

RESOLUTION NO. 92-6653

A RESOLUTION ADOPTING POLICIES RELATING TO THE RESPONSIBILITIES OF THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT ADVISORY COMMITTEE, RELATING TO THE ALLOCATION OF THE COST OF MAINTENANCE OF THE MOORINGS BAY WATERWAYS SYSTEM, ESTABLISHING LEVELS OF SERVICE FOR THE DEPTH OF DOCTORS PASS AND THE MOORINGS BAY WATERWAYS, AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, The Moorings Bay Waterways System, extending from Banyan Boulevard to Seagate Drive and including Doctors Pass, its inner and outer approaches, and its stone jetties is an important and vital asset of the City of Naples, and

Whereas, The quality of the waters of the Moorings Bay Waterways System must be maintained for reasons of environmental quality and public health and safety through adequate daily interchange with the waters of the Gulf of Mexico, and

Whereas, It is in the public interest that adequate navigation depth be maintained in Doctors Pass and the waterways, and

Whereas, The City and its Mayor in 1988 advised the residents that the City would do its fair share by providing engineering, permits and administration services for the maintenance of the waterways, if the residents approved a special taxing district by referendum, and

Whereas, Resolution 87-5328 created the Moorings Bay System Special Taxing District and Resolution 89-5967 the Park Shore Unit 2 and Unit 5 Special Taxing District, respectively, and both taxing districts were approved by the voters by referendum, and

Whereas, The Moorings Bay System Special Taxing District referendum listed the following purposes for the up to .5 mil ad valorem tax levy:

- A. Maintenance dredging in the canals and waterways including Doctors Pass and the approaches to Doctors Pass.
- B. Maintenance of necessary aids to navigation.

- C. Inspection of seawalls.
- D. Surveillance of surface water pollution, and

Whereas,

The Park Shore Special Taxing District referendum listed only the following purposes for the up to .5 mil ad valorem tax levy:

- A. Maintenance dredging in the canals and waterways.
- B. Maintenance of necessary aids to navigation.
- C. Inspection of seawalls.
- D. Surveillance of surface water pollution.
- E. Maintenance dredging of Doctors Pass.
- F. Maintenance of the jetties at Doctors Pass, and

Whereas,

resolutions creating the two special taxing districts named the City Council of the City of Naples the governing body of the two special taxing districts and the Council on March 2, 1988 created the Moorings Bay System Special Taxing District Advisory Committee as permitted by law. The duties and responsibilities of the committee were to review the development of budgets for the work and the scope of work in any contracts for professional or construction related services and to make recommendations to the City Council. The committee may be assigned such further duties by the City Council as the Council may deem are necessary, and

Whereas,

The City Council of Naples seeks to maintain the strong spirit of cooperation which exists with the residents whose properties abut the Moorings Bay Waterways System. Its objective being to ensure that waterways of the Moorings, Coquina Sands and Park Shore remain clean and vibrant, well flushed, navigable, and a significant asset to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, AS FOLLOWS:

SECTION 1.

The Moorings Bay System Special Taxing District Advisory Committee shall make

recommendations to the City Council as to the maintenance of the Moorings Bay Waterways System.

- SECTION 2. All expenses chargeable to one or both of the two special taxing districts shall be reviewed by the Moorings Bay System Special Taxing District Advisory Committee and its recommendations transmitted to the City Council before the City Council approves such payment from special taxing district funds.
- SECTION 3. Quarterly financial reports shall indicate all income and all expenses separately for each special taxing district.
- SECTION 4. The only expenses to be charged to the taxing districts shall be those identified in the two referendums. Continuing or normal operating and administration costs shall not be charged to the taxing districts.
- SECTION 5. The City of Naples will provide the engineering and technical services required to obtain the necessary permits, bids, and contracts for dredging the waterways of the Moorings Bay System and Doctors Pass and its approaches. If additional or extraordinary services are required and the City is unable to provide them, then such professional services contracts as are required shall be presented to the committee for their review and recommendation.
- SECTION 6. The costs incurred for the maintenance of aids to navigation and inspection of seawalls shall be charged to the two special taxing districts.
- SECTION 7. The City of Naples shall immediately inform the Seventh Coast Guard District Headquarters in Miami, Florida whenever the City has knowledge that an aid to navigation is damaged, off station, or not operating, and the City shall take prompt action to restore the aid to service.

SECTION 8. The costs for the removal of surface trash in the Moorings Bay Waterways System shall be charged to the two special taxing districts.

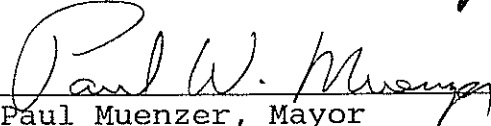
SECTION 9. Levels of service are hereby recommended to assist the Advisory Committee and City Council in determining when maintenance dredging should be undertaken.

A. The recommended level of service for Doctors Pass and its inner and outer approaches is to maintain sufficient depth for safe passage of vessels drawing up to six feet throughout normal stages of tide and in wind speeds of up to 27 knots (31 miles per hour). For the purposes of this resolution normal stages of tide range from Mean Lower Low Water (MLLW) to Mean Higher High Water (MHHW). If the City is made aware of shoaling that would restrict navigation the City will report it to the Seventh Coast Guard District headquarters for inclusion in Notice to Mariners.

B. The recommended level of service for the internal waterways is to maintain depth of at least five feet below mean low water in the channels created by the 1991 dredging project and seven feet in the inner approaches. The channels generally are 20 feet wide and are located 20 feet from seawalls or 15 feet from piers and piles.

SECTION 11. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 20th DAY OF May, 1992.

  
Paul Muenzer, Mayor

ATTEST: *Marilyn McCord*

Marilyn McCord, Deputy City Clerk  
 Janet Cason  
 City Clerk

APPROVED AS TO FORM AND LEGALITY BY *Maria J. Chiaro*  
 Maria J. Chiaro  
 City Attorney

Prepared by:

*Jon C. Staiger*  
 Jon C. Staiger, Ph.D.  
 Natural Resources Manager

Reviewed by:

Missy McKim, AICP  
 Community Development Director

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Herms	X		X		
Korest			X		
Pennington			X		
Sullivan		X	X		
VanArsdale			X		
Muenzer			X		
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