

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD
 IN JOINT PUBLIC HEARING WITH THE NAPLES PLANNING ADVISORY
 BOARD IN THE PARKS & RECREATION DEPARTMENT, NAPLES, FLORIDA,
 WEDNESDAY, JANUARY 4, 1978 AT 9:00 A.M.

Present: Harry E. O. Heineman
 Mayor

Gilbert V. Blanquart
 Virginia B. Corkran
 James R. McGrath
 John M. McGregor
 Randolph I. Thornton
 Councilmen

Absent: C. C. Holland
 Councilman

Planning Advisory Board: Clayton Bigg, Chairman
 Donald Boyes
 Lawson Adams
 Edward Twerdahl

Also Present: Bradley Estes
 Acting City Manager
 John Fletcher
 City Attorney
 Anders Sandquist
 Building & Zoning Official
 Roger Barry
 Planning Director
 Norris Ijams
 Fire Chief
 John McCord
 City Engineer

Rev. Floyd Long
 Marie Mueller
 Charlie Andrews
 Kenny Schryver
 Toby Carroll
 George Dingman
 Jack Metz
 John Forsyth
 Bob Russell
 Sam Arnoff
 Jim Murphy
 Bill Shearston
 Jacques Craumer
 Mrs. Marjorie Carr

Frances Gillman
William Ryan
Jack Miller
Lucille Howe
Wade Schroeder

News Media: Jeff Casher
 Naples Star
David Swartzlander
 Naples Daily News
Tom Murphy
 WBBH-TV
Beverly Merchant
 Fort Myers News Press
Frank Davies
 Miami Herald

Other interested citizens and visitors.

Mayor Heineman called the meeting to order; whereupon the Reverend Floyd Long, pastor of the Church of Christ, Naples, gave the Invocation. This was followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Heineman called Council's attention to the following minutes submitted for their consideration: Special Meeting of October 18, 1977 and Regular Meeting of October 19, 1977.

There being no corrections or additions, Mr. Thornton made a motion that they be approved as submitted, seconded by Mr. McGregor and unanimously carried.

For the record, after Agenda Item 30, Mayor Heineman noted that the minutes for Special Meeting of November 1, 1977 were inadvertently omitted from approval in the morning; whereupon Mrs. Corkran moved approval of these minutes, seconded by Mr. McGregor and unanimously carried.

AGENDA ITEM 4. JOINT PUBLIC HEARING: City Council and Planning Advisory Board.

Chairman Bigg organized the Planning Advisory Board. On roll call by City Planner Roger Barry, it is noted that Mr. Billings was absent.

AGENDA ITEM 4-a. Special Exception Petition No. 77-S14, permission 60" wall in required front yard (3970 Gordon Drive). Petitioner: Ann D. Forsyth.

City Attorney Fletcher read the subject matter of the Notice of Public Hearing as published in the December 23, 1977, edition of Naples Daily News.

Mayor Heineman declared the Public Hearing open at 9:10 a.m.

Mr. John Forsyth appeared on behalf of his wife. He stated that architect Walter Keller and Renfroe Landscape company said the house would look much better with a fence. He stated that he had solicited the neighbors and they have no objections.

Mayor Heineman asked if they planned any landscaping in front of the wall and Mr. Forsyth replied that they had a landscape plan prepared by Renfroe Company.

Mr. Barry read three letters into the record; two supporting letters from Mr. & Mrs. Evans and the Cutlass Cove Bay Club and one opposing from Mr. & Mrs. Bathy (see attachments #1, #2, and #3).

There being no one else present wishing to speak for or against this petition, Mayor Heineman then declared the Public Hearing closed at 9:16 a.m. and referred the matter to the Planning Advisory Board for action.

Mr. Adams made a motion that Petition No. 77-S14 be approved by the Planning Advisory Board and submitted to Council. Mr. Twerdahl seconded and it was unanimously carried, with Mr. Billings being absent and not voting.

Mr. Thornton then moved that Council accept the recommendation of the Planning Advisory Board with reference to Petition 77-S14, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

The Planning Advisory Board was excused at 9:18 a.m.

AGENDA ITEM 5. Recommendation from the Planning Advisory Board concerning request by Tin City for off-site parking within 600 feet of the establishment.

Mr. Toby Carroll came forward to present this request to Council. He pointed out that they now had a landscape plan for the area they have leased for this purpose. He also pointed out that it would provide closer to 40 spaces than the required 11 needed for their intended expansion. He referred to the land immediately to the west of Tin City that is used for parking, pointing out that it is on a month to month lease and therefore economically unfeasible to improve.

Mr. Ken Schryver, also representing Tin City, pointed out that the area to be improved was the only piece of property near enough to meet the requirements of the property that could be leased. He cited the three recommendations of the Planning Advisory Board and stated that Tin City was ready to meet them.

Mayor Heineman asked Mr. Barry to enlighten Council about these three conditions.

Mr. Barry listed the conditions that the Planning Advisory Board recommended: 1) The applicant had not presented an improvement plan at the time of the initial application showing compliance with ordinance requirements. (Mr. Barry pointed out that they had presented a landscape plan since that time that would probably comply, with possible modifications by the Building and Zoning Department.) 2) The second condition refers to the lease that was submitted by the applicant to the Board and the Board suggested that lease be incorporated into the approval. 3) The third condition has to do with a covenant that would be recorded providing that if the lease for the off-site parking area be terminated, and the applicant unable to provide that additional parking, the expanded uses would either cease and desist or additional parking be provided to meet the City's requirements; and that recorded covenant would cover the detail conditions.

There was much discussion regarding the fact that the lease on the property to be improved was only for five years with an option of the lessor to cancel after three years. Mr. Carroll stated that the improvements planned were going to cost \$12,000. He again stated that there could be no extensive improvement to the property that was only on a month to month lease.

Mr. McGrath questioned the initial denials from the other departments on the application and asked if these objections had been rectified.

Mr. Barry stated that most of the objections did not relate directly to the off-site parking area, but indirectly to some construction that went on at the Tin City development without benefit of permit.

Mr. Adams stated that he had been assured that the various department concerns had been corrected but he felt that Council should look very carefully at the beautification plan.

Mr. Bigg stated that as far as he was concerned the objections had been corrected and inasmuch as the off-site parking was provided under the ordinance, he could see no objection to granting the approval if the covenant was properly recorded.

City Attorney Fletcher stated that he would like to receive the covenant prior to placing the required resolution before Council. He felt he wanted to be absolutely certain that the City have this voluntary commitment on the Tin City property, not the individual units involved, but all of Tin City.

Mr. Blanquart was in agreement with Mr. Fletcher and stated that when Council has a matter before them on which they have to make a decision, they should have all the material before them.

There was more discussion on the number of parking spaces needed by Tin City, the number they are required to have by ordinance, and the number they were proposing to supply. Mrs. Corkran asked if this property was sufficient to take care of the need.

Mr. Barry answered that it was sufficient to meet the ordinance requirement.

Mr. Thornton stated that he felt Council should follow Mr. Fletcher's advice. Mayor Heineman asked Mr. Fletcher for his recommendation with respect to procedure.

Mr. Fletcher responded that it was his recommendation that when the document comes in that the resolution be put on the agenda, hopefully at the next City Council meeting.

Mr. Schryver addressed Council and respectfully requested that they be allowed time to go ahead and prepare this to see if they could maintain their position on today's agenda. He explained that this was the tourist season and time was important to them.

Mayor Heineman felt it was the consensus of the Council to allow this to be deferred until later in the Agenda.

Mr. Blanquart also requested additional information confirming in writing that all department heads now agree with this, to which Mr. Barry responded that the Planning Advisory Board's cover memo to Council was intended to provide that provision in writing.

Mayor Heineman asked Mr. Barry if he could use the same form and have the department heads indicate approval. Mr. Barry indicated that he would have each department head sign the memo statement to indicate their approval; but he went on to state that the Planning Department did not originally support the off-site parking requirement and still didn't, which would be reflected in his statement as head of that department.

There followed a lengthy discussion on Tin City's existing status and their desire to be designated as a shopping center and the difference in parking requirements, during which time Mr. Fletcher had a resolution prepared for Council's consideration upon submission of the covenant later on this date.

At this time Mayor Heineman deferred action until later in the meeting after Mr. Carroll and Mr. Schryver have had an opportunity to comply with the wishes of Council and their attorney with respect to the necessary documents which are required. (See page 26)

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Mayor Heineman noted that Mr. Jacques Craumer, a disabled resident, had requested that Agenda Item 26 and 27 be moved up because he wanted to be here when they were considered.

Mayor Heineman pointed out that contrary to certain press reports there was to be no Public Hearing this morning--only a First Reading. He further stated that the other Public Hearings on the Agenda were on a tight schedule and he felt it was not possible to move these items up. He assured Mr. Craumer that these ordinances would have no effect on his special permit.

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AGENDA ITEM 6. Discussion of vacation of alley adjoining Naples Landing. Requested by Planning Director.

Mayor Heineman asked Mr. Barry for a statement on this matter.

Mr. Barry referred to his memo to the City Manager resulting from Mr. Patterson's request that the Planning Department study the possible use of the alley in conjunction with proposed Naples's Landing improvement. There were two alternates, A & B, in Mr. Barry's December 15th memo to Mr. Patterson which Mr. Barry outlined for the record. (see attachment #4)

Mr. Barry reported that it was the Planning Department's opinion that the City not vacate the alley and the Council may wish to refer the matter to the Planning Advisory Board with a recommendation for Alternate B. He also reported that the Planning Department is continuing to pursue the grant for this project.

Mr. McGregor stated that he preferred keeping the alley and landscaping it as a buffer between boat trailers and adjacent property.

Consensus of Council was to refer the matter to the Planning Advisory Board, recommending Alternate B.

AGENDA ITEM 7. Report by Planning Director on proposed state coastal management program workshop held in Fort Myers December 14. Requested by Councilwoman Corkran.

Workshop attended by City Engineer John McCord and Planning Director Roger Barry. The following report was submitted by Mr. Barry:

"Presentations by Southwest Florida Regional Planning Council, a citizens advisory committee representative, and by Department of Environmental Regulations. The State Department had prepared the draft plan.

"Copies of the Coastal Management Plan were available as of your December workshop, and we can again make them available for your review.

"The agencies and their representatives that I just mentioned made a presentation and explained the plan. They indicated that the State had prepared the plan based upon some 1977 State legislation which required that such a program or plan be prepared.

"They prepared the draft program in such a way that it would meet federal criteria as well. There's a 1972 federal act called The Federal Coastal Zone Management Act. And it requires that if states are to have Coastal Zone Management

Programs, they must meet certain criteria. This plan was prepared to meet that criteria. The idea being that if federal funding is available in the future, the State of Florida could qualify for such funding. The plan itself contains probably four key items. There are boundaries which are described in the program. There's what's referred to as an administrative boundary and in our case it would be all of Collier County. That simply means that Collier County and the cities in it would function as the administrative agencies for whatever coastal management programs there were. The management boundary itself in our case includes most of Naples. And it varies along the coast, the depth of it does. In our case it virtually includes all of Naples. The plan talks about various uses to be managed and they mention specific things such as developments of regional impact. They mention development in designated areas of critical state concern. They mention power plants and energy facilities. These kinds of things are various uses that ought to be managed, as proposed in the plan. They mention the structure of the regulatory authority and by that they mean the State and regional, county and local jurisdictions and the role that each of us would play in implementing this plan. They pointed out that they do not intend as a result of this program to initiate any new agency or any new laws as such. What they're attempting to do is to coordinate the existing programs and agencies so that there's a common effort towards coastal management. They suggest, and this is the fourth main point in the program, a list of policies and the policies are divided up by various areas. I'll give you just an example: Resource Protection and Restoration is an area or subject under which there are listed a number of policies relative to that issue. Another is Economic Development. A third would be Shore Front Use Priorities. And under each of these headings there is a list of policy statements. Just as an example I'll quote one policy statement under Resource Protection. It indicates that, and it's stated as such, "Provide for and encourage outdoor recreation, agriculture, forestry, open space and other appropriate uses in conservation areas consistent with resource limitation and suitability. There's a whole series of policy statements like that.

"And those, very quickly, are the main elements of the program. The intent on the part of the State is to have each jurisdiction voluntarily incorporate these policies and the other statements in the program into the local comprehensive planning act, the local comprehensive plan. As you will recall we're required to prepare a coastal element as a part of that comprehensive plan. The State hopes that we will incorporate if not all, at least most of these policies and statements into that coastal element and that we would in turn then be eligible for whatever funding came from either federal or state governments to implement whatever program we adopt

as a part of our coastal management element. The intent of the workshop was to take public comment and public input and as you can imagine, it varied depending upon the interests. But that very quickly summarizes the program and I can attempt to answer any questions you or the Council may have.

Discussion ensued on forwarding this information to the Planning Advisory Board so they can implement the mandated State Program in the preparation of Naples' revised comprehensive plan. Questions were asked in regard to applying for grants for coastal management studies and programs and how soon applications for grants, emergency or otherwise, could be made.

AGENDA ITEM 8. PUBLIC HEARING: An ordinance amending Chapter 9, entitled "Fire Protection" of the Code of Ordinances of the City of Naples, Florida, by amending Section 9-1 thereof, relating to the adoption of the National Fire Protection Association Codes and Standards, 1977 edition, to provide that one copy thereof shall be on file in the City Clerk's Office in lieu of three copies as presently required therein; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's review on Second Reading.

Mayor Heineman declared the Public Hearing open at 10:26 a.m., and there being no one present wishing to speak for or against this ordinance, closed the Public Hearing at 10:27 a.m.

There being no discussion by Council, Mr. Thornton moved that Ordinance No. 2853 be adopted on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 9. PUBLIC HEARING: An ordinance amending Article 13 of the Charter of the City of Naples, Florida, relating to nominations and elections, providing for regular election dates; providing for appointment of election officials; setting forth qualifications of electors; providing opening and closing times for polls; appointing a canvassing board; providing a procedure for filing of candidates; providing for the use of voting machines; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:28 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:29 a.m.

There being no discussion by Council, Mr. McGregor moved for adoption of Ordinance No. 2854 on Second Reading, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 10. PUBLIC HEARING: An ordinance amending Article I of the Charter of the City of Naples, by repealing Section 1.2(a) thereof relating to the annexation of additional lands into the City of Naples; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:30 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:31 a.m.

There being no discussion by Council, Mr. Thornton moved for adoption of Ordinance No. 2855 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 11. PUBLIC HEARING: An ordinance repealing Ordinance No. 1450 which established a pension and retirement system for police officers of the City of Naples, and substituting the within ordinance therefor, providing for the establishing of a pension and retirement system for police officers of the City of Naples, Florida, to be known as the "City of Naples Police Officers Retirement Trust Fund", providing definitions for the words and phrases used herein; creating a Board of Trustees for the operation of said pension and retirement system, setting forth the powers and duties of said Board; providing for the maintenance of said Fund; providing for the keeping of records, accounts, disbursements, deposits, contributions and actions of said Board of Trustees, providing for normal retirement, early retirement and optional forms of retirement; providing death benefits, disability benefits and providing for benefits or refund of contributions in event of separation from municipal service; repealing all ordinances or parts thereof in conflict herewith to the extent of such conflict; providing a savings clause and an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon. Mayor Heineman opened the Public Hearing at 10:32 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:33 a.m.

There being no discussion by Council, Mr. Thornton moved for adoption of Ordinance No. 2856 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 12. PUBLIC HEARING: An ordinance repealing Chapter 29304, Special Acts of Florida, 1953, relating to methods of financing city public works projects; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:34 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:35 a.m.

There being no discussion by Council, Mr. McGregor moved for adoption of Ordinance No. 2857 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 13. PUBLIC HEARING: An ordinance amending Section 26-23, relating to water main extension applications, of Chapter 26, entitled "Water" of the Code of Ordinances of the City of Naples, Florida, providing that new water main extension applications may be approved by the City Manager, or his designee; provided, however, that in the event unusual circumstances exist with regard to an application which the City Manager, or his designee, determines should be reviewed by the City Council, such application shall be submitted to the City Council for approval; repealing all ordinances and rescinding all resolutions in conflict herewith, and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:36 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:37 a.m.

Mr. McGregor brought up the question of possible definitions for unusual circumstances. Discussion evolved around several alternative ways of keeping a check on these applications.

City Attorney Fletcher pointed out that the purpose of this ordinance was to alleviate the paperwork flow through Council.

There being no further discussion by Council, Mr. McGrath moved for adoption of Ordinance No. 2858 on Second Reading, seconded by Mr. Blanquart.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 14. PUBLIC HEARING: An ordinance amending the Code of Ordinances of the City of Naples by adding a new Section 11-3.2 to Article II, relating to sewers and sewage disposal, of Chapter 11, providing that the City Manager, or his designee, may approve new sewer main extension applications; provided, however, that in the event unusual circumstances exist with regard to an application which the City Manager, or his designee, determines should be reviewed by the City Council, such application shall be submitted to the City Council for approval; repealing all ordinances and rescinding all resolutions in conflict herewith, and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:38 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:39 a.m.

There being no discussion by Council, Mr. Blanquart moved for adoption of Ordinance No. 2859 on Second Reading, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 15. PUBLIC HEARING: An ordinance amending Paragraph (b) of Section 7-42, Article II of Chapter 7 of the Code of Ordinances of the City of Naples, Florida, relating to coastal construction setback lines, providing that the sixty-day requirement for a public hearing on requests for variances to coastal construction setback line is directory and not mandatory; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:40 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:41 a.m.

There being no discussion by Council, Mr. Thornton moved for adoption of Ordinance No. 2860 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 16. PUBLIC HEARING: An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new Section 20-54 to Chapter 20, entitled "Subdivisions", providing a procedure for the vacation and abandonment of streets, alleys, dedicated easements and subdivision plats, either in whole or in part, and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:42 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:43 a.m.

Mrs. Corkran stated that she would like to see the procedure done by ordinance rather than resolution so that there could be public input at a public hearing and two readings.

Mr. Blanquart and Mayor Heineman pointed out that this procedure calls for the Public Hearing with the Planning Advisory Board and then the reading of the Resolution after advertising, which should provide for sufficient public knowledge.

There being no further discussion by Council, Mr. Thornton moved for adoption of Ordinance No. 2861 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 17. PUBLIC HEARING: An ordinance adopting Chapter 68-94, Special Acts of Florida, as amended, relating to the City of Naples Parking Authority, as an ordinance of the City of Naples; providing for inclusion thereof in the Code of Ordinances of the City of Naples; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:44 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:45 a.m.

There being no discussion by Council, Mr. McGrath moved for adoption of Ordinance No. 2862 on Second Reading, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGEND ITEM 18. PUBLIC HEARING: An ordinance granting a Special Exception to erect a 7 foot high chain link fence with barbed wire at the east end of Third Avenue North, more particularly described herein; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:46 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:47 a.m.

Mrs. Corkran wanted to know, since the applicant had agreed to landscape this fence, how this would be followed up.

Mr. McGrath pointed out that the Planning Director sent these notices to the Building Director, and he checked these out.

There being no further discussion by Council, Mr. Thornton moved for adoption of Ordinance No. 2863, on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 19. PUBLIC HEARING: An ordinance granting a Special Exception to the First Federal Savings and Loan Association of Fort Myers to construct a financial institution with drive-up windows in the 3100 block, on the west side of 9th Street North, Naples, Florida, more particularly described herein, subject to the conditions set forth herein; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon, Mayor Heineman opened the Public Hearing at 10:48 a.m.

There being no one present wishing to speak for or against, the Public Hearing was closed at 10:49 a.m.

There being no discussion by Council, Mr. McGregor moved for adoption of Ordinance No. 2864 on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 20. PUBLIC HEARING: To consider vacation of alley lying on the east border of Lots 23 through 26, Block 18, Tier 9, Public Records of Collier County, Florida, reserving therein easements for utility purposes. (Recessed from Regular Meeting of December 7, 1977)

Mrs. Corkran recommended that this be referred back to the Planning Advisory Board in compliance with Ordinance No. 2861 passed today.

Mr. McGregor was in favor of passing on this favorably if Council could place a landscape condition on it as indicated by the petitioner. City Attorney Fletcher said this was not possible; however, he saw no illegality in referring it to Planning Advisory Board.

Mrs. Marjorie Carr, wife of the petitioner, came forward to reiterate their intention of landscaping the area hoping for more control of trespassers.

Mrs. Frances Gillman, part owner of property abutting alley came forward to endorse Dr. Carr's plan for beautification. They would have objected to parking purposes.

Mrs. Corkran moved that this petition be referred to the Planning Advisory Board as per Ordinance 2861, seconded by Mr. McGregor.

Motion carried unanimously by voice vote with Mr. Holland being absent and not voting.

AGENDA ITEM 21. Request by Gulf Coast Television (Cablevision) for approval of allocating copyright fees to subscribers as operating expenses as provided in Section 18-G of Ordinance 1500.

Mayor Heineman read the above agenda item and explained that this was in compliance with a federal law that took effect January 1, 1978 requiring this enterprise to pay the copyright fee. They, then have the option of levying it against their subscribers or paying it themselves.

Mr. Blanquart felt that in the public interest the resolution should have wording in it that would raise or lower the cost to the subscribers in relation to the increasing or decreasing of this copyright fee.

City Attorney Fletcher stated that he had a resolution for this item and would amend it by adding "actual expense of".

City Attorney Fletcher read the below titled amended resolution for Council's consideration:

A RESOLUTION AUTHORIZING PALMER BROADCASTING COMPANY DOING BUSINESS AS GULF COAST TELEVISION, TO ALLOCATE COPYRIGHT FEES TO ITS SUBSCRIBERS, PURSUANT TO SECTION 18, PARAGRAPH "G" OF ORDINANCE NO. 1500.

Mr. McGregor moved approval of Resolution 2865, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 22. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by amending Paragraph (F) of Subsection 17, Section 6, relating to location of off-street parking and loading facilities; and providing an effective date. (First Reading)

Vice Mayor McGregor read the agenda item and Acting City Manager, Brad Estes, read the above titled ordinance in its entirety for consideration by Council on First Reading.

City Attorney Fletcher stated that he had requested that this be done by variance procedure and he asked if "relief granted hereunder be by variance procedure" be added to the resolution.

Consensus of Council was in agreement with this amendment.

Mr. Blanquart moved approval of the amended ordinance on First Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 23. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding a new Section 5.21 thereto, establishing a Public Service Zone District to be designated "PS"; providing district regulations therefor; and providing an effective date. (First Reading)

Acting City Manager, Brad Estes, read the above titled ordinance in its entirety for Council's consideration on First Reading.

There being no discussion by Council, Mr. McGregor moved for approval of ordinance on First Reading, seconded by Mr. Blanquart.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 24. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding a new Paragraph "F" to Subsection 24, entitled "Special Exceptions" of Section 6, "Supplementary District Regulations", requiring that Special Exceptions shall be developed according to the approved plan; and providing an effective date. (First Reading)

Acting City Manager, Brad Estes, read the above titled ordinance in its entirety for Council's consideration on First Reading.

There being no discussion by Council, Mrs. Corkran moved for approval of ordinance on First Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 25. An ordinance amending Appendix "A" - Zoning of the Code of Ordinances of the City of Naples, Florida, by amending Section 8 thereof, providing a procedure for filing requests for variances from the terms of the zoning ordinance and for filing appeals relative to administrative decisions; by amending Section 9 thereof, setting forth conditions for the granting of such variances and appeals; and providing an effective date. (First Reading)

Acting City Manager, Brad Estes, read the above titled ordinance in its entirety for Council's consideration on First Reading.

Mayor Heineman asked Mr. Bigg if there were any changes in Section 2 to which Mr. Bigg replied he believed they were the same.

Mr. Blanquart verified with City Attorney Fletcher that all these items under Section 2 had to be met before the granting of a variance.

There being no further discussion by Council, Mr. McGrath moved for approval of ordinance on First Reading, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 26. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by amending Subsection 15, relating to the parking of mobile homes, travel trailers, travel campers and other vehicles utilized for dwelling purposes and Subsection 18, relating to the parking of commercial vehicles in dwelling districts, of Section 6, "Supplementary District Regulations"; and providing an effective date. (First Reading)

City Attorney Fletcher stated that he had made some language changes in this ordinance which he would emphasize as he read it. These changes being "travel camper, or vehicle which is equipped with installed facilities for cooking or dwelling"...

City Attorney read the above captioned ordinance in its entirety for Council's consideration on First Reading.

Discussion centered on trying to cover other possible parking violations not included in ordinance as it is written.

City Attorney amended it thusly: "...unless parked in a private parking lot owned and operated as a hotel or motel lot at which facility the operator of the recreation vehicle is a guest; or unless stored in a commercial storage facility; or unless held for sale by a licensed vehicle dealer on appropriately zoned property."

Discussion on guests visiting residents and parking in resident's yard evolved. It was pointed out that was what this ordinance was trying to avoid. Mr. Blanquart suggested absolutely prohibiting any parking outside of recreational vehicles in residential areas and limiting such parking in non-residential areas to commercial enterprises allowed to do this.

There was discussion on a salesperson living in a vehicle while selling his wares. If he goes from house to house, he is legal, but if he parks and asks people to come to his vehicle he is illegal, as per interpretation by Mr. Fletcher.

Mr. Blanquart moved approval on First Reading of the Ordinance as amended, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 27. An ordinance amending Section 24-1 of Chapter 24, entitled "Trailers", of the Code of Ordinances of the City of Naples, Florida, prohibiting the parking of trailers, mobile homes, campers, and certain other vehicles enumerated herein, on specified streets; providing a time limitation for the parking of such vehicles on public streets of the City of Naples on which such parking is not prohibited herein; and providing an effective date. (First Reading)

City Attorney Fletcher read the above titled ordinance in its entirety with amendments, for Council's consideration on First Reading. He explained the amendments were commas, i.e. ... "covered truck, or van..." in two places where those words appear.

Mayor Heineman addressed the public stating that this was not a public hearing and that it could not be so by law. He pointed out there would be full public hearing in two weeks after the changes and amendments to the ordinance had been completed.

Mr. McGrath felt that there was a lack of the public's understanding between the definition of a van and a living van, that Council was not referring to a vehicle used as a family car.

Mayor Heineman again thanked everyone who had come to the meeting for this purpose, and reminded them of the Public Hearing in two weeks and that the amended editions of the ordinance(s) would be available to them at the City Clerk's office.

City Attorney Fletcher made the observation that the greatest problem would come when the vans are equipped for living, but are not being used for living and the police are going to have to exercise great discretion.

Mr. Thornton moved approval of the ordinance, as amended, on First Reading, seconded by Mr. McGrath.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 28. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding a new Subsection 44 to Section 6, entitled "Supplementary District Regulations", prohibiting habitation on undeveloped property; and providing an effective date. (First Reading)

City Attorney Fletcher read the above captioned ordinance in its entirety for Council's consideration on First Reading.

There being no discussion by Council, Mr. McGregor moved approval on First Reading, seconded by Mr. Thornton.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 29. An ordinance amending Sections 2-15 and 2-18 of Chapter 2 of the Code of Ordinances of the City of Naples, Florida, prohibiting distribution of commercial or noncommercial handbills or newspapers upon any premises if requested in writing by the occupant thereof not to do so; and providing an effective date. (First Reading) Requested by City Attorney.

City Attorney Fletcher read the above titled ordinance in its entirety for consideration by Council on First Reading.

Discussion on what action would constitute a violation of this ordinance as written and who could or would be charged with the violation.

Mr. Fletcher pointed out the language "distribute, deposit, place, throw, scatter or cause to be distributed, deposited, placed, thrown or scattered" and that with this language the publisher and/or his agent would be in violation. He also emphasized that a request to the publisher to have this delivery stopped must be in writing.

Mr. McGrath pointed out the difficulties of control that a publisher may have over a vendor. He also stressed the sales value of the Shopper in particular to local retailers. Mr. Blanquart suggested they charge a token amount for a subscription to insure delivery of the paper only to those who wished to have it.

Mr. Thornton moved approval of this Ordinance on First Reading, seconded by Mr. McGregor.

Discussion continued on distribution of newspapers involving newspaper vending machines and varying opinions of Council members regarding enforcement of the present ordinance. Mr. Thornton, Mr. McGregor, and Mrs. Corkran felt that the ordinance should be enforced as written while Mr. McGrath and Mayor Heineman preferred to study the matter and possibly amend the ordinance. They were of the opinion that there shouldn't be an extra effort made to enforce it, if it were going to be amended. Mr. Blanquart was interested in the appearance of these machines and their proliferation.

Mr. McGrath again stated that he felt the City Manager and his staff should make a study of the situation in conjunction with the local newspapers to try to come up with a reasonable, workable method of distributing these papers in a way that would not detract from the aesthetics of Naples but would still reach the people who wanted to use these machines.

Mayor Heineman reminded Council that there was a motion on the floor.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	No
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	No

Motion Carried 4-2, with Mr. Holland being absent and not voting.

* * * * *

Mayor Heineman recessed the meeting at 12:10 p.m. to reconvene at 2:00 p.m. It is noted for the record that when Council reconvened at 2:00 p.m. the same members of Council were present.

* * * * *

AGENDA ITEM 30. An ordinance amending the code of ordinances of the City of Naples, Florida, by adding a new Section 7-31 to Chapter 7 thereof, establishing a procedure for obtaining a permit for dredging or filling and for construction of bulkheads, seawalls, groins, and other coastal construction; and providing an effective date. (First Reading) Requested by City Attorney.

City Attorney Fletcher read the above captioned ordinance in its entirety for Council's consideration on First Reading.

Mr. McGrath asked for a determination regarding the engineers referred to in the above mentioned resolution and Mr. Fletcher replied that they could be one and the same or the constructing engineer could call on a specialist in coastal construction engineering for the required certification.

Mr. McGregor questioned the amount of the performance bond and Mr. Fletcher explained that the City Manager had to make that determination and outlined some criteria for making such a determination.

Mrs. Corkran questioned the use of the word "may" regarding notices being mailed to parties whose names appear upon county's tax rolls as the owners of riparian property. She felt it should be "shall"; however, Mr. Fletcher noted that the notice is also published in a newspaper and there may be some difficulty in mailing a notice to all persons concerned. Consensus of Council was to leave in the word "may".

Discussion centered on the many requirements of this ordinance and Mr. Fletcher pointed out that this document was composed according to state law which requires this procedure; whereupon Mrs. Corkran observed that Council had been doing pretty much the same thing except for the statement that this project would not violate any statutes or zoning laws. Mayor Heineman added that they had not required performance bonds prior to this either.

Mr. McGregor noted that they had no choice really but to pass an ordinance covering these procedures.

Mayor Heineman inquired whether or not Mr. Fletcher had any input from the contractors who do this work in the City to which Mr. Fletcher replied that his only input had been from the Department of Environmental Regulations local branch in Dade County. He also stated that this ordinance accomplished goals to meet state and departmental standards.

Mrs. Corkran made a motion approving this ordinance on First Reading, seconded by Mr. McGregor.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	No
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 5-1, with Mr. Holland being absent and not voting.

AGENDA ITEM 31. An ordinance amending Chapter 69-1326, Special Acts of Florida, relating to the City of Naples Airport Authority, by amending the third paragraph of Section 3, entitled "Commissioners", to provide that the commissioners of the Authority shall be appointed by the City Council; by repealing the fifth paragraph of Section 3, entitled "Removal of Commissioners", and substituting a new paragraph therefor, providing that the Commissioners shall serve at the will of the City Council and may be removed with or without cause; and providing an effective date. (First Reading) Requested by City Council at Regular Meeting of December 21, 1977.

City Attorney Fletcher read the above captioned ordinance in its entirety for Council's consideration on First Reading.

Discussion ensued over the wording "with or without cause". City Attorney pointed out that the City Charter provides for dismissal of members of the other Boards with or without cause. Mr. Fletcher was of the opinion that Council could amend this section of the Charter.

After citing the dismissal section of the Airport Authority Act, Mr. Fletcher pointed out that this Special Act regarding the Airport Authority states that this shall not be construed in any way to conflict with the Charter. He also noted other provisions of the Special Act that are in conflict with the Charter, thereby creating anomalies.

Mr. McGregor was in opposition to passing this ordinance singling out the Airport Authority. Consensus of Council was to amend the Charter, defining the specific vote required for dismissal of Board members; and subsequently passing an ordinance regarding removal of members of Airport Authority with the wording "in accordance with the City Charter".

Mr. McGregor moved that action on this ordinance be deferred until the next meeting, seconded by Mrs. Corkran.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried, 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 32. A resolution accepting Geitz Pit easements. Requested by Consulting Engineer.

City Attorney Fletcher read the below titled resolution for Council's consideration.

A RESOLUTION ACCEPTING AN EASEMENT FROM HAROLD S. LYNTON, ET AL, TRUSTEES, FOR THE PURPOSE OF INSTALLING AND MAINTAINING WATER LINES ACROSS THE PROPERTY DESCRIBED THEREIN; AND FURTHER ACCEPTING A TEMPORARY EASEMENT FOR INGRESS AND EGRESS PURPOSES IN CONNECTION WITH SAID WATER LINE CONSTRUCTION, COPIES OF WHICH EASEMENTS ARE ATTACHED HERETO AND MADE A PART HEREOF.

City Attorney pointed out that the temporary easement was not in recordable form; however, he stated that it was not as necessary to record a temporary easement as a permanent easement especially in light of the fact that construction was due to start very soon, and that would serve as actual notice to anybody.

Mayor Heineman asked him if there was any objection to the temporary easement, even though it was not recordable, to which Mr. Fletcher replied he would rather have it recorded; but if the concern was to get this done and over with and get the construction done right away, he would not strongly object.

Mr. McGrath moved for adoption of Resolution 2866, seconded by Mr. McGregor.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	Yes
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried 6-0, with Mr. Holland being absent and not voting.

AGENDA ITEM 33. Request for maintenance dredge permit (#77-15) - John Pijnappels, owner/Abbott, Inc., agent - Lot 79, Block 18, (349 Devil's Bight) Park Shore Unit 4. Requested by Abbott, Inc.

City Attorney Fletcher noted that the above request was for a project that would be regulated by procedures in an ordinance that had been proposed earlier on today's agenda. He inquired if Council would "grandfather" this request in or wish to defer it until the proposed ordinance had become established.

Consensus of Council concurred with City Attorney in that this request should be deferred.

Mr. Thornton made a motion to defer this request until after action had been taken on the procedure ordinance, seconded by Mr. McGrath and carried unanimously by voice vote, with Mr. Holland being absent and not voting.

* * * * *
RETURN TO AGENDA ITEM 5.

At this time Mr. Toby Carroll and Mr. Kenny Schryver returned to present the covenant running with the land requested by City Attorney Fletcher.

Mr. Carroll pointed out that the City Attorney had prepared a resolution for Council's consideration, the Planning Director had filed the comments of the Department heads (see Attachment #5) and Mr. Fletcher had been given two restrictive covenants, from which he could take his pick. Mr. Fletcher made several changes with which Mr. Carroll was in agreement and the City Attorney then declared that he was satisfied with the language of the Restrictive Covenant as amended.

Council members then had a lengthy discussion on the enforcement of this ordinance and the possible needs for such enforcement.

Discussion went back to the various objections previously raised by the department heads and the subsequent memo acknowledging that corrections had been made that met with their approval. The lone exception was the Planning Department and it was their opinion that this particular parking site did not fit in with good planning even though it met the existing requirements for off-site parking.

Mrs. Corkran verified with Mr. Barry that a stop work order had been issued this date for construction being done at this site without benefit of a permit.

Mr. Fletcher read the amended Restrictive Covenant (see Attachment #6) and then read the below titled Resolution for Council's consideration.

A RESOLUTION APPROVING AN OFF-SITE PARKING LOT AT THE SOUTHWEST CORNER OF ELEVENTH STREET AND SIXTH AVENUE SOUTH FOR TIN CITY, OLD MARINE MARKET PLACE, SUBJECT TO THE CONDITIONS AS SET FORTH HEREIN AND PROVIDING AN EFFECTIVE DATE.

In view of petitioner's current non-compliance with respect to building permits, Mr. Blanquart asked that the resolution be made effective the date on which the covenant running with the land is made a matter of record.

Mr. McGrath moved approval of Resolution 2867, seconded by Mr. McGregor.

Roll Call Vote:	Mr. Blanquart	Yes
	Mrs. Corkran	No
	Mr. Holland	Absent
	Mr. McGrath	Yes
	Mr. McGregor	Yes
	Mr. Thornton	Yes
	Mayor Heineman	Yes

Motion Carried, 5-1, with Mr. Holland being absent and not voting.

AGENDA ITEM 34. Discussion of National Endowment for the Arts with reference to art work for the new City Hall Complex. Requested by City Manager.

Mr. Barry referred to the memos dated September 28, 1977 and August 22, 1977 from his department to the City Manager (see Attachments #7 and #8). If Council wished to pursue the National Endowment for the Arts grant, he urged them to appoint a task force to consider location, type of art desired, possible cost and type of category under which to apply.

Mr. Thornton commented that he felt Naples should be able to manage this beautification within the confines of the city because there is enough talent and money here.

Responding to Mrs. Corkran's question regarding Naples' chances in obtaining this type of grant, Mr. Barry explained his reasons for believing that Naples might be successful in their application, i.e. not much competition in this geographic area, Naples' initiative in creating the new City Hall, and the general interest in art by the community.

Mr. Blanquart asked what Council was supposed to do on this today to which Mr. Barry answered that the City Manager just wanted a discussion held.

Mr. Blanquart was not in favor of the controversies created by inviting public input, but Mrs. Corkran thought that community participation would be desirable. She recalled the possibility of there being wall space in the new City Hall to display local art on a rotating basis.

Mr. Blanquart suggested that Council refer this back to the City Manager with the request that he recommend the type of art that he thinks would be appropriate both inside and outside the new City Hall.

Mayor Heineman said that he felt that what the City Manager needed was some expression as to whether or not to go ahead with this thing and he directed Mr. Barry to take back to the City Manager that the consensus of Council was that there was enthusiasm and interest for this.

Lucille Howe, President of the Naples Art Association, came forward to speak in favor of a citizen's committee and accepting a grant.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Estes reported on an up-date on Harbour Drive. They have opened bids and the low bid was within \$5,000 of the construction budget. They plan to bring a recommendation to Council at the next meeting with proposed construction to begin about the first of February; completion of the entire project being about mid-July.

* * * * *

Mr. McGrath inquired about the status of the racquetball courts at Fleischman Park to which Mr. Estes replied that a resolution was needed to authorize the Mayor to enter into a contract with Bruce Green and that would be presented at the next meeting. He further stated that Randy Davis was working on an over-all rough site plan.

* * * * *

Mr. Fletcher reported that State of Florida Public Relations Commission has returned the Mini-PERC ordinance with some changes they wanted made. He asked if Council wanted him to proceed to amend this ordinance in accordance with their order. He suggested that Council pass an emergency ordinance at the next meeting in order to comply with their 45-day limit on re-submitting this. Their order was dated December 22 and was mailed December 28, but not received in Naples until this date. He also pointed out that Council could choose not to proceed with this, then they should just repeal the ordinance they have passed. It was the consensus of Council to continue to proceed with this by making the suggested amendments.

* * * * *

Mr. Estes reported on one other thing relating to labor. A decision was received relating to fire fighters unit. It will be a unit of fire fighters and a separate unit of fire sergeants meaning that they will be separate bargaining units in the same local. Mr. Estes said that he spoke to the negotiator and he will make every effort to negotiate with them at the same time.

* * * * *

Mr. Blanquart asked what had happened on the McDonald's Quarters.

Mayor Heineman reported that it was in a very precarious state of negotiation.

Mr. Blanquart summarized his understanding of what has been done in that the Council is committed or they can get out of their commitment by forfeiting what has been paid.

Mr. Blanquart felt that this Council should go forward with something before the 7th of February and he requested that this matter be placed on the Agenda for the next meeting.

Mr. Thornton felt that the Council was faced with a complete change of direction from one that they did not intend or anticipate. He felt that Council never planned to go down this route and now they were right in the middle of it. He suggested the possibility of a special meeting to discuss this.

Mayor Heineman reported that the donor had requested and received a 30 day extension to set up his tax shelter.

Mr. Fletcher pointed out that if Council wanted to get out they would have to re-negotiate with the McDonald family because they had a real estate contract and McDonald's could require specific performance.

* * * * *

Discussion of the newspaper vending machines. Mr. McGrath suggested that the Building Department get together the location of all the vending machines on public property.

Mr. Thornton was still in favor of enforcing the ordinance as it exists; however, Mayor Heineman felt it should be studied and maybe amended.

Mr. McGrath read from Mr. Estes' letter (see attachment #9). He further suggested that the City Manager and his staff and newspapers get together with the different associations and see if they can come up with any recommendations.

Mr. Blanquart pointed out the problem of appearance, no matter who agrees on the locations.

Mr. Thornton asked the City Attorney what the liability of the City would be if there were an accident at a vending machine that the City knows is placed in violation of the ordinance. Mr. Fletcher responded that someone would have to find that it was an attractive nuisance for an adult, otherwise it would be negligence on the part of the person who parked. However, if the machine blocked a view and was licensed by the City to be there, the City might be liable.

Mr. McGrath again requested a spot check for unsightliness and use.

* * * * *

Mr. Fletcher brought up the fact that he will have a contract for a part-time prosecutor on a trial basis sharing him with the County until August 1, 1978. He will present this at the next meeting.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Heineman declared the meeting adjourned at 4:27 p.m.

Harry E. O. Heineman

Harry E. O. Heineman, Mayor

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

Janet L. Davis
Janet L. Davis
City Clerk

These minutes approved by Naples City Council on 2-1-78.

RECEIVED JAN - 3 1978

THE EVANS'

ATTACHMENT #1

4080 CUTLASS LANE, NAPLES, FLORIDA 33940

Jan 2, 1978

RE - Petition # 77-514.

RECEIVED JAN 2 1978

Mr Clayton E. Bigg, Chairman
Naples Planning Advisory Board

Dear Mr Bigg:- Mrs Evans and I who
reside almost across the street from the
house being built by your petition

"Mrs. Ann D. Forsyth" - 3970 Gordon Drive

We heartily endorse the
request of Mrs Forsyth - for this would
well add substantially to the Regard
appearance of this new home and well
be in keeping with your board's

"objections" - A more beautiful Naples.

Sincerely yours

Jubey M. Evans

RECEIVED JAN - 3 1978

Cutlass Cove Beach Club
Naples, Florida

ATTACHMENT #2

December 30, 1977

Roger J. Barry, Secretary
Naples Planning Advisory Board
755 8th Ave. South
Naples, Florida, 33940

Gentlemen;

With reference to Special Exception Petition
No. 77-S14 we wish to advise you that The Cutlass
Cove Beach Club has no objection whatsoever to
to granting permission to construct a wall as
requested by the petitioner Ann D. Forsyth.

Yours very truly,



Cutlass Cove Beach Club
F. W. Shick, Secretary

RECEIVED JAN - 3 1978

ATTACHMENT #3

December 29, 1977

Mr. Roger J. Barry, Secretary
Naples Planning Advisory Board
City Hall
Naples, Florida

Re: Special Exception Petition 77-S14

Gentlemen:

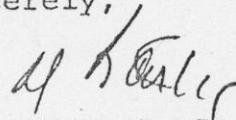
We are the first neighbors to this property to the South.

We hesitate to appear at a public hearing before new neighbors we have never met.

We feel the public officials should avoid creating this situation.

We prefer that the exception is not allowed.

Sincerely,



Mr. & Mrs. D. Hathey

db/m



ATTACHMENT #4

City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: George M. Patterson, City Manager
FROM: Roger J. Barry, Planning Director
SUBJECT: Naples Landing
DATE: December 15, 1977

We discussed the above project again and reviewed the comments in your memorandum of December 9.

The unimproved alley on the north side of our site does extend all the way from 9th Street on the west to the water's edge on the east.

The answer to the question of whether to vacate the alley or not is clearer, but we still have some options to consider relative to the location of our proposed improvements.

The City Attorney advises us that we can designate the alley as one-way and have part of it function as a circulation lane through our proposed parking lot. He also advises that we need not improve any or all of the alley until we are petitioned to do so by the adjacent property owner, and the question of vacation in whole or in part could also be addressed at that time.

We don't think the City should abandon the alley at this time, but the park improvement plans should anticipate possible abandonment in the future and possibly incorporate part of the alley area into the circulation pattern for the parking lot.

Alternate A (see attached) depicts the use of the west half of the alley as part of the City parking lot circulation pattern and could also provide access to the adjacent property. Extending the alley improvement to the east, into the proposed park area, would not be

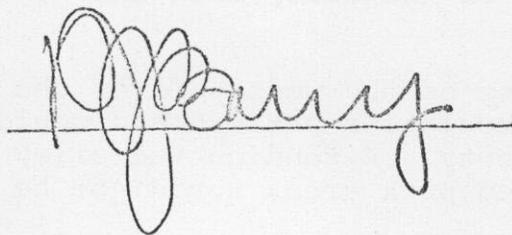
of any particular benefit to the park or the public except possibly to provide access for maintenance vehicles. One-way traffic flows, if necessary, and the eventual improvement of the adjacent parcel, would have to be and could be studied in more detail in the future. The park area is probably best served by simply landscaping the eastern half of the alley with expendable material and have it appear as an extension of the park. One disadvantage to this alternate is that there is no opportunity to provide a landscaped buffer between our proposed parking area and what could become the rear service area of a commercial complex which will not look particularly attractive from the park area.

Alternate "B" "shifts" the originally proposed improvements to the south and leaves the alley as it is, unimproved. The entire alley area could be landscaped with expendable material, and the space would simply appear to be a landscaped extension of the park. A five foot wide landscaped strip could be maintained between the proposed City parking area and the alley so that if the alley were improved in the future some minimal landscaping could still separate the areas. The entire alley area could then be dealt with in the future, particularly in conjunction with the improvement of the adjacent parcel. The circulation lanes in the vicinity of the ramp would have to be studied to make sure that there is enough room to accommodate this "shift."

There is also a row of utility poles along the south edge of the alley, and they should be kept in mind as we continue to study the alternates.

Although I don't feel strongly about it, I lean toward alternate "B" but, in any case, I don't think we should vacate the alley at this time.

Please advise if you wish any additional information or clarification.

A handwritten signature in cursive script, appearing to read "Randy Davis", written over a horizontal line.

CC: Randy Davis
Leann McElroy

RJB:DD



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

January 4, 1978

Reference: Tin City Off-Site Parking Request.

The above matter was discussed by the City Council at their regular meeting of January 4, 1978 and, during the initial discussion, the Council requested that the Planning Department obtain written statements from each department head indicating that they do not have an objection to the off-site parking as requested and that the various situations relative to "construction without permits" have been dealt with and will continue to be dealt with in the future, as necessary.

If you agree with the above statement and the statements in the attached memo, please sign below.

Anders B. Sandquist
Anders Sandquist
Building & Zoning Administrator

Norris C. Ijams
Norris Ijams, Fire Chief

Gary Young
Gary Young, Police Chief

William Savidge
William Savidge
Public Works Director

The Planning Department originally recommended denial of the request and continues to recommend denial in that the proposed off-site area is not, in our judgment, properly located to adequately serve the subject businesses and the Marine Market Place should not be permitted to expand without additional parking being provided and properly improved in closer proximity to the businesses being served. The existing businesses, without any expansion and particularly during the season, appear to need more parking than that which is required by our ordinance, and the expansion of the business area, without appropriate, long-term parking in close proximity to those businesses, will only increase the problem.

Roger J. Barry
Roger J. Barry, Planning Director

RJB:DD



City of Naples

735 60-TH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: City Council

FROM: Clayton E. Biggs, Chairman
Naples Planning Advisory Board

SUBJECT: "Tin City" (Old Marine Market Place) Off-Site Parking Request

DATE: December 27, 1977

The PAB considered the above request, for approval of an off-site parking lot at the southwest corner of 11th Street and 6th Avenue South, at their meeting on Wednesday, December 21, 1977 and, after considerable discussion, determined that the request met the intent of the zoning ordinance and, therefore, recommended approval of the request subject to the following conditions:

1. Improvements shall be made to the off-site parking area substantially in compliance with the submitted plan as modified by the Building and Zoning Department to meet minimum ordinance requirements.
2. The attached lease is made a part of this approval.
3. The applicant shall prepare, for City Attorney review and approval, and, after approved, shall record, a covenant running with the land providing that upon the termination of the attached lease, additional parking will be provided to meet ordinance requirements for the subject expanded business area or such areas will no longer be used for business purposes.

The PAB was particularly concerned that the various points raised by the departments that reviewed the request (some of them not directly related to the off-site parking request) were dealt with prior to the Council review of the matter:

Building and Zoning Department. The construction that was undertaken without permits has been issued a "stop work order" and to our knowledge construction is not continuing.

The Fire Department does not have a problem with the off-site parking area per se. Their comment about the "construction (that) has taken place since our last survey with-out blueprints submitted to this Department" refers to improvements that are made to the facility on a continuing basis, often without permits and, therefore there are often no blueprints available. The Building and Zoning Department will continue to monitor the situation and require permits as necessary.

The Police Department has reviewed the proposed parking area improvement plan, which was not submitted with the initial request, and has no objection to the proposed improvements.

Public Works "suggested" that the PAB and City Council consider requiring a sidewalk improvement from the off-site parking area to "Tin City." Sidewalks will be provided on the street sides of the off-site parking area and are not otherwise required.

Enclosed you will also find draft minutes of the December 21, 1977 PAB meeting: The Planning Department's memo (with attachments) to the PAB, an aerial photo identifying the sites in question, a reduction of the plan submitted by the applicant that identifies the areas of expansion, a copy of the lease and a copy of the improvement plan for the off-site parking area.

The zoning ordinance requires that parking be provided on the same site as the facility it is intended to serve, "provided, however, when practical difficulties, as determined by the City Council, prevent the establishment of such facilities upon the same lot, the facilities shall be provided on land within a radius of 600 feet of the lot provided the land is zoned so as to permit such parking facilities."

Clayton E. Biggs
Clayton E. Biggs PAB Chairman

Enclosures
CC: PAB Members
CEB:DD

RESTRICTIVE COVENANT

This Restrictive Covenant, running with the herein described land, made and entered into this 5th day of January, 1978, by and between GEORGE G. DINGMAN, KENNEY SCHRYVER, and G. E. CARROLL, hereinafter referred to as GRANTORS.

W I T N E S S E T H :

THE GRANTORS hereby dedicate a certain Restrictive Covenant as hereinafter shown on the following described property, situate, lying and being in Collier County, Florida:

-----All of Tin City, a Condominium, as more fully shown in O. R. Book 686, Pages 70, et seq., Public Records of Collier County, Florida.-----

The GRANTORS have made application for a change of use and/or enlargement of that certain complex known as Tin City.

NOW THEREFORE, this Restrictive Covenant is hereby dedicated as follows:

In the event the Lease with the SOUTHEAST NATIONAL BANK OF NAPLES, referred to in Resolution No. -2368- 2867 of the City of Naples is terminated for any reason, or parking for Tin City is not permitted on the leased property, the GRANTORS or their successors, heirs and assigns will provide replacement parking for the businesses in accordance with the City Ordinances in effect January 1, 1978, within ninety (90) days, or shall cease and desist all use of the premises set forth in said Resolution No. -2368 2867 of the City of Naples, and its attachments.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 5th day of January, 1978.

Witnesses:

Allen M. Dick
[Signature]

Geo. G. Dingman
GEORGE G. DINGMAN
[Signature]
KENNEY SCHRYVER
G. E. Carroll
G. E. CARROLL

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, GEORGE G. DINGMAN, KENNEY SCHRYVER, and G. E.

CARROLL, to me well known to be the persons described as GRANTORS and who executed the foregoing Restrictive Covenant, and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and seal this 5th day of January, 1978.

Francesca P. Bertolami
Notary Public (SEAL)

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 3 1981
REMOVED FROM GENERAL REG. 45878/1981



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM +

TO: George M. Patterson, City Manager

FROM: Roger J. Barry, Planning Director

SUBJECT: Grant - Works of Art in Public Places - City Hall Project

DATE: September 28, 1977

In follow-up to our attached memorandum of August 22, 1977, we have received and reviewed the guidelines for a State Fine Arts Council grant and find that our proposed commission or acquisition of a painting, sculpture or similar work of art would not qualify. They are, however, willing to assist us in the preparation of an application to the National Endowment for the Arts. These are the only two sources of funds we have been able to identify.

If we wish to submit an application to the National Endowment, the filing deadline is September, 1978, and the grant awards are made in April, 1979. That sounds like a lot of time, but the preparation of applications like these always take longer than expected and the sooner we can get started the better.

I suggest that the Council discuss the matter and determine the grant category it may wish to pursue, either up to \$25,000 or between \$25,000 and \$50,000, and consider appointing a task force to undertake the selection process and begin the preparation of the application.

Please advise if you wish any additional information or clarification.

Attachment
RJB:DD.

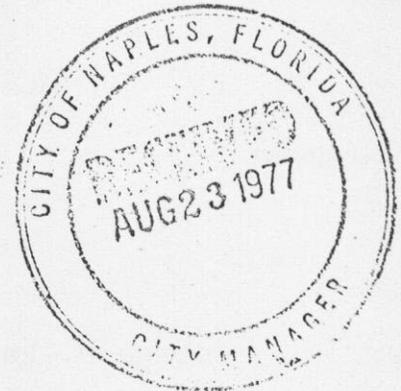


City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM



TO: George M. Patterson, City Manager
 FROM: Roger J. Barry, Planning Director
 SUBJECT: Works of Art in Public Places - New City Hall
 DATE: August 22, 1977

As we have discussed previously, and at the request of Councilwoman Corkran, we have checked into sources of grant funding for a work of art to be commissioned or purchased in conjunction with the construction of the new City Hall.

We have identified two sources of funding; the State Fine Arts Council and the National Endowment for the Arts.

The Fine Arts Council will not approve any new projects until April, 1978, and the filing deadline for their program is March, 1978. The Council is able to make project grants up to \$20,000. The Council does, however, also make technical assistance grants of up to \$500 to assist in the preparation of grant applications and the like, and such funds are available at any time. We have requested the Council to send us additional information and application forms.

The National Endowment for the Arts program includes two categories under their "Works of Art in Public Places" program; one, Category I: Major Commissions, for grant amounts over \$25,000 and up to \$50,000; and the other, Category II: Work for Direct Purchase and Smaller Commissions, which I believe would be applicable to our situation.

These endowment grants also require a 50% match on the part of the City and certain costs; travel expenses, site preparation, administrative expenses and the like, must be paid for by the City.

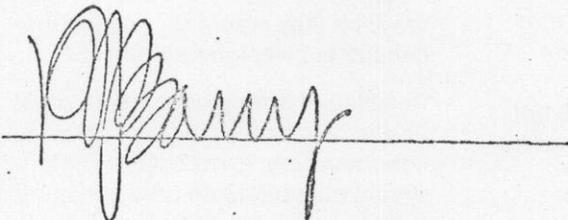
Applications under this program must be filed by September 1, 1977, although we could possibly receive an extension of time to October 1, 1977. The procedures and applications relative to the Category II program are attached for your information.

Under the Category II program the City must identify either an artist whose work we intend to commission or a specific work we wish to purchase. The identification of the individuals involved and a description of the process used to determine either of the above must also accompany the application.

Unless you think that the Council and the art community could act very quickly on a submittal to the Endowment, I suggest that we consider submitting an application to the Fine Arts Council in March, 1978 and, if we are unsuccessful, submit a similar application to the Endowment in September, 1978.

In the meantime, perhaps the Council could discuss the matter and possibly appoint a task force to study and recommend a direction to take relative to type of art work that would be appropriate for the new City Hall, approximate costs, purchase or commissioning of a work, selection committee, etc.

Please advise as to the direction you wish us to take at this time.



Attachment
RJB:DD

Projects should not be scheduled to begin before May 1978 and should be carried out during the succeeding twelve months.

Application Procedure

Please review the instructions on pages 18-22 and complete the forms entitled Project Grant Application NEA-3 (Rev.). In addition, complete the white card and return it with your application.

Applicants should propose to the Endowment an artist whose work they intend to commission or a particular work they would like to purchase for an appropriate site. The names and titles of those responsible for the selection of the artist or work of art and a description of the selection process must accompany the application. Small projects intended to provide opportunities for younger artists will be considered in this category.

For purchased works, Endowment and matching funds should be allocated for and limited to the purchase of the work and, when necessary, the cost of transporting the work to the site.

For commissioned works, funds are to cover the artist's fee, fabrication costs for the work, the cost of transporting the work to the site and the dealer's fee, if applicable. (Note: The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealers' fees not exceed ten percent of the artist's fee, after manufacture or cost of the work is subtracted.)

Additional costs such as site preparation, staff salaries, staff travel and administrative expenses should be borne by the applicant. Although these costs will not be considered part of the match, they should be reflected in the budget in order to indicate actual total project costs.

Applications for direct purchase of works must be accompanied by:

1. photographs (35mm slides and/or 8" x 10" black and white) of the immediate site taken from several angles;
2. a photograph of the work and five slides of past work by the artist;
3. a composite photograph including the work, in proper scale, as it would look on site;
4. a brief biography of the artist.

Applications for smaller commissions must be accompanied by:

1. photographs (35mm slides and/or 8" x 10" black-and-white) of the immediate site taken from several angles;
2. a brief biography of the artist;
3. five slides of recently completed work by the artist.

The Visual Arts Program must be notified immediately should there be a change of Authorizing Official or Project Director.

Incomplete applications will not be submitted to the advisory committee for review.

Note:

- Applicants are encouraged to contact the Visual Arts Program to discuss their proposal prior to making formal application. At the applicant's request the Endowment will suggest sources of information and consultants to advise on the applicant's needs.
- Applicants may wish to familiarize themselves with the grant guidelines for the Endowment's Architecture and Environmental Arts Program as they pertain to cultural projects in urban environments.

Art Critics' Fellowships

To enable art critics to set aside time to pursue a specific project that is not feasible in their present circumstances. Smaller fellowships for travel also will be made to critics to expand their knowledge of the current art scene outside their own region.

Eligibility

Art, crafts, photography and experimental film critics of exceptional talent and accomplishment who are published regularly. For the purposes of this program, criticism is defined as the investigation, evaluation, and exposition of contemporary or recent art. Historians of art whose concerns are primarily scholarly should apply for funding to either the Fellowship Division or the Research Grants Division of the National Endowment for the Humanities, Washington, D.C. 20506.

Grant Amounts

Critics may apply for either, but not both of the fellowship amounts below:

- \$5,000—for specific projects (which may include necessary travel expenses);
- \$1,000—for travel outside the region in which they reside to broaden their general knowledge of the field.

Deadline and Announcement Dates

Applications must be postmarked no later than May 1, 1977. Applicants should not anticipate notification of awards or rejections before January 1978.

Projects should not be scheduled to begin before February 1978 and should be carried out during the succeeding twelve months.

Application Procedure

Please review the instructions given on pages 23-24 and complete the forms entitled Individual Fellowship Grant Application NEA-2 (Rev.). In addition, complete the white card and return it with your application. Critics involved in crafts projects should also complete and return the Crafts Supplementary Information Sheet on page 45.

Please include not more than two articles or essays, neither exceeding 5,000 words. We request that you provide six copies of each article. Copies should be clear and legible. (Articles will not be returned.) Interviews should not be submitted. Please indicate on a sheet (8½" x 11") the specific project you would undertake should you receive a fellowship. Applicants for travel fellowships should indicate the city or cities they wish to visit.

Artists, Critics, Photographers and Craftsmen in Residence

To make it possible for art schools, university art departments and other institutions to invite artists, critics, photographers and craftsmen of national reputation for short-term stays to instruct and stimulate students and faculty while practicing their professions. The Visual Arts Program believes that such circulation of professionals of exceptional talent benefits the students, the faculty, and the visiting artists.

Institutions select the artist, critic, photographer or craftsman of their choice and work out a mutually acceptable schedule of activities emphasizing contact with students. While new methods are not necessarily better, more inventive ways of bringing this contact about may be desirable: for instance, making the evolution of a work of art itself the teaching situation or engaging the students as assistants in some project or process.

Eligibility

Although this program category is aimed primarily at art schools and university art departments, other organizations such as museums, cities, state arts agencies, parks and community centers also may apply.

Grant Amounts

Grants usually will not exceed \$1,500 and will be made on a matching basis. Project budgets generally should include only artist's fees and transportation to the site of the residency at the start of the project and return home.

Deadline and Announcement Dates

Applications for this program are accepted and grants are made throughout the year. However, applications must be received six months before the planned residency will begin.

Application Procedure

Please review the instructions on pages 18-22 and complete the forms entitled Project Grant Application NEA-3 (Rev.). In addition, complete the white card and return it with your application. Organizations that intend to place a craftsman in residence should also complete the Crafts Supplementary Information Sheet on page 45. Applications should include a biography and five slides (where applicable) of the work of each intended participant. (See page 18 for detailed instructions on slide submission. Slides will not be returned.) Incomplete applications will not be considered.



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: BRAD C. ESTES

SUBJECT: NEWSPAPER VENDING MACHINES

DATE: DECEMBER 29, 1977

As requested by Mr. Patterson prior to his leaving, Roger Barry and I met with representatives of the four newspapers who own the greatest majority of newspaper vending machines within the City. The purpose of the meeting was threefold: to open a line of communication to the circulation managers, to advise them of the increasing concern by Council over placement of their vending machines, and to consider possible administrative solutions to the problem.

Representatives were present from the Naples Daily News, Ft. Myers News Press, Miami Herald and the Naples Star.

Prior to any discussions, it was explained to those present that we were not representing City Council or City Council's views. We were acting at an administrative level in an effort to consider possible proposals to City Council. It was made clear that Council could act as it sees fit regardless of any discussions during the meeting.

It was the consensus of the newspaper representatives that if all the racks were removed from the residential areas, as we suggested as a possibility, there would be a greater objection from the people using those racks than there presently is from the people that believe they are unsightly. The newspaper representatives conceded that the racks were unsightly but believe that they provided a much needed convenience to many residents in the City.

In the residential areas the racks have been concentrated in heavy traffic areas; condominium, transient lodging and apartment areas and not in single family residential areas. The representativ

Mayor and Members of City Council
December 29, 1977
Page Two

generally agreed they would remove a rack in a residential area if they received a "legitimate" objection to one, but that most of the objections they had received relate to inoperable machines as opposed to outright removal.

The newspaper representatives indicated that the racks are not placed indiscriminately throughout the community but are leased by the various newspaper carriers and must be used frequently in order for the carrier to make a return and to cover maintenance expenses and the like.

The racks are presently not permitted in the Park Shore Plaza and the Naples Shopping Plaza areas. The racks that were in those shopping centers have been relocated to either the inside of the particular shop, to the perimeter of the center or in the general vicinity.

The Naples Daily News said that they had a letter on file from the Moorings Property Owners Association stating that they did not find the racks objectionable in their area. The Naples Daily News had worked out a program with the Moorings Association in which the Daily News would remove any rack the Association found objectionable.

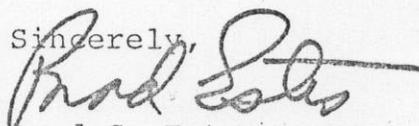
The Naples Daily News indicated that of the 250 racks they had in the City, approximately 50 are in the residential areas and that they realize a substantial volume of sales from those racks.

It was the general consensus of the newspaper representatives that they would be willing to work with neighborhood or subdivision associations concerning machines that they find objectionable in an effort to solve the concern of the unsightliness of the machines, while at the same time, providing machines where residents want them.

The Council may wish to consider input from various community groups such as the Naples Civic Association, Park Shore Association and the like before giving staff any additional direction.

Please advise if you need any additional information or clarification.

Sincerely,


Brad C. Estes,
Assistant to City Manager

BCE/lao