member Heitmann commended the waterways cleanup efforts of Keep Collier Beautiful. She also expressed concern that businesses renting personal watercraft do not provide sufficient instruction as to their operation and safety guidelines, including paddleboards. She then received confirmation that the ongoing construction at Gulf View Middle School involves a cooling tower for air conditioning and that with regard to Item 5 (Koffel contract) the amount is \$10,600. Staff also reported that the operational valet plan for Le Lafayette restaurant is currently under review, following which Mrs. Heitmann indicated that she would provide her questions regarding the municipal airport via e-mail the following day. Mayor Sorey and Council Member Saad also commended the above referenced cleanup effort of Naples Bay and Mayor Sorey added that Council’s approval of the Four Corners (Fifth Avenue South and US 41) pedestrian crosswalk project involved submittal of the permit application only. Vice Mayor Price thanked residents and staff for a successful tourist season and Council Member Finlay questioned whether the Fishing Pier should be patrolled during nighttime hours and requested clarification of the scope of work relative to the aforementioned Koffel contract.

ADJOURN.....

3:05 p.m.

John F. Sorey III, Mayor

Patricia L. Rambosk, City Clerk
Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist
Minutes Approved: 06/06/12

Filed for the Record with the City Council, April 16, 2012

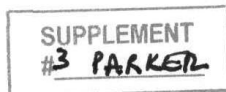
April 8, 2012

Dear Mayor Sorey and Members of Council,

This memo is my response to the comments made about me in Mr. Linneman's letter dated April 6, 2012 (see copy of letter below).

- His explanation for not speaking up in the first Public Comment period of the April 4, 2012 Council meeting was his need to assure the accuracy of his statements. This implies that he was uncertain about the taxiway "A" extension issue and had to go to the airport to get the "facts". But the runway extension proposal by the NAA was the largest airport project in years and one would think that one of the principal architects, Mr. Linneman, would recall the details of the major decision not to extend a critical taxiway. The operational problems created by the airport's failure to extend taxiway "A" to save money and seek a government grant had been discussed at the February 16 NAA meeting where a decision was made to "aggressively" proceed to extend taxiway "A" and to seek FAA funding. The background of the taxiway "A" matter was discussed at that meeting and also at the last NCC meeting.
- Mr. Linneman's statement of the facts behind the airport's failure to extend taxiway "A" was but another example of the NAA's failure to be fully forthcoming. Listen to what Mr. Soliday told the NAA starting at the 29 minute mark of the February 16, 2012 NAA meeting. Mr. Soliday stated that the taxiway "A" extension was left out of the initial build-out plan presented to the City Council in June 2010 "to save money". But that was five months before the airport applied to the FAA in October to fund the runway extension project and almost a year before the airport decided to self-fund the extension. Was the airport trying to save the FAA money? That is not credible. And it was reported at a March 9, 2010 NAA Workshop that FAA Atlanta after reviewing the preliminary Site Plan recommended to the airport that taxiway "A" be included in the extension project but that was ignored. A far more likely explanation for not including taxiway "A" in the initial build-out project is the airport management and NAA knew that getting approvals from the environmental people and FAA to deal with the water retention pond posed a risk of a major delay to the runway extension project. The NAA now appears to be guessing how long it will take to get approvals and complete construction.
- In his Public Comments at the April 4 Council meeting, Mr. Linneman stated that extending taxiway "A" was presented to the Council in the site plan as a future project within the next 5 years, and would now be accelerated. But at the May 17, 2010, Council Workshop at which the Site Plan was presented, the airport and NAA never mentioned taxiway "A" and the operational implications of a delay. It did not appear on the Site

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Plan projected at the Council meeting. Neither did it appear on the site Plan map shown at the City Council meetings on June 2, 2012 or March 16, 2011.*

The extension of taxiway "A" was not on the plans the airport submitted to the FAA in early 2010, but the FAA requested that it be included in the plans. The airport included the taxiway "A" extension on its April 2010 Site Plan. Thereafter the extension mysteriously disappeared from the airport's documents. The airport did not delay the extension of taxiway "A", it deleted it. The extension would have allowed planes to proceed directly to the new end of runway 23 without requiring the aircraft to cross the active runway and go to the end of runway 23 on taxiway "D". Mr. Soliday told the NAA on February 16, 2012 that it now looks like a mistake because the airport (which operates at overcapacity in high season) is so busy that it has up to 2 hour delays. Allowing planes to cross the runway to get to taxiway "D" creates further delays of up to 3 minutes each on landings and takeoff. So the airport decided to allow aircraft to ignore use of the runway extension and instead enter the runway at the end of taxiway "A" and commence their takeoff at the previous end of runway 23. This takeoff point is in effect a shortened runway and ignores the existence of the extension. The airport decided to jettison the acclaimed benefits of the extension for Naples residents for the convenience of jet users. It is clear what the airport's priorities are and that this was one big "mistake" or rather very poor management.

- Certainly I never called Soliday a liar and never suggested that he or the NAA stated anything about taxiway "A" existing or not existing. I have no idea to what he refers. Please read carefully the second sentence of the second paragraph of Mr. Linneman's letter. It makes absolutely no sense.
- Mr. Linneman quoted my e-mail correctly. I repeat what I said about the Site Plan and taxiway "A". There is no notation of any kind on the April 2010 Site Plan that indicates the extension of the taxiway "A" was not to be included in the initial build-out plan. Did I bury this fact in my statement to the Council? Hardly. I pointed to it on the Site Plan drawing during my comments to the Council.

But the question of whether or not the extension of taxiway "A" was clearly described on the Site Plan really is not the important issue. The question is why would anyone, including members of the Council, think that a critical part of the runway 23 extension plan as recommended by the FAA that would allow all of the aircraft to proceed efficiently and safely to the new end of the runway not be built? Again, should that not have been the subject of discussion and explanation to the Council of the severe impacts on operational capacity and the likely delayed noise and safety benefits? Mr. Linneman's comments are intended to obscure the fact that the airport affirmatively decided not to extend taxiway "A" for some reason not yet fully revealed even though the FAA recommended it and decided that it would use intersection takeoffs to avoid reducing operational efficiency at the expense of noise reduction and safety. As I and others attested all along, the noise and safety claims were simply trumped up to sell the project.

- Mr. Linneman sarcastically suggests that I now support the runway extensions after having opposed them. This is nonsense. It remains clear that the runway extensions will not reduce noise and are not necessary for safety. But the taxiway "A" fiasco and the related deception by Mr. Linneman and the NAA confirm that the NAA has little respect for the Council and this community. It is becoming clear that the NAA disbanded the extension of taxiway "A" because it would get in the way of fast tracking the runway extension. Perhaps the NAA decided to forego FAA funding because the FAA would require the extension of taxiway "A" and that would derail the NAA's extension schedule. Whatever the case, taxiway "A" is another confirmation that the Council should give much greater scrutiny to the NAA and the airport and that the people are more than justified in seeking a Citizens Airport Advisory Committee.

The NAA dragged the community through a year of conflict and insisted to the Council that its claims were valid. It hired a technical consultant and paid him handsomely to support the noise reduction claim. Not once did the consultant produce a noise document or noise profile chart that showed anything other than operations from the fully extended runway. The airport convinced the former mayor that improved safety was principle key benefit of the extension (even though there was no study or facts presented to back up the claim) and he never indicated any knowledge of continued use of the former ends of runways 5 or 23.

- Mr. Linneman also did not tell the Council on April 4 that the airport can ban intersection takeoffs and require that aircraft cross the runway and use taxiway "D" to get to the runway end. He ducked the question even though he knew the answer which was explicitly confirmed by Mr. Soliday at the February 16 NAA meeting. Actually prohibition of intersection takeoffs would be the best result for the community because it would lessen airport activity resulting in even less jet noise. For the owners and passengers of private jets who wish to avoid extended delays, Immokalee, Marco and RSW are available alternatives. Naples should not try to have the most jet traffic possible and allow jets to take off on a shorter runway to achieve this result at the expense of the community. For the airport to refuse to use it so it can coddle its customers at the expense of the community and increase the jet traffic flying lower over Naples is a travesty.

Yes, Mr. Linneman's statement is correct; I do want to see every plane use the new end of runway 23 for takeoff. No exceptions. Not for sound and safety but rather because its time the NAA fulfilled their commitments. Isn't that what the NAA promised the citizens and the Council? When the airport with its consultants and contractors planned to omit the extension of taxiway "A" to save money and avoid delay of the extensions while ignoring the FAA's recommendation, it had to know that congestion at the intersection (crossing point to get to taxiway "D") would reduce severely operational capacity. But they had another plan; allow intersection takeoffs and "blow off" the promised noise and safety benefits to save a few bucks and then later get the federal government to pay for it. The airport has been caught in its own deception. I think all of us were sandbagged.

- Regarding Mr. Soliday's disparagement of other points that I made in the referenced e-mail, this is the type of response one expects when it is likely that the counter arguments and refutations are without merit.

I raised a number of questions in my e-mail that have not been addressed. I would like to see responses to these questions. The answers are critical to address the public's concerns about trust and transparency of the airport. Mr. Linneman's letter does nothing to defray those concerns. His letter simply is an effort to deflect attention from the airport's failure to be forthcoming and to renege on its promise of reduced noise and improved safety.

Finally, Mr. Soliday stated at the February 16 NAA meeting that the jets that use the extended runways are getting higher faster and that this reduces noise. To quote Mr. Baldwin of HMMH, the airport's noise technical consultant, "Higher faster is not quieter". Who are we to believe? The airport's recommended noise abatement procedure known as the NBAA Close-In Departure Procedure calls for the pilots to pull back on power at a low altitude and then climb out at the rate of about 1,000 per minute. Using this procedure and the extended runway 23, the jets will be about 40 feet higher over Old Naples compared to use of the previous runway end (Mr. Baldwin's numbers).

I regret having taking your time to extend discussion of this matter but it is a significant example of reasons why concerned citizens distrust the NAA and its management.

Respectfully,

Alan Parker
741A Third Street South
Naples, FL 34102

* In that the site plan maps shown at three City Council meetings do not show the build-out of taxiway "A" there may be a question to what Site Plan actually was approved by the Council. This should be reviewed and resubmitted for City Council consideration if it is found that the extension of taxiway "A" was not approved. Also, assuming that the airport proceeds with plans to extend taxiway "A", the final design may require reconsideration by the Council.

** Mr. Soliday in his comments to the February 16 NAA stated that the noise level over Wyndemere had been reduced since the additional 510 feet of runway has gone into service and was pleased to see that the residents were confirming the airport's claims of noise reduction. But a check with NCC members from Wyndemere shows that they reported a drop in departure noise after the opening of the extended runway 5 only when the planes turned to a heading of 060 after takeoff. They also stated that when the planes do not turn to 060 and head straight out over Wyndemere that there is no noise reduction resulting from the extended runway.

Subject: Mr. Parker's 4/5/12 letter to City Council (from E. Linneman)

Honorable Mayor and City Councilors:

In response to yet another of Mr. Parker's letters, his attack referring to my bothering to check facts before responding, beg rebuttal. I prefer accuracy rather than misleading City Council; an approach Mr. Parker clearly does not share.

I stated Mr. Parker had deceived Council Wednesday morning by not informing Council that the drawing he 'flashed' concerning Taxiway A noted that the taxiway was scheduled to be constructed in the next 5 years. He further accused the Executive director and the NAA Board of maliciously lying to Council at the March 2011 hearing that Taxiway A actually existed. Below, in bold type, is a direct quote from Mr. Parker's Thursday, April 5, 2012 letter in which he then said:

"There is no indication on that plan, other than some shading that Taxiway "A" would not be built to mate with the new end of runway 23 from the outset."

Mr. Parker chooses to "bury" an acknowledgement in his letter that he misinformed City Council during his Public Comment on Wednesday, April 4, 2012 by using the phrase, "other than some shading." Nor did he apologize to Council for misleading you!

In his letter, Mr. Parker then goes on to repeat his demand that the Airport forbid, what he refers to as "intersection takeoffs," from the old, paved end of runway 23. He now wants to force all aircraft to utilize the 800 feet of the airport's newly paved safety area! Mr. Parker obviously was against the 'runway extension,' until he decided he was for it!

As to the rest of the letter, Mr. Soliday has reviewed its content and has found, not surprisingly, that it is thoroughly contaminated with misinformation and speculation. I will not waste your time with a lengthy, point by point refutation.

Respectfully,

Ernie Linneman

Parker Linneman Letter to Council – April 8

Excerpted text of Item 4 / Economic Development / 041612w:

The Partnership for Collier's Future Economy

The 6 Pillars of Florida's Future Economy

- Talent supply and education;
- Innovation & economic development;
- Infrastructure & growth leadership;
- Business climate & competitiveness;
- Civic & governance systems; and
- Quality of life & quality places.

Greater Naples Chamber Organizational Chart

Collier's Future Economy (by John Passidomo)

The goal of the Greater Naples Chamber of Commerce is to make Collier County the best place in America to live, work and do business by promoting a quality of life which attracts the country's next generation of talent. The goal is premised on the proposition that good jobs are vital to creating economic prosperity and economic prosperity is essential to sustaining a superior quality of life for all of our residents. The goal will be achieved through three principal objectives.

Collier's Future Economy Principles

- Creating a Business Friendly Community
- Investing in the People of Collier County
- Building a Public Consensus

THE PARTNERSHIP ALLIANCES

Our mission...

The Partnership for Collier's Future Economy

The Partnership's mission is to assist existing businesses grow for the benefit of all Collier County citizens. The vast majority of our local businesses are small to medium-sized firms led by entrepreneurs. Statistically, existing companies of this size are the ones that will grow and create new jobs in our community. Frankly, the foundation for most economic prosperity starts with existing businesses and the entrepreneurial spirit they generate. That is the American way!

Current Memorandums of Understanding (MOU'S)

Underwriters

Contributors

The Partnership for Collier's Future Economy is focusing its time and collective resources on the following programs...

FastTrac® Growth Venture™

The prestigious Kauffman Foundation designed a ten-week business development program for CEOs of existing Collier companies with sales under \$1 million and 4 to 10 employees. The principle is to improve the organizational business and plan for profitable growth and optimal performance.

The CEO Exchange

The sessions focus on entrepreneurs of companies with high growth potential. These relationship-development programs include Executive Sessions, The Partnership Roundtable, Growth Acceleration Services (SBDC), which will offer organizational leaders tools to assist with the direction of their businesses.

Community Outreach Campaign

A sophisticated business outreach campaign developed to identify CEOs of local, existing businesses in Collier County who may benefit from economic development programs.. Staff leads this campaign that engages The Partnership volunteers in directly contacting businesses in our community

The Chairman's Luncheon Series

Quarterly programs are conducted to gain business leaders' insight and opinions on topics impacting The Partnership and the community. Top executives including Chamber Legacy Leaders and community partner leadership are invited to participate in this series.

Business of the Month

An award is presented to a company that has enhanced the community through financial, volunteer and active involvement in organizations and programs that assist in creating a better quality of life for all citizens in Collier County.

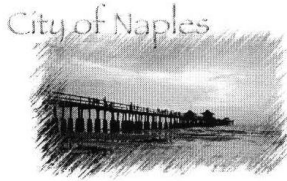
Excellence in Industry

The Excellence in Industry award program is a long-standing tradition in Collier County and the state of Florida. Top companies who exemplify the use of innovation and a responsible approach to economic diversification and business and community enhancement receive the Excellence in Industry Awards.

Thoughts for Consideration

- Honoring a Naples City Business
- Emphases on a Balanced Diversification Of Naples Commerce
 - Healthcare –Medical Tourism
 - IT
 - Art Canter Advancement
 - Financial Center
 - Executive Offices for Key Leaders

Playing a supportive role the Advancement of Collier's Future Economy



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Agenda Item:	Prepared By: Stephen R. McInerney II, Fire Chief	
5	Department: Fire-Rescue Department	
SUBJECT:		
Florida Fire Prevention Code – NFPA 1 Section 18.4.5.1		
BACKGROUND:		
<p>The State of Florida adopted the 2009 Edition of the National Fire Protection Association (NFPA) 1 on December 31, 2011. Changes were made from past Code editions affecting the fire flow and flow duration requirements for buildings and in particular one and two-family dwellings. NFPA 1 Section 18.4.5.1 now places specific requirements on new one and two-family homes that did not exist in prior editions adopted by the State of Florida.</p> <p>In order to comply with the new fire and life-safety codes promulgated by the NFPA and formally adopted by the Florida Legislature, the City faces an unfunded mandate to significantly improve our potable water and/or reclaimed water distribution infrastructure and pumping capabilities and/or look at the possibility of providing alternative sources of water for firefighting efforts.</p> <p>Additionally, many one and two-family dwellings currently being planned for construction may be required to install residential fire sprinkler systems. These properties may also be required to upgrade building construction materials in order to make the building more fire restrictive based on a square footage formula. In some cases, even these radical enhancements will fail to satisfy the new fire code mandate and will therefore prevent the issuance of a building permit for new construction, particularly for larger homes.</p> <p>The Fire-Rescue Department has reviewed the needed fire flows for all of the single family homes permitted from January 1, 2012 to date. Personnel also went back and analyzed all of the homes permitted in 2011 to outline the construction locations and needed fire flow deficits. A comprehensive spreadsheet was then created that outlines required fire flows, available fire flows, and deficiencies associated with each permitted property. The attached spreadsheet has been attached for your review.</p> <p>A copy of NFPA 1 Section 18.4.5.1 has been attached along with the required fire flows and flow durations found in Table 18.4.5.1.2 of the Florida Fire Prevention Code.</p> <p>Mr. William Koffel, President of Koffel Associates, Inc., a fire protection engineering firm out of Columbia, Maryland will present an overview of the NFPA 1 Section 18.4.5.1 requirement and present solutions for complying with the Florida Fire Prevention Code. The attached report has been provided by Mr. Koffel.</p>		
Reviewed by Department Director Stephen R. McInerney II, Fire Chief	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		



CONSULTING
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EXPERTLY ENGINEERING SAFETY FROM FIRE

William E. Koffel P.E., FSFPE / President
direct 410-540-9008

April 10, 2012

Mr. Paul Bollenback
Building Official
City of Naples
295 Riverside Circle
Naples, FL 34102-1401

Chief Stephen R. McNerny II
City of Naples Fire-Rescue Department
355 Riverside Circle
Naples, FL 34102-1401

RE: NFPA 1 FIRE FLOW REQUIREMENTS
KA: C037-01

Gentlemen:

Koffel Associates, Inc. was requested to provide consulting services to the City of Naples with respect to the fire flow requirements contained in Section 18.4, NFPA 1, 2009 Edition. The scope of services was limited to new construction and more specifically, one- and two-family dwellings. One of the reasons why the scope concentrated on one- and two-family dwellings is that all new commercial construction in the City in excess of 1,500 sq ft is required to be protected with an automatic sprinkler system.

Background of NFPA 1 Requirements

NFPA 1 is a nationally recognized code that is developed using an open consensus process. The Technical Committee responsible for NFPA 1, Technical Committee on Uniform Fire Code, consists of individuals with various backgrounds. The fire service representatives on the Committee are classified as enforcers and there were 9 enforcers, three from the State of Florida, on the Committee which was responsible for the 2009 Edition. In addition, there were various user representatives, including a representative of the National Association of Home Builders.

Although NFPA 1 has been in existence for many years, the document underwent a complete revision in developing the 2003 Edition by incorporating many requirements from the Western Fire Chiefs, *Uniform Fire Code*. This occurred after attempts to jointly publish a fire code with the International Code Council failed. It should be noted that the Western Fire Chiefs, *Uniform Fire Code* and the International Fire Code also contain provisions regarding required fire flow for dwellings.

8815 Centre Park Drive / Suite 200 / Columbia, MD 21045 / 410-750-2246 / www.koffel.com

NFPA 1 Fire Flow Requirement – City of Naples

April 10, 2012
Page 2

In developing the 2009 Edition, a fire flow calculation method that was previously contained in Annex H was moved into the body of the document. This is significant in that the 2006 Edition contained a requirement for adequate fire flow, but left the specific methodology for determining adequate fire flow up to the Authority Having Jurisdiction. Annex H was provided as one means of calculating the required fire flow. However, when the methodology was moved into the body of the document, a significant change was made, in that the 1,000 gpm minimum requirement for dwellings was changed to apply to dwellings having an area up to 5,000 sq ft (from 3,600 sq ft). The proposal to move Annex H into the body of the document received 29 affirmative votes. There were 31 eligible to vote and the remaining two ballots were unreturned. The Public Comment that revised the 3,600 sq ft to 5,000 sq ft also received 29 affirmative votes with 1 ballot unreturned (there were 30 eligible voting members at this time). The rationale provided for increasing the 3,600 sq ft to 5,000 sq ft was to make the document more consistent with the ISO Guide and to make the document more user-friendly since many houses are now built in excess of 3,000 sq ft.

Comparison to Other Codes

As previously noted, the International Fire Code, 2009 Edition, also contains a fire flow requirement. The fire flow is to be calculated using an approved method. Appendix B provides a methodology that may be used as an approved method. For a 3,600 sq ft one- and two-family dwelling, the required fire flow would be 1,000 gpm for 1 hour (same as NFPA 1, 2009 Edition). For a 5,000 sq ft one- and two-family dwelling, the IFC would require 2,000 gpm for 2 hours (twice the flow and duration required by NFPA 1, 2009 Edition). The IFC does permit a reduction for sprinkler protection but does not specify a reduction for separation between dwellings as permitted by NFPA 1, 2009 Edition.

The Western Fire Chiefs *Uniform Fire Code* contained provisions similar to the IFC and would also require a fire flow of 2,000 gpm for 2 hours for a 5,000 sq ft one- and two-family dwelling.

Other Neighboring Jurisdictions

Although a comprehensive list of municipalities in Florida were not contacted, we did review the 2008 Ordinances from the Golden Gate Fire Control District, the East Naples Fire Control District, and the North Naples Fire Control District. These Ordinances in 2008 adopted the 2006 Edition of NFPA 1 and included adoption of Annex H, which is the annex that provided the methodology for determining required fire flows that is similar to what is contained in Section 18.4, NFPA 1, 2009 Edition.

Statement of the Problem

NFPA 1, 2009 Edition, was adopted as part of the Florida Administrative Code effective December 31, 2011. Since that time, building permits were issued for several one- and two-family dwellings in the City of Naples and there are a number of outstanding permit applications for one- and two-family dwellings in areas of the City where the available fire flow will not meet the fire flow required by NFPA 1. For additional information regarding the required fire flow, please see the attached spreadsheet that was prepared by the City of Naples Fire-Rescue Department.

NFPA 1 Fire Flow Requirement – City of Naples

April 10, 2012
Page 3

Solutions

There are several ways to address the requirements of NFPA 1, 2009 Edition. It is our understanding that the purpose of the workshop with the City Council will be to explore the options that are available. In general, the options are to increase the flow of water available in the areas where the dwellings are being constructed or to require the homeowner to build a structure for which the required fire flow is within the capability of the City to deliver water at the specific location.

With respect to increasing the flow of water available, solutions may include:

- Replace mains with larger diameter pipe to reduce friction loss
- Add pumps to increase the available pressure
- Add water storage facilities
- Provide portable water storage (tankers)
- Provide a means to utilize available water from natural sources
 - Connections from which the fire department can draft water
 - Fire boat

With respect to decreasing the required fire flow, solutions may include:

- Reducing the fire area with compartmentation within the dwellings
- Increasing the separation between dwellings
- Change the construction type of the larger dwellings
- Provide sprinkler protection

While the lists above may not be all inclusive, they are intended to identify the broad scope of possible solutions. Some of the solutions, such as replacing the mains with larger diameter pipe, may have limited benefit. Some of the solutions, such as adding water storage facilities, may be less desirable by the citizens in the area where the storage facilities are to be added. Some of the solutions, such as relying on a tanker shuttle, may be very labor intensive. Some of the solutions, such as portable water storage, may not be mutually exclusive. For example, a tanker shuttle can be effective but possibly not at the required fire flows for some of the larger dwellings.

Related Issue

Although the requirements of NFPA 1, 2009, as adopted by the State of Florida, apply to buildings constructed after December 31, 2011, there are existing dwellings within the City that also have a required fire flow in excess of the flow that is available. This issue is beyond the scope of this consulting activity, but will most likely become an issue when the City undergoes an evaluation by ISO later this year.

NFPA 1 Fire Flow Requirement – City of Naples

April 10, 2012
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Summary

The intent of this letter is to provide the foundation for the workshop scheduled with the City Council on April 16, 2012. There are a number of solutions that can be considered to achieve compliance with NFPA 1, 2009 Edition, as adopted by the State of Florida.

Respectfully submitted,



William E. Koffel, P. E., FSFPE
President
Licensed in: DC, MD, NY, OH, PA, VA, WA

Excerpted text Item 5 / 041612w:

NFPA 1 – 2009 Fire Flow Requirements

Overview

- Introduction
- Overview of NFPA 1
- Summary of Fire Flow Requirements
- Discussion

Introduction

- William E. Koffel, P.E., FSFPE
- President, Koffel Associates, Inc
 - www.koffel.com
- B.S. Fire Protection Engineering
 - Community Master Plan, Borough of Collegeville, PA
 - Analysis of Water Supply System, Kiawah Island, SC
- Alternate, Uniform Fire Code Committee

Overview of NFPA 1 – 2009 Edition

The 2009 edition of NFPA 1, *Fire Code*, is part of continued agreement between NFPA and the Western Fire Chiefs Association (WFCA) to jointly develop a fire code.

Purpose (1.2)

- Minimum requirements
- Reasonable level of fire and life safety and property protection
- From fire, explosion, and dangerous conditions

Emergency Operations (1.1.1(13))

Firefighter Safety (1.1.1(14))

Summary of Fire Flow Requirements (18.3)

- All facilities, buildings or portions of buildings
 - Hereafter constructed or moved into the jurisdiction

Alternative Water Supplies (18.3.3.2)

- Reservoirs
- Tanks
 - Pressure
 - Elevated
- Tanker shuttles
- Other approved systems
- Reservoirs
- Tanks
 - Pressure

Summary of Fire Flow Requirements

- NFPA 1, Chapter 18
- International Fire Code
 - Similar to NFPA 1 except increases start for dwellings over 3600 sq
- NFPA 1142

International Fire Code

- 507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.
- B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square

feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min) for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m²) shall not be less than that specified in Table B105.1.

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic sprinkler system.

NFPA 1142 – 2007 Edition

- 1.1.1 This standard identifies a method of determining the minimum requirements for alternative water supplies for structural fire-fighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for fire-fighting purposes do not otherwise exist.

Discussion

- Increase available fire flow
 - Water mains
 - Pumps
 - Add water storage
 - Tanker shuttles
 - Utilize natural sources of water
- Decrease required fire flow
 - Reduce fire area
 - Increase separation
 - Change construction type
 - Provide sprinkler protection

Good morning and thank you for your time Mayor, Vice-Mayor and members of Council.

I am Ewing Sutherland and live at 4005 Gulf Shore Blvd North. In addition to being President of my condominium Gulfside, I am an Advisory Council Member of the Florida wide Community Advocacy Network (CAN).

I have addressed you before on condo and HOA matters including those concerning interface with our Fire Department. As I have said previously we are fortunate to have Steve as Fire Chief and Hans and I welcome the open and collegiate tenor of our discussions.

Today I wish to revisit with you something we have touched on previously, which is the manner new Fire Codes are created and passed into law in Florida. I am not here to argue the merits of NFPA 1 2009, but to suggest where I, and others, believe the overall process fails us and what might be done for the future.

As a reminder, about 10 years ago, the Florida Legislature decided to pass fire codes into law by simply adopting them "by reference". This "by reference" approach has not proved uniformly successful for those impacted as we can see from what we exploring today.

The NFPA may be a worthy body although arguably with vested interests which do not fully take into account the interests of the "end user" whether property owners, cities or counties. After all, NFPA creates a "one size fits all" code amendment without the benefit of local knowledge.

Every Fire Code initiative such as Fire Flow requirements has economic consequences. The "one shoe fits all" approach of the NFPA code cannot take in to consideration the local variability of these consequences. Accordingly, local jurisdictions should be given much greater flexibility in applying the Code to their situations.

The following problems need to be addressed legislatively:

1. Adoption of the Code is delegated to non-legislative bodies who are not necessarily familiar with the economic consequences of the Code initiatives
2. Notice that hearings are to be held regarding a new version of the Code is not necessarily provided to the legislative body that must adopt it.
3. The complexity of the Code makes is virtually impossible for local legislative bodies to determine what changes have been made to the new version and how it might affect their locality.
4. Once the code has been adopted, it cannot be changed for three years.
5. Any local changes made before the Code is adopted, are only permitted if they do not make the Code less stringent.

SUPPLEMENT
#5 Sutherland

I know the leadership this Council shows every day and I recommend that, in addition to other actions you may take, you should follow up with CFO Jeff Atwater and Senator Garret Richter and Representative Kathy Passidomo to determine how such a process could be put in place. Hans Gruenberg and I are fully prepared to participate in this endeavor.

Presentation to City Council Workshop on April 16, 2012

Good morning Mayor, Vice-Mayor and members of Council. My name is Hans Gruenberg and I am president of the Gulf Shore Property Owners Association whose members are the multi-family associations between the Naples Beach Hotel and Doctors Pass. I reside at 1717 Gulf Shore Boulevard North.

As you know, I have appeared before to represent the interests of the multi-family community in regard to its relations with the Fire Department and I'm pleased to report that Ewing Sutherland and I have been gratified by the Department's cooperation.

This time my remarks deal with a broader concern occasioned by the change in the recently adopted Florida Fire Prevention Code of 2009 relative to Fire Flow Requirements as specified in Section 18.4 of the Code. You have heard Ewing's comments regarding the problems associated with the method in which this Code becomes law. The letter in your packet from Koffel Associates states that this section applies only to "new construction and more specifically to one- and two-family dwellings". This would eliminate the type of buildings which comprise the membership of GSPOA. However, Section 18.4.5.2 of the Code is entitled "Buildings Other than One- and Two-Family Dwellings" and that puts us squarely into the middle of it. We need to understand why Koffel restricts the applicability to one and two-family dwellings .

A further question relates to the definition of "new construction". At what point do alterations to existing structures qualify as "new construction" which then affects the applicability of the Code?

The issue confronting Naples is what to do about it. Koffel lists a number of alternatives. However, there are at least two that are not mentioned.

1. Whereas we notice with interest that Koffel Associates are not licensed in the State of Florida, they have offered an opinion regarding the applicability of the NFPA 1 Code as it is adopted in the State of Florida. In discussion with a Fire Safety Engineer who is licensed in the State of Florida I inquired as to who would be issued a Notice of Violation by the Fire Department in the case of a dwelling that was constructed since December 31, 2011 and issued a Certificate of Occupancy by the City. The dwelling owner or the City? In an instance where an Authority Having Jurisdiction mistakenly issues a permit or Certificate of Occupancy, it is my non-professional opinion, based on my understanding of the case law that the responsibility for the violation of an ordinance, code etc., is placed on the owner. Hence the Fire Department would issue the notice to the owner. That was also the informal opinion of the Fire Safety Engineer. In other words, the owner is not excused from observing the applicable ordinance or code simply because an error was made by the Authority Having Jurisdiction.

As you are aware our previous discussions revolved around Florida Statute 633.025(6) which places certain obligations on the Fire Department before they may issue a Notice of Violation to an existing building. Note that there is no mention of what type of existing building. Hence we

SUPPLEMENT
#S Gruenberg

[Over]

Presentation to City Council on April 16, 2012

Page 2

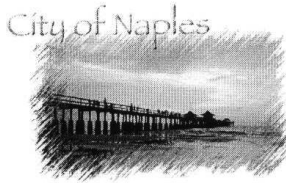
conclude that this section also applies to the one- and two-family dwellings in question. Furthermore, that section of the statute provides for the possibility that the Code may not be enforced at all if there are no remedies available that meet a test of affordability relative to the risk entailed. So, if the Fire Department were to determine that to require the fire flow mandated by the Code would result in an expense inconsistent with the resulting lessening of risk, they would not be required to enforce the Code. It is a matter of discretion for the Fire Department as the Authority Having Jurisdiction and of course, it is appealable to the local Board of Appeal.

2. In the last paragraph of Koffel's letter under the heading "Related Issues" it states "there are existing dwellings within the City that also have a required fire flow in excess of the flow that is available". It goes on to say that this "will most likely become an issue when the City undergoes an evaluation by ISO later this year". This presumes that nothing is done about it as suggested in the above paragraph because otherwise it would not become an issue. However, it raises another significant question. By implication it suggests that a negative evaluation by ISO would result in higher premiums for insurance throughout Naples. If that is the case it raises a further question regarding the cost/benefit of addressing the city's infrastructure to correct this deficiency. That would affect all tax payers, not only those in the referenced dwellings. As far as we are aware all current projections of the results of an ISO inspection are subjective in nature.

It is our suggestion that the city hire an independent consultant who has had real life experience with ISO inspections and insurance consequences to help determine the likely outcome of an impending ISO inspection. That will enable Council to make an informed decision regarding the best course of action to follow, not only with regard to the present issue but with regard to the budgetary requests of the Fire Department in general.

Thank you for your indulgence.

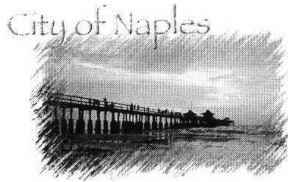
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NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Agenda Item: 6	Prepared By: Steve Weeks, Director Department: Technology Services
<p>SUBJECT: Presentation of an Information Technology Master Plan by EPIC Engineering & Consulting Group and requesting the consensus of City Council to proceed with selected technology projects</p>	
<p>BACKGROUND: During development of the City's FY 2011-12 budget, City Council expressed a desire to insure that the acquisition of Information Technology hardware and software were based on a concept of full integration of all technology systems modeled on an appropriate "smart cities" concept. On January 9th, the City entered into an agreement with EPIC Engineering & Consulting Group to assist in the development an Information Technology Master Plan that would evaluate the City's current Information Technology environment and provide direction for acquiring future technology. The process involved a week of face-to-face interviews with Department Directors and other staff. Using information gathered during the interviews as a guideline, EPIC identified needs, opportunities and strategies the City could follow for the next three to five years. In addition, EPIC was asked to extend its best efforts to provide the City with their outlook of the role of Information Technology for the coming ten years. (Report attached). Among the initiatives discussed are the following:</p> <p><u>Enterprise Resource Planning Software Suite – CIP 12A12 (\$300,000) 13A12 (\$200,000)</u> EPIC evaluated the City's use of the existing SunGard Enterprise Software Suite across all departments. During interviews with staff, it became clear that, while functional, the system is not exactly intuitive or easy to use, especially for new employees or employees transferring between departments. The SunGard suite was purchased in 1994 and runs on an IBM midrange computer that was purchased in 2006 and is reaching its end of life. The City must start migrating to a new system very soon. The process is not one that occurs at once, but in stages. It is at least a two year process and will require the concurrent use of the IBM system while transitioning. Purchasing released a request for proposal with a closing date of April 27, 2012. Review of the proposals and presentations by vendors will take place in May. After negotiations, a timeline for implementation will be developed with the successful bidder. Staff intends to recommend an award of contract at the June 6, 2012 Regular meeting. Finance has \$300,000 budgeted for FY 2011-12 and \$200,000 for FY 2012-13. Staff requests City Council's consensus to proceed and select a new enterprise suite vendor.</p> <p><u>Replacement Projects – CIP 12T01 (\$80,000) CIP 12T02 (\$45,000)</u> EPIC concurs that replacement projects for PCs, Servers and other hardware on a cyclical basis is a standard practice for local governments. The City still has a quantity (40+) of 6 or 7-year old Gateway PCs in use along with about 35 Lenovo PCs. All are slow and out of warranty and in need of replacement. PCs are normally replaced every four years. Technology Services requests City Council's consensus to move forward using the Florida State Contract and request a quote for purchase of up to 80 PCs.</p>	

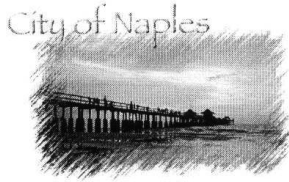


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Page Two

Agenda Item: 6
<p><u>BACKGROUND (cont.):</u></p> <p><u>Interactive Voice Response System – Finance Customer Service (Cost TBD)</u> An automated voice response system for customer service utility billing to help relieve the call load, on-hold wait time, improve customer satisfaction and eliminate the need for an additional part-time service representative.</p> <p><u>GIS - Automatic Vehicle Location System (CIP \$164,866)</u> This project proposes outfitting City vehicles with GPS units that would communicate with the City's GIS system for asset management. This project will be presented in full during the June 11th CIP Council Workshop with possible acquisition in FY 2011-12 or inclusion in the upcoming FY 2012-13 budget.</p> <p><u>Microsoft Office Professional Plus Upgrade (13T15 CIP Request \$152,000)</u> The current version of Microsoft Office Professional (2003) is two versions behind the latest product release (2010) and another release is planned for 2012. Document formats have changed since the 2007 version and those document types need to use a conversion program. Staff is recommending upgrading to the most current version using the Select Agreement pricing on the Florida State Contract. Staff also recommends adding Microsoft Software Assurance maintenance that provides ongoing upgrades to new versions as they become available. The cost estimates are based on a total of 350 PCs and Notebooks. Note that the initial purchase (\$118,000) must be made between August 1, 2012 and September 30, 2012. This would include 6 months of Software Assurance. Another \$34,000 would be due upon the Microsoft contract renewal on August 1, 2013 and for two subsequent years (term of the contract). Staff is requesting City Council consensus to complete the software licensing prior to October, 2012.</p> <p><u>A Timetable for addressing risks identified by EPIC</u></p> <p>By July 31, 2012 Plan and begin data center cabling and power upgrades Remove clutter from data center and ensure safe passage ways</p> <p>By September 30, 2012 Complete data center cabling and power upgrades Establish and Implement UPS maintenance and logging Procedures Create and implement VPN policy</p> <p>By December 31, 2012 Remove clutter from Police data center Create and implement a policy for new employee configurations</p>



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Page Three

Agenda Item: 6		
BACKGROUND (cont.): <u>A Timetable for addressing risks identified by EPIC - continued</u>		
<p>First Quarter 2013</p> <ul style="list-style-type: none"> Complete cabling and power upgrades for Police data center Provide an initial plan for virtualization and cloud technology Research and develop guidance for single sign-on and network security initiatives Research and evaluate city meeting agendas, minutes and documentation options Data storage – CIP request to add additional storage capacity <p>Second Quarter 2013</p> <ul style="list-style-type: none"> Survey and, if needed, provide supplemental training in phone system Document current document and project management processes for possible changes Create and implement a log retention policy for tracking Internet use <p>Third Quarter 2013</p> <ul style="list-style-type: none"> Work with Facilities Maintenance to plan for and address data center environment concerns <ul style="list-style-type: none"> Heat sensors already in place Develop and implement a Technology Services policies and standards manual Create policies and directives for integration of systems <p>Year End 2013</p> <ul style="list-style-type: none"> Provide user documentation and guidance for file and data storage Mandate technology purchasing standards to ensure adequate support and funding Research and analyze public safety solutions 		
Reviewed by Department Director Steve Weeks	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action:		

Excerpted text Item 6 / 04/16/12w:

Information Technology Master Plan

Plan Development Process

- Conducted interviews
- Reviewed documentation
- Performed research
- Data analysis
- Final report

Interviews (Part 1 of 2)

- City Manager
- Mayor Sorey
- Assistant City Manager
- Finance Director
- Human Resources Director
- City Clerk
- Technology Services Director

Interviews (Part 2 of 2)

- Planning Director
- Building Director
- Streets and Stormwater Director
- Utilities Director
- Community Services Director
- Police Chief
- Fire Chief

IT Trends and Transitions

- Adaptability*
 - Low hanging fruit
 - Understand your expenses
 - Optimize system capacity
 - Manage supply & demand
 - Diffuse management complexity
 - Standards & Priorities
- Agility*
 - Business process analysis
 - Project management
 - Human Resources & Staff development
 - Collaboration
 - Business Analytics
 - Geographic Information System (GIS)
 - IT Governance
- Mobility*
 - Building Inspections
 - Code Enforcement
 - Meter Reading
 - Utility field inspections
 - Parks supervision
 - City Council agenda & minutes

From Partly Cloudy to Mostly Cloudy

- "The Cloud" is not a place. It is a way of doing things.
 - Applications
 - SunGard ASP (application services provider)
 - Services

- Google e-mail
- Infrastructure
 - Amazon data storage
- Software Development
- Co-located Services

Key Drivers over the next 10 years

- Transparency
- GIS & spatial orientation
- Consolidation, Centralization & Centers of Excellence
- Telecommuting
- See Something, Say Something
- Drones & Robots
- The next major investment you make...
- Data as an exchange traded commodity

Situational Assessment of IT

- Mission Alignment with City's Goals (See IT Governance)
- Service Orientation (See IT Governance)
- Organization Structure (See IT Governance)
- Technology Standards (See IT Governance)
- Priorities (See IT Governance)

- IT Governance

IT Governance

- A consistent and disciplined set of business processes that include oversight responsibilities, control and decision criteria executed through a collaborative effort by an executive team that measures and communicates the strategic risk and value of every IT investment so that the City can benefit from IT-enabled change.*

IT Governance Council (ITGC)

- Guided by a City Manager-approved charter and a published IT Master Plan...
- senior management team working through a structured set of processes...
- affirms for the City Manager that the acquisition and deployment of citywide information technology assets and resources support City goals.

Why IT Governance?

"Effective IT governance is the single most important predictor of the value an organization generates from IT..." (Source: Center for Information Systems Research (CISR); Sloan School of Management, MIT)

"In an organization without IT governance...all projects are number-one priorities." (Source: Robert Stroud, international vice president of the IT Governance Institute)

IT Governance Council (ITGC) members agree to accept the view that, "The needs of the City are greater than the needs of any one department." Source: Robert Stroud, international vice president of the IT Governance Institute)

Evaluating the IT Environment

- IT Governance
- Technology Infrastructure
- Business Applications

Ten-Tier IT Framework

THE IT ENVIRONMENT HAS FOUR DOMAINS.

Each has unique characteristics and scripted responsibilities.

IT Governance

Risk Awareness & Management
Strategic Planning & Priority Setting
Goals and Investment Decisions
Responsibility: Senior Management and CIO/IT Director

Business Applications

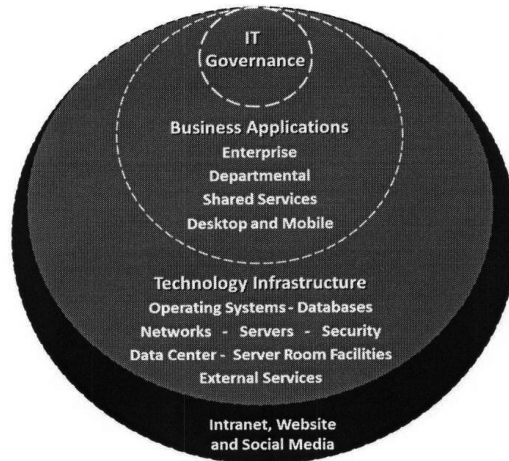
Accuracy & Effectiveness
Integration & Data Sharing
Community Accessibility
Responsibility: Process Owners and CIO/IT Director

Technology Infrastructure

Stability & Security
Reliability & Resilience
Standards & Capacity
Responsibility: CIO/IT Director

Intranet, Web site, Social Media

Community Engagement
Constituent Communications
Responsibility: Senior Management, PIO & IT Security



Tier 1 – Data Center or Server Room Facilities

- Key Issues:
 - Stabilize and Secure
 - Disaster Recovery Plan
 - Disciplined management practices

Tier 2 – Enterprise Network

- Key Issues:
 - Network infrastructure is a well-developed asset
 - Leverage the investment
 - Voice & Data
 - Images & Video

Tier 3 – Enterprise Technologies

- Key Issues:
 - Systems & Symptoms
 - Data Storage
 - Architecture to support variety of services
 - Disciplined management practices

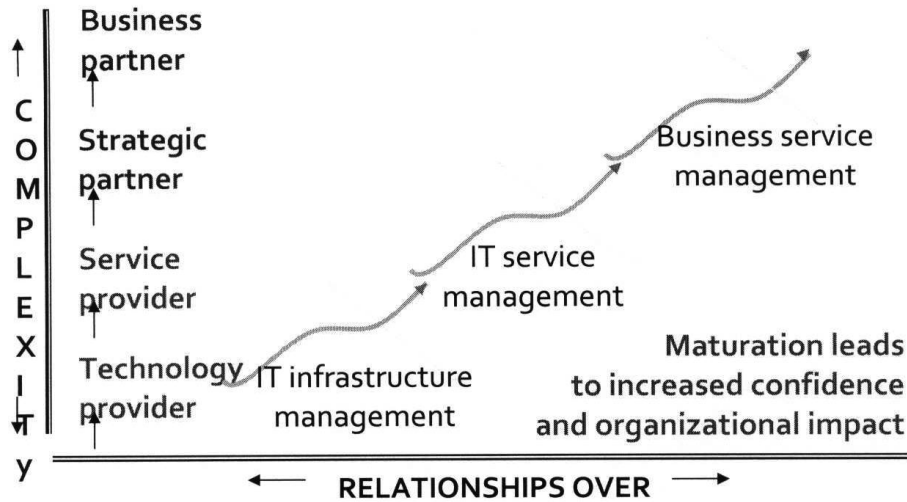
Tier 4 – Enterprise Security

- Key Issues:
 - Review, document & implement policies
 - Disciplined management practices

Tier 5 – Infrastructure Management

- Key Issues:
 - Disciplined practices
 - Performance measures

Service Management Maturity Model



Tier 6 – Desktop and Mobile Applications

- Key Issues:
 - Positioned for success
 - Microsoft Office upgrades
 - There's an app for everything

Tier 7 – Enterprise Applications

General Ledger	Utility Billing	Building Permits
Accounts Payable	Land Parcel Management	Planning & Engineering
Procurement	Work Order	Parking Tickets
Inventory	Job Costing	e-utilities
Fix Assets	Facilities	e-permitting
Cash Receipts	Human Resources	e-parking tickets
Accounts Receivable	Payroll	e-business tax
Code Enforcement	Time Clock interface	IVR For Building Permits
	Business tax	

Key Issue: Proceed with the replacement of the current system
 Key Focus: Reporting tools & capabilities
 Key Issue: Focus on Shared Services solutions for work orders, inventory and fixed assets

Tier 8 – Shared Services Applications

Questys Document Imaging	SunGard Work Order system	IDATA Data Mining Tool
IVR for Building Permits	CASS Works Work Order system	IBM Query
ESRI ArcGIS	MS Access Work Order database	Crystal Reports
GIS Interface	MS Excel Work Order spreadsheet	RVI Report Archiving
	TSD Help Desk Work Order system	

Key Issue: Find a Shared Services solutions (for center tier)

Tier 9 – Departmental Applications

Visual Studio Custom Programming Tool (Technology Services)	Helpdesk Work order system - home grown (Technology Services)	FASTER inventory system (Fleet Management)
VisionAIR for CAD and RMS (Police and Fire departments)	GeoComm for CAD (Police and Fire departments)	CodePal (Fire Department)
FTR Gold meeting recording software (City Clerk)	Public Record Request Tracking - home grown (TSD for City Clerk)	Granicus TV broadcast and production (City Clerk)
NEOGOY online HR applications (Human Resources)	RecWare (Community Services Department – Parks)	Wilbur Programs Indexing system (City Clerk)

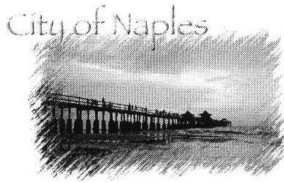
Tier 10 – Intranet, Website & Social Media

Key Issues:

- Delineate responsibility for administration
- Develop social media policies and market plan
- One step at a time: pilot project roll out

Recommendations

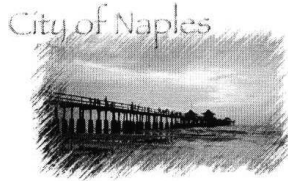
- IT Governance Strategies
 - Technology Infrastructure Strategies
 - Business Applications Strategies
1. Replace the current financial system
 2. Implement an IT Governance Council
 3. Seek automated solutions for:
 - Asset Management
 - Inventory Management
 - Work Order Management
 4. Open the vacant position in Technology Services for a GIS Analyst
 5. Assign distinct responsibilities to Technology Services staff
 6. Realign the Technology Services structure
 7. Institute disciplined practices
 8. Create and document policies



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

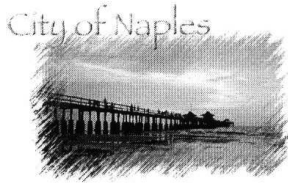
Agenda Item: 7	Prepared By: Michael R. Bauer, Natural Resources Manager Department: City Manager	
SUBJECT: Discussion regarding the creation of a Naples Bay Advisory Committee.		
BACKGROUND: This agenda item was continued from the March 19, 2012 Workshop. Mayor Sorey proposed, and City Council agreed to schedule a discussion regarding the creation of a Naples Bay Advisory Committee. Naples Bay is important to both the economy and the environment of the City of Naples. It is an important feature of the City that provides recreational opportunities in terms of boating, sightseeing, fishing and provides incomes to a myriad of businesses that include restaurants, fishing guide services, boat rentals, ships chandlers, and others. To both residents and visitors, it is a beautiful body of water that supports a diversity of marine creatures that include such charismatic megafauna as manatees and dolphins. However, its waters are considered impaired by both the federal and state governments. As a result, there are many opinions as to how it should be utilized, managed, protected, and restored, and just as many issues. One way of obtaining input from diverse interests regarding issues and opportunities related to Naples Bay is to provide a forum for people to express their opinions and desires concerning the Bay. The City has several existing advisory committees to do just that on several different matters. Thus, the thought is that a Naples Bay Advisory Committee could provide such a forum. This Committee would be charged with providing advice and recommendations to the City Council concerning the protection, restoration, and management of Naples Bay. The Naples Bay Advisory Committee, consisting of seven (7) members, would provide advice on such matters as dredging, maintenance of aids to navigation, shoreline armoring, water quality efforts, habitat management, and other matters where City Council seeks citizen input. The Committee could consist of residents from throughout the city, shoreline owners, persons with businesses directly connected to the bay, fishers, boaters, members of environmental groups, concerned citizens, county residents, or any such combination thereof as Council sees fit. A draft resolution is provided for discussion. The Naples Bay Advisory Committee would not be funded nor would it be responsible for any monetary allocations. It would not be a decision-making body. Its primary purpose would be to provide for open discussion of issues related to Naples Bay and to provide City Council with recommendations resulting from a consensus of the opinions of the members. Approval of an additional advisory committee would increase the demands upon staff (liaison duties, administrative duties, City Clerk duties, broadcast duties, etc.).		
Reviewed by Department Director Roger Reinke	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Agenda Item: 8	Prepared By: Tom Weschler, Police Chief Department: Police Department
<p>SUBJECT: Discussion regarding the City of Naples open container municipal ordinance.</p>	
<p>BACKGROUND: During the Council meeting on April 4, 2012, Council Member Sulick requested, and City Council agreed, to schedule a workshop discussion regarding the City of Naples open container ordinance. In particular, open container violations are occasionally taking place at establishments not covered by City Council approved special events permits. The 2012 St. Patrick's Day parade was cited as an example of individuals drinking alcoholic beverages as they walked along Fifth Avenue South during the event.</p> <p>Petitioners apply for City Council approved special event permits and periodically request authorization for the sale and consumption of alcoholic beverages during their private or public property event.</p> <p>City of Naples municipal ordinance Sec. 6-1 and Sec 6-3 are included for review.</p> <p>Sec. 6-1. - Hours of sale and consumption.</p> <p>(a) <i>Definitions.</i> When used in this chapter, the terms "alcoholic beverage," "beer," "liquor," "wine," "intoxicating beverage," "sale" and "sell," and "licensed premises" shall have the same meanings as those contained in the Florida beverage laws, including F.S. Chs. 561—568. To the extent other definitions contained in those chapters relate to local regulations those definitions shall also apply except where the context clearly indicates a different meaning.</p> <p>"Special use" means a type of temporary use which provides a community-wide or special activity, which is temporary in nature and would not be typically permitted on a permanent basis and which requires a temporary permit pursuant to <u>section 46-39(b)</u>.</p> <p>(b) <i>Prohibition.</i> It shall be unlawful for any person or vendor, to sell or serve alcoholic beverages, or to permit the consumption thereof on or off the premises, except as duly licensed under, or exempt from, the requisite provisions of the Florida beverage laws, and as duly permitted and licensed by the city in accordance with this Code.</p> <p>(c) <i>General hours of sale.</i> It shall be unlawful for any person or vendor, to sell or serve alcoholic beverages, or to permit the consumption thereof on the premises, between the hours of 2:00 a.m. and 7:00 a.m. Further limitations, conditions and exceptions for hours of sale of alcoholic beverages, and provisions for extended hours, are contained in the use restrictions for each zoning district contained in <u>Chapter 58</u>, and in Articles IV. and V. of <u>Chapter 56</u>, of this Code.</p>	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: April 16, 2012

Page Two

Agenda Item:		
8		
BACKGROUND (cont.):		
<p>(d) The city council may allow for the sale of alcoholic beverages for consumption on or off the premises on special occasions and temporary events by resolution. The request for an extension of the sale of alcoholic beverages shall be submitted to the city manager along with any other permits required at least 90 days prior to the special use. Prior to granting an extension of hours for the sale of alcoholic beverages, the city council shall find that such an extension will not create a nuisance for a residentially zoned area. The approval, if granted, may provide for certain conditions and shall include a specifically defined time period. The fee shall be the same as for a special event.</p> <p><i>(Code 1957, § 3-2; Code 1994, § 10-1; Ord. No. 96-7881, § 1, 12-18-1996; Ord. No. 11-12857, § 1, 3-16-2011)</i></p> <p><i>State law reference— Authority to establish hours of operation, F.S. §§ 562.14, 562.45; bottle clubs, F.S. §§ 561.14, 562.121, 562.45.</i></p>		
Sec. 6-3. - Open containers prohibited on right-of-way and sidewalk in certain districts.		
<p>(a) <i>Definition.</i> As used in this section, the term "open container" means any bottle, can, cup, glass or other receptacle which is open, which has been opened, which has its seal broken, or which has had its contents partially removed.</p> <p>(b) <i>Consumption of alcohol and open containers prohibited.</i> It shall be unlawful for any person to consume any alcoholic beverage, or to have in the person's possession any alcoholic beverage in an open container, when such person is located upon any city road right-of-way or sidewalk within the following zoning districts: C commercial districts, D downtown district, and any (PD) planned development which permits commercial uses. This provision shall not be applicable, however, to the consumption of an alcoholic beverage, or possession of an alcoholic beverage in an open container, in a licensed sidewalk cafe or where specifically authorized and approved by the city council for a special event pursuant to section 6-1(e).</p> <p><i>(Code 1994, § 10-3; Ord. No. 99-8694, § 1, 11-17-1999)</i></p>		
Discussion and further direction, if deemed appropriate, are requested.		
Reviewed by Department Director Tom Weschler	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
City Council Action:		



Memo *Community Services Department*

Parks and Parkways • Recreation • Facilities Maintenance

TO: A. William Moss, City Manager
Chief Thomas Weschler, Naples Police Dept.

FROM: David M. Lykins, Community Services Director *DLK*

DATE: April 11, 2012

SUBJECT: Open Containers – Special Events

Petitioners applying for special event permits occasionally request consideration and authorization for the sale and consumption of alcohol as an element of an event.

Examples of events with alcohol on public property include the Sip of Fifth (5th Avenue South), St. Patty's Day Celebration (Sugden Plaza), and the Pirate Ball (Sugden Plaza).

Examples of events with alcohol on private property include Brews, Blues and BBQ (Tin City), Stone Crab Fest (Tin City), Taste of Collier (Bayfront), Garden of Hope and Courage Naples Music Festival (Tommy Bahamas Parking Lot) and the Great Dock Canoe Race (Dock Restaurant).

Petitioners expend additional time and money to secure required licenses from the State of Florida, Division of Alcohol Beverages and Tobacco, in order to sell alcohol beyond the walls or exterior seating of establishments. Proof of liquor liability insurance is required by the City, must be obtained prior to each event and a copy retained on file with the special events permit.

Upon a petitioners submittal of a special event permit, and City Council's approval of the event, Section 6-3 of the City Code of Ordinances contains a provision permitting the consumption of an alcoholic beverage, or possession of an alcoholic beverage in an open container, in a licensed sidewalk cafe or where specifically authorized and approved by the City Council for a special event.

Other community events, such as the 3rd Street Festival of Lights, Thursdays on Third, and Evenings on Fifth do not engage vendors that directly sell alcohol during an event. However, individuals attending events may legally purchase alcohol within licensed establishments. It is expected alcoholic beverages purchased during these events will be consumed within the licensed or permitted interior spaces or restricted by the boundaries of the outdoor bar or seating perimeter under the liquor license issued to the establishment by the Division of Alcohol Beverages and Tobacco. Self-policing by the restaurant is expected to insure individuals purchasing beverages remain within the property of the business.

Petitioners submitting special events permits that include alcohol typically apply to the Division of Alcohol Beverages and Tobacco and cite a specific event, including day, time and location. During the course of an event, there may be an assumption by attendees or restaurants along a street or event location, that because a special events permit has been issued, any restaurant or bar is included in the approval and may sell alcohol beyond the establishments licensed seating.

Ethics above all else... Service to others before self... Quality in all that we do.

Page 2
May 25, 2012

A recent example would include the St. Patty's Day Celebration at Sugden Plaza sponsored by the Inn on Fifth.

The Inn on Fifth secured required licenses, permits and insurance allowing the sale of alcohol beyond the establishments property and outdoor seating to include Sugden Plaza.

At least one restaurant further west of the Inn on Fifth along 5th Avenue South, Café was observed to be selling alcohol outside of the establishments property boundary without requesting or obtaining authorization from the City or securing extended licenses, permits and insurance. It is likely this restaurant, and possibly others believed that since a portion of the street was authorized to host a St. Patty's Day Celebration that others may participate in a similar manner.

The volume of St. Patty's Day Celebration attendees at Sugden Plaza may at times not be fully contained within the plaza prompting attendees to walk in other areas of 5th Avenue South with a beverage purchased at the hotel. Most event hosts, including the Inn on Fifth make reasonable attempts to monitor crowds and attendees. The extended liquor license and City Council approval did not include carrying the beverage throughout other portions of 5th Avenue South.

A secondary issue relates to individuals purchasing an alcoholic beverage while on a waiting list for a table at a restaurant. Individuals occasionally stroll beyond the boundary of the outdoor seating or the restaurants property. Again, self-policing by the restaurant is expected to insure individuals purchasing beverages remain within the designated property of the business.

Ethics above all else... Service to others before self... Quality in all that we do.

562.06 - Sale only on licensed premises. - 2011 Florida Statutes - The Florida Senate

Page 1 of 1

The Florida Senate

2011 Florida Statutes

<p><u>TITLE XXXIV</u> ALCOHOLIC BEVERAGES AND TOBACCO</p>	<p><u>CHAPTER 562</u> BEVERAGE LAW: ENFORCEMENT</p>	<p><u>VIEW ENTIRE CHAPTER</u></p>
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562.06 Sale only on licensed premises.— Each license application shall describe the location of the place of business where such beverage may be sold. It is unlawful to sell, or permit the sale of such beverage except on the premises covered by the license as described in the application therefor.

History.—s. 11, ch. 16774, 1935; CGL 1936 Supp. 4151(237); s. 1, ch. 20830, 1941; s. 1, ch. 57-327; s. 2, ch. 72-230.

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SUPPLEMENT
8 Kennedy
PC

<http://www.flsenate.gov/Laws/Statutes/2011/562.06>

04/16/2012