

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD
IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY,
JANUARY 18, 1978, AT 9:00 A.M.

Present: Harry E. O. Heineman
Mayor

Gilbert V. Blanguart
Virginia B. Corkran
C. C. Kolland
James. F. McGrath
John M. McGregor
Randolph I. Thornton
Councilmen

Also Present: George Patterson
City Manager
John Fletcher
City Attorney
Roger Barry
Planning Director
Brad Estes
Assistant to the City Manager
Rev. Howard Hugus
Marie Mueller
Charles Andrews
Herbert Cambridge
Otus Albright
Harry Cunningham
David Heron
William Tracy
Egon Hill
Lloyd Sarty
Robert Hall
Jack Miller
Edward Twerdahl
Ken Wood
Harry Rothchild
Wade Schroeder
Phil Wilson
Bill Shearston
Willie Anthony
Larry Tetzlaff
Gerrit C. Hasper
Edith Methany
Frank Tenney
Albert Tomaso
Mr. & Mrs. Eugene Lezgus
Ben Anderson
Carroll Stewart

Elton Luckhart
 Mr. Waller
 Mrs. Milton Addison
 Dick Frost
 Ed Daugherty
 Mrs. McKenzie
 James C. Berg
 Bob Knapke
 Jacques Craumer
 David Phillips
 Gilbert Weil
 R. B. Anderson
 Lucy Winkler
 Jack W. Dixon
 Roy Helms
 Dick Teators

News Media: Kent Weissinger
 WRGI-WINK-TV
 Jeff Casher
 Naples Star
 Dave Swartzlander
 Naples Daily News
 Allan Bartlett
 Ft. Myers News Press
 Tom Murphy
 WBBH-TV

Other interested citizens and visitors.

Mayor Heineman called the meeting to order; whereupon, the Reverend Howard Hugus, pastor of the Emmanuel Lutheran Church Naples, gave the invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Heineman introduced the following minutes for Council's review: Regular Meeting of November 2, 1977; Special Meeting of November 8, 1977; Regular Meeting of November 16, 1977; Special Meetings of November 18, 1977 and December 6, 1977; and Special Meeting of December 19, 1977.

Mrs. Corkran pointed out to Council changes she had asked the City Clerk's office to make in the minutes of November 16, 1977 and December 7, 1977.

She noted that corrected pages had been given to Council members by the City Clerk's office.

Mr. Thornton made a motion that all seven sets be approved, as presented, seconded by Mr. McGregor. Carried unanimously on a voice vote.

AGENDA ITEM 4. A resolution of the City Council approving ballot for the General Election to be held on February 7, 1978, and authorizing the City Clerk to order ballots printed. Requested by City Clerk.

City Attorney Fletcher read the above captioned resolution for Council's consideration.

Mr. Thornton moved that Resolution 2868 be approved, seconded by Mr. McGregor.

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

Motion Carried 7-0.

AGENDA ITEM 5. A resolution approving the number of voting machines to be used at each precinct for the General Election to be held on February 7, 1978. Requested by City Clerk.

City Attorney Fletcher read the above captioned resolution for Council's consideration.

Mr. McGregor moved that Resolution 2869 be approved, seconded by Mr. Thornton.

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

Motion Carried 7-0.

AGENDA ITEM 6. A resolution approving and appointing election clerks and inspectors to serve at the voting precincts during the General Election on February 7, 1978, and authorizing the City Clerk to appoint alternates if necessary. Requested by City Clerk.

City Attorney Fletcher read the above captioned resolution for Council's consideration.

Mr. Thornton moved that Resolution 2870 be approved, seconded by Mr. McGregor.

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

Motion Carried 7-0.

AGENDA ITEM 7. Bid Award - City Hall, Phase II.

City Attorney Fletcher read the below titled Resolution in its entirety for Council's consideration.

A RESOLUTION RESCINDING RESOLUTION NO. 2845 AND AUTHORIZING RETURN OF THE BID BOND SUBMITTED THERE-- UNDER; AWARDING BID FOR CONSTRUCTION OF THE CITY COMPLEX (PHASE II) AS PROVIDED HEREIN; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR.

Mr. Blanquart questioned the surrendering of the bid bond that was being retained in case the re-bids came in higher. Mr. Fletcher explained that was the case if the bids were higher than first bid plus the bidder's error.

Mr. McGregor asked how much the bid being considered would run over the federal grant, to which Mr. Patterson replied \$181,000.

Mr. Patterson pointed out to Council members that they had a complete breakdown on each of the items by every bidder.

(Attachment No. 1)

A lengthy discussion followed about the desirability of keeping the stone veneer or deducting that and going with the stucco exterior. Comparisons of bids with and without the stone veneer were made. Mr. David Phillips of Advanced Contractors spoke presenting his interpretation, using deducts Numbers 2, 3, and 13. There were conflicting interpretations and Mayor Heineman asked if Mr. Phillips and Mr. Patterson could get together during the noon recess to clear up the matter.

Mr. McGrath suggested deducting the sprinkler system since it was a solid cement building with metal desks and waste baskets, etc., and Mr. McGregor agreed with him. Mr. Blanquart continued to speak in favor of the stone veneer.

Discussion ensued over the desirability of choosing a local contractor. Mr. Holland stated that he was at least familiar with the local contractor's work and Mayor Heineman felt he was interested in having local people employed and the money that they earn be spent in the City.

Mr. Phillips stated that he would only be bringing in supervisory help, all others would be employed locally. He pointed out that Advanced Contractors was state licensed, bonded and they had given the City Manager letters of recommendation. He also made the suggestion that the architect could appoint a city official as a resident inspector.

Mayor Heineman declared that this Agenda Item would be deferred until after the noon recess. See page 17.

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City Attorney requested that Agenda Item 28 be taken up out of order at this time because it covered Legislative Delegation matters which must be in Mary Ellen Hawkin's office by noon of this date.

Mr. Blanquart moved that Agenda Item 28 be moved forward to this time, seconded by Mr. McGregor, and passed unanimously by voice vote.

AGENDA ITEM 28. Resolutions to be presented at Collier County Legislative Delegation public hearing January 25, 1978. Requested by City Manager.

City Attorney read the three bills which were to be submitted to the Collier County Legislative Delegation Public Hearing from Naples City Council. (Attachment #2)

Mr. Blanquart questioned the language used in the Bill relating to the Administration of ad valorem taxation and Budgeting Practices, especially the word "exclusively", to which Mr. Fletcher responded that the language had to "track the language of the Constitution." He noted that these words had been interpreted by the court to mean "real and substantial".

Mr. McGregor commented that most people didn't realize raising or lowering the millage rate was not the only way taxes were assessed.

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

A RESOLUTION REQUESTED THE COLLIER COUNTY LEGISLATIVE DELEGATION TO SUBMIT THE ATTACHED PROPOSED LEGISLATION TO THE FLORIDA LEGISLATURE DURING ITS NEXT SESSION.

Discussion ensued regarding other bills being presented to the Delegation. Mr. Fletcher stated that when he received the agenda of the January 25 hearing, he would contact the Mayor if there were any items to bring to the attention of Council. Tentative plans were made for a Special Meeting to be held at 10:00 a.m. Friday morning, if Mayor Heineman deemed it necessary.

Mr. Thornton moved adoption of Resolution 2871, seconded by Mr. McGrath.

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

Motion Carried 7-0.

AGENDA ITEM 8. An ordinance amending Ordinance No. 2215, as amended, relating to collective bargaining, by amending Section 1.002, redefining the term "Public Employee"; amending Section 1.003 (4), deleting reference to Chapter 447, Florida Statutes therein; amending Section 1.008 (1) (g), to require registration of labor organizations pursuant to Chapter 447, Park I, Florida Statutes; amending Subsection (1) (a), of Section 1.009, relating to recognition of an employee organization as the collective bargaining representative; amending Subsection (4) (h) of Section 1.013 to substitute a period in lieu of semi-colon; amending Subsections (1) (a) and (2) (a) of Section 1.016 by deleting references to Section 447.03, Florida Statutes; amending Subsection (2) of Section 1.027, providing for the acceptance of all pending cases involving the City of Naples at their present status upon transfer from the Florida Public Employees Relations Commission to the City of Naples Commission; declaring this ordinance to be an emergency ordinance, dispensing with the requirement for second reading hereof; and providing an effective date. Requested by City Attorney.

Mr. Fletcher referred to his letter of January 13, explaining the reasons for the placing of this item on the agenda. (Attachment #3)

City Attorney Fletcher read the above titled ordinance in its entirety for Council's consideration on First Reading as an emergency basis

Mayor Heineman and Mr. Fletcher again went over the reasons for placing this on the agenda on an emergency basis; the reasons being the need to get the adopted amended ordinance back to PERC within the 45 day limit they had mandated.

Mr. Rothchild spoke against excessive use of Ordinance 2512 which allows the procedure. He was of the opinion that there was enough time to have the second reading at the February 1st meeting.

Mr. Fletcher pointed out that the ordinance had to be posted for ten days following adoption before mailing to PERC, and ten days following the February 1 meeting would be February 11, a Saturday and the deadline for receipt by PERC.

Mr. Thornton moved adoption of Ordinance 2872 on an emergency basis, seconded by Mr. McGrath.

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

Motion Carried 5-2.

City Attorney Fletcher made note of a memorandum presented by him to Council members advising them that Section 15.1 of the Charter is one of the provisions that could not amended by ordinance, but would have to be amended by referendum of the people. (Attachment #4)

Mr. McGregor asked confirmation of the interpretation that removal of certain officers of the City could be by a majority of the Council at any meeting, which statement Mr. Fletcher confirmed.

Mr. Fletcher went on to review Council's wish to amend that section of the Charter and provide a 5/7's vote for removal of these officials. He reiterated that it could be amended by referendum of the people.

Mayor Heineman asked if the present provision for removal in the Special Act would be in violation of the Charter and Mr. Fletcher stated that the Special Act became an ordinance of the City by the legislature when the Home Rule Act became effective; therefore that provision would be in violation of the Charter.

Mr. Fletcher pointed out that Agenda Item No. 9 is in order.

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Prior to taking up Agenda Item No. 9, Mr. Blanquart wanted to clarify an item relating to the Legislative item. He suggested that it might be appropriate to designate someone to speak for the City in presenting the three items which Council passed for presentation to the Legislative Delegation.

Mayor Heineman, with consensus of Council, asked City Attorney Fletcher and City Manager Patterson to attend this meeting with the Collier County Legislative Delegation.

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AGENDA ITEM 9. 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 providing for removal thereof; and providing an effective date. (First Reading) Deferred from Regular Meeting of January 4, 1978.

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

City Attorney Fletcher stated that this ordinance simply stated that Council was following the provisions of the Charter as far as removal of a commissioner or board member.

Mr. McGregor maintained his desire to have the provision state "removal with cause"; while Mr. Thornton felt the welfare of the people was more important than one individual and cause was difficult to prove.

Mayor Heineman expressed his reluctance to agree with the language in the above ordinance since it would allow a majority of Council present to vote for removal; his reason being the consensus Council had reached at an earlier date of wishing to have a 5/7 vote for removal. Mr. Blanquart repeated what Mr. Fletcher had pointed out that this change could only be accomplished by referendum.

Because she felt that this discussion would take a good deal of time and since this was a first reading, Mr. Corkran made a motion that discussion on Agenda Item #9 be deferred until after the completion of the Public Hearings on Agenda Items #15 through #26, seconded by Mr. McGrath, and carried unanimously on voice vote. (See Page 32)

Mrs. Corkran moved to proceed to Item #15 and complete the Public Hearings returning to this portion of the Agenda, seconded by Mr. McGrath.

AGENDA ITEM 15 - PUBLIC HEARING. 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 Regulations"; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above titled ordinance by title for consideration by Council on Second Reading.

Mayor Heineman opened the Public Hearing at 10:42 a.m. and asked if there was anyone present to speak for or against this item.

There was discussion on whether to limit public input to residents of the City of Naples, but City Attorney felt this Ordinance would affect people who may not live in the City.

Garrit C. Hasper stated that the matter of regulating the parking of recreational vehicles had been before the Michigan Legislature and they threw it out. He also pointed out that the U.S. Supreme Court had refused to review the Euclid Ohio case which had been appealed to it from the Ohio Supreme Court. The Ohio Supreme Court had stipulated that it was unconstitutional for a municipality to regulate the parking of recreational vehicles.

Edith Michantz of the Happy Time Van Conversion Company stated that for many people a van was a recreational vehicle and also their only means of transportation. She felt regulating these vehicles would be discriminatory against many of Naples residents not to mention visitors to this State. She felt the ordinance was too broad in scope.

Mayor Heineman reminded the audience that the ordinance that was in effect was more restrictive than the one proposed. He asked Mr. Barry to point out the difference.

Mr. Barry stated that the proposed ordinance was more restrictive. He said that vans, per se, would not fall under the ordinance; only those equipped for eating and sleeping would fall under the ordinance. Another difference is permitted parking of these vehicles on hotel and motel parking lots.

Jacques Craumer came forward to say that he owned a motor coach on his doctor's prescription. He had applied and been told he had a special permit for this motor coach. He said he has never had anything in writing. He also cited the Euclid case. He wanted to know if he could still get a special permit under this ordinance. He pointed out that he had seen more litter out of automobiles than was created by people with recreational vehicles. He also felt that one hour parking in a restaurant was not long enough, especially for a family.

Frank Tenney addressed Council by pointing out that he earns his living by writing and to write, he must travel to get his stories. He has a large investment in his motor coach and before he leaves on a trip, he needs to park in his driveway to load up and on his return, he must off-load. He keeps his motor coach on Airport Road, but they are only open during regular business hours and until noon on Saturday. In answer to a question from Mayor Heineman, about the length of time that would be reasonable to allow people for loading and unloading, Mr. Tenney responded that 48 hours would be sufficient.

Lawrence Tetzlaff of Jungle Larry's Safari appeared to speak against the ordinance. He said that since the first ordinance went on the books, he has heard from his visitors about not being able to enjoy Naples beaches. The word has gone out in recreational vehicle camps "Don't go to Naples". He has not had the bad experiences with these recreational vehicles that has caused some people to call them "bums". He also has no objection to his neighbors having a recreational vehicle in their driveway for a day or so as long as they are not eating and sleeping in it. He believes that we are getting too regulated and he does not wish to live in a "police state with regulation upon regulation". He feels he has lost 20% of his business because of people in recreational vehicles who go around Naples because of this restriction that has been brought on by a small minority of people who have abused the beaches and/or shopping centers. He also commented on the amount of money that is spent to attract people to Naples. He went on to say that he needed time to load and unload his crew cab in his driveway before and after trips.

Mrs. Corkran referred to RV's parking at Jungle Larry's Safari being on private property and the ordinance did not apply to that so she could not see his problem with that.

Mr. Craumer appeared again to ask if he had to renew his special permit every 45 days to which he received an affirmative answer.

Mr. Albert Tomaso stated that he was "shocked that the Council had taken a position above the Supreme Court". He went on to say that he has an elderly mother who needs the aid of the modified van that he purchased to get to stores, doctors, hospital, etc. He felt that he was being deprived of his "rights because he didn't have a Cadillac, Rolls Royce or Mercedes".

Mayor Heineman pointed out that if Mr. Tomaso had a handicap problem, he could apply for a special permit under the ordinance and Mr. Fletcher explained the process for a special permit for parking it on private property.

Mr. Gene Lezgus approached Council to point out the uses and benefits of his 19 foot Winnebago and asked why his neighbors did not have to park their vehicles in a garage if he did not like the looks of them in their driveways. He went on to state that he didn't feel that "over-night" was well enough defined and he felt there was a loss of salary to the people in town because of recreational vehicles that would not come to Naples.

Ben Anderson came forward to respond to the ad that appeared in the Naples Daily News on Tuesday, January 17, 1978 (Attachment No. 5). He felt his constitutional rights had not been violated. He stated that he was speaking for himself and as president of the Moorings Property Owners, Inc., 3,000 individuals. He also spoke as chairman of the Presidents of Property Owners Council in favor of the ordinance as written.

Mr. Carroll Stewart protested that his son or friends who were to come to his house to visit could not park their recreational vehicle in his driveway.

Mr. Elton Luckhart spoke in favor of restrictions as the population increased because of the proximity of people.

Mr. Waller stated that he had come to Naples in a recreational vehicle for the past four years and he pointed out the amount of money he spends here on each trip from October to April.

Mrs. Milton Addison spoke to Council stating that she and her husband live in a mobile home and want to store their recreational vehicle on their own property, but their neighbors, who are only here 2 - 3 months a year, complained. She went on to say that she and her husband live here year round and support the town but these people are only here 2 - 3 months a year.

Mr. Ed Daugherty objected to the ordinance even with a 48-hour loading period because it was impossible to prepare for a three month trip in that short a period of time.

Dick Frost stated that his livelihood depended on recreational vehicles, not only selling them but from people who traveled through who needed repairs. He felt that the ordinance restricted the use of these vehicles in as much as there were businessplaces that do not have off-street parking facilities. He felt the ordinance was poorly written. He suggested that the wording should be that recreational vehicles should not be "lived in" rather than not be "parked". He pointed out that there was no restriction on parking of motorcycles or boats and why pick on recreational vehicles?

Jack W. Dixon indicated that a good ordinance dealt with the health, safety and welfare of the community. He suggested allowing the loading and unloading period and also allow the out-of-town visitor two weeks or 30 days on their hosts property. He explained he believed Council didn't realize the problem they were putting on the people who live here. He noted that most of the people speaking today were against the ordinance and wondered just which "special group" of people were being catered to.

Mrs. McKenzie came forward to state that she and her husband have a VW van with a stove and sink that they haven't used because her husband is under oxygen. She wanted to know if they were restricted from parking even for the doctor's office. She also asked if they needed a special permit when they can't use the facilities in the vehicle.

Mr. James C. Berg stated that he can not use his 25 foot travel trailer because it takes longer than one hour to load it. He felt that it may be unconstitutional and maybe federal funds would be withheld in the building of City Hall.

Mrs. Gene Lezgus read a letter into the record that had been sent to Mayor Heineman August 21, 1977 (Attachment No.#6)

Roy Helms addressed Council as general sales manager of Bob Taylor Chevrolet saying that he had a definite financial interest in the outcome of this meeting. He claimed that sales in these units have dropped considerably in the last 90 days. He wanted to know when is a van a recreational vehicle and when is a van a station wagon. He asked if a van with an ice-box and a convertible sofa that sits three or sleeps two was a recreational vehicle or a station wagon.

Mr. Fletcher asked Mr. Helms if when he sold this unit, did he advise the people that it can be used for sleeping purposes.

Mr. Helms said that these are used for rest during a trip. He went on to say that with the down-sizing of automobiles, these vehicles are necessary. He felt Council should make the ordinance more clear and concise.

Mr. Bob Knapke agreed that parking by and on the beaches should be restricted, but not to the exclusion of the beaches. He felt that if families had RV's and spent the weekends with their children, there couldn't be as much vandalism.

There being no one else to speak for or against, Mayor Heineman closed the Public Hearing at 12:17 p.m.

Mr. Fletcher clarified the statement that the City didn't regulate the storage of boats by citing that regulation. He further made some suggestions for the language in the proposed ordinance.

Mayor Heineman made a statement to the effect that he realized that this ordinance needed a lot of work to achieve its original purpose which was to preserve the beauty of Naples, maintain the life style, protect against pollution, etc. and he personally did not agree with some of the provisions as it is written. He felt that possibly the ordinance could be referred back to the Planning Advisory Board to come up with something better than what was before Council.

Mr. Blanquart agreed with some of the things the Mayor said, but did not want to refer the ordinance back to the Planning Advisory Board.

Mr. Thornton had serious reservations about the special permits suggested by Mr. Fletcher because he didn't see how they could be administered.

Mayor Heineman felt that it was impossible for Council to sit in session and write an ordinance. There followed more discussion on the special permit language.

Mr. Blanquart made a motion to adopt the ordinance on Second Reading, as amended, by the City Attorney, seconded by Mr. Thornton.

Mr. McGregor and Mrs. Corkran wanted this amendment written out so Council could see it before voting on it.

Mr. Fletcher went over his beliefs as to why he felt this ordinance was constitutional.

Mr. Harry Rothchild questioned the numerous changes being made at a second reading and if Council can still say there has been two readings.

There was further discussion on deferring a vote on Mr. Blanquart's motion until amendments have been typed up.

Mr. Fletcher stated that a motion for this would take preference over Mr. Blanquart's motion.

Mr. McGregor made a motion that action on this ordinance be deferred until after lunch when written material is received, seconded by Mrs. Corkran and carried by voice vote.

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Council recessed at 12:45 p.m. to reconvene at 2:30 p.m.

Council reconvened at 2:30 p.m. with the same members present and resumed discussion of Agenda Item No. 15.

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Mayor Heineman asked City Attorney Fletcher to read the amended section of the ordinance as retyped during the noon hour.

Mr. Thornton still felt the ordinance could not be enforced as written and Mr. McGregor thought it should be referred back to Planning Advisory Board for further study to better incorporate the input that was received in the morning session. Mayor Heineman agreed with Mr. McGregor.

Mr. Holland pointed out that the reason this ordinance was started was to keep people from parking over-night and living on the beach and now there was three or four different purposes rolled into the same ordinance.

Mrs. Corkran pointed out that as far back as 1976 she had asked the police department for input on this ordinance and she felt the present ordinance should be passed and later amended if it did not work the way it was written.

At this point vote was taken on Mr. Blanquart's motion to adopt this ordinance.

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

Motion Failed 2-5

Mr. Blanquart asked that the City Manager examine more in depth why this existing ordinance can not be more effectively enforced. He felt the police department was using the previous City Attorney's counsel as an excuse not to enforce it.

Mayor Heineman felt that the present ordinance was based more on usage than on equipment.

Mayor Heineman stated for the record that he was passing along to the clerk some correspondence regarding this matter. (Attachments #7, #8, #9, #10, #11)

AGENDA ITEM 16. - PUBLIC HEARING. 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; further, by repealing Section 24-1 thereof, relating to the parking of trailers and mobile homes on private property; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 2:58 p.m.

Jack W. Dixon came forward to speak against this ordinance to the effect that even today if he were not to have found a space in the parking lot, he as a U.S. citizen would not have been able to have any input into the government that involves him because he had been at this meeting since 10:00 a.m. He also stated that this ordinance would prohibit his using his only means of transportation to work and church. He would like this

ordinance taken back for consideration and to be completely revised removing the one hour parking restriction. When asked for suggestions for revision, Mr. Dixon replied that he did not feel there should be any limit, timewise, for parking except where meters are used. He did not wish to see overnight parking and camping in the City, but he felt a person should be able to park overnight on his own property.

Mr. Gene Lezgus approached Council to speak noting that he knew there was a problem at the beach and possibly limiting parking for all vehicles at a certain time of the evening might be a solution.

Mr. Dick Teaters spoke to Council saying that he had a van with sleeping quarters and he would like to be able to drive to the beach and not have to pay a \$20 parking ticket to enjoy spending the day at the beach.

There being no one else to speak for or against, Mayor Heineman closed the Public Hearing at 3:06 p.m.

Mr. McGregor noted that the ordinance should read "motor home" rather than "mobile home."

Mr. Holland was concerned about construction vehicles that have to park on the construction site in the areas where certain trucks are prohibited, paragraph (a).

Discussion followed on the meaning of paragraphs (a) and (b). Consensus of Council was to add "on the public streets thereof" at the end of (a).

More discussion concerning parking in metered areas. Mr. Fletcher explained that meters only regulated the length of time parking was allowed, not the type of vehicle that was allowed, and that this ordinance would supersede in regulating type of vehicle.

Mr. Blanquart moved that Ordinance 2873 be adopted as amended on Second Reading, seconded by Mr. Thornton.

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

Motion Carried 6-1.

RETURN TO AGENDA ITEM 7

Mr. Patterson presented a comparison of figures with and without the stone veneer and deducting Numbers 2,3, and 13.

Mr. Phillips spoke again in favor of retaining the stone veneer.

Discussion followed on whether or not to keep the sprinkler system and generator.

Mr. McGregor felt that in the interests of saving some money the generator and the fire protection sprinkler system could be eliminated.

When asked, Mr. Patterson stated that the Fire Chief had indicated that the sprinkler system was desirable but not mandatory. Mr. Patterson also did not think the system was mandatory in a two story building under the City's Fire Code.

Mr. Blanquart cited the savings in insurance premiums over the years with the sprinkler system included, but he would rather give up the sprinkler system and generator than the stone veneer.

Mr. McGregor felt with the emergency battery operated lights, the need for an emergency generator was not as great. Mr. Thornton thought that provision could be made to add a generator later.

Mr. Phillips answered that was possible.

Mr. Patterson pointed out that with sophisticated data processing equipment it was necessary to adhere to rigid temperature controls for which the generator would be used.

pointed out that the power was needed to be able to see which phones had calls coming in.

Mayor Heineman called on Mr. Carsello to speak on the question of eliminating the generator and the sprinkler system. Mr. Carsello felt that sprinkler systems pay for themselves with reduced insurance premiums and help insure the safety of the people working in the building. He also felt, as a citizen, that he would like to think the City Government could function in a nearly normal procedure during a disaster with the use of the emergency generator.

Mr. Holland stated that he would be more interested in keeping the generator and sprinkler system and deducting the stone veneer.

Mr. Patterson recalculated the figures as requested deducting the stone veneer, generator, sprinkler system, and previously deducted items. He also figured the bid without deducting the stone veneer. Without the stone veneer, George Kraft Co. was the low bidder and with the stone veneer, Advanced Contractors were low bidder.

Mr. Thornton suggested leaving in the generator, sprinkler system and stone veneer.

Mr. Thornton made a motion to adopt Resolution 2874 accepting the bid of Advanced Contractors in the amount of \$1,489,500, without the east canopy, voting recorder or parking lot lights, seconded by Mr. Blanquart.

Mr. McGrath felt that the input that had been received regarding the sprinkler system and generator was sufficient to cause him to re-consider and decide to include them in the building.

Mr. Holland was concerned over the fact that the project was still \$181,000 over the federal grant.

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

Motion Carried 6-1

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Mr. Willie Anthony approached Council to inquire if they could take up Agenda Items 13 and 14 since Council had moved around the agenda, He pointed out that he and his group had been there since 9:00 o'clock in the morning.

Discussion among Council members about how to best complete the agenda. It was decided to try to finish the Public Hearings and discuss the possibility of returning after a dinner recess to finish the agenda this evening.

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AGENDA ITEM 17. PUBLIC HEARING: 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon second Reading.

Mayor Heineman declared the Public Hearing open at 4:07 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 4:08 p.m.

There being no discussion, Mr. Thornton made a motion that Ordinance 2875 be adopted on Second Reading, seconded by Mr. McGregor.

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

Motion Carried 5-2

AGENDA ITEM 18. - PUBLIC HEARING. An ordinance amending Chapter 69-1326, Special Acts of Florida, relating to the City of Naples Airport Authority, by amending Section 4 (o) thereof relating to zoning regulations, clarifying the limitations upon the power of the City of Naples Airport Authority relating to zoning matters; clarifying that the City Council of the City of Naples is the sole entity in the City having the authority to govern land use pursuant to Police Powers; providing for inclusion of Chapter 69-1326, Special Acts of Florida, as amended hereby, in the Code of Ordinances of the City of Naples; repealing all ordinances, resolutions or Special Acts in conflict herewith; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 4:09 p.m.

Jack Miller came forward to object to this ordinance questioning from a legal standpoint the authority of Council to amend the legislative act by ordinance.

Mr. Jack Stanley, attorney for the Airport Authority, stated that in his opinion the ordinance was tantamount to Council asserting that the Airport Authority was an Advisory Board. He pointed out many dissimilarities between the activities of the Airport Authority and an Advisory Board, inasmuch as the Authority can borrow money, have bonds approved, sue or be sued, and adopt its own seal. He felt if Council were sure of its position, it wouldn't be afraid to let the court decide the issue.

Mayor Heineman did not understand Mr. Stanley's reference to Council's attempting to make the Airport Authority an Advisory Board; he understood the ordinance to be for clarifying Council's control of land use.

Mr. Stanley again stated that they were objecting to Council's action because they felt the Home Rule Act had made that action unnecessary.

Mr. Blanquart and Mayor Heineman again stated that they felt the ordinance was just to clarify Council's control of land use at the Airport.

Mr. Stanley pointed out that in two other instances when the Airport Authority Act needed changing they had gone to the Legislature for these changes and Council had not made a move to make any changes by ordinance at that time.

Mr. Blanquart contended that Council had only recently been enlightened and realized that as an ordinance, the Airport Authority could be amended in certain areas.

Mayor Heineman said that he would not vote for this ordinance if it changed the Authority to an Advisory Board.

Mr. Miller explained that the Advisory Board reference came in a couple of weeks ago when one of the Councilmen made a statement that he saw no difference between the Authority and any other Advisory Board in the City, to which Mr. Blanquart responded that he did feel that way but only with respect to the provision about removal of appointed board members in the Charter Section 15.1.

Mr. Blanquart, Mr. McGrath and Mayor Heineman again reiterated that they did not want to make the Airport Authority an Advisory Board.

Mr. Chuck Tiseo, Aviation Chairman of the Chamber of Commerce came forward to speak. He stated that after a meeting and discussion during which Councilman McGrath, City Manager Patterson and the Chairman of the Airport Authority had some input, the meeting terminated with a resolution which he read into the record. (Attachment #12)

Mr. Chuck Tiseo said, "I would also like to read a comment from the Chamber and the way they stand regarding property developed in an airport way on the airport itself. 'It has been the policy of the Chamber to oppose any discriminatory development by government in direct competition with free enterprise, any non-partisan property, non-aviation orientated development on this industrial property at the airport should be taxed on a leasehold basis.' I think the Airport Authority has gone on record that they certainly agree with this. They do not want to go in direct competition except on an equal basis and the chairman of the Airport Authority might have a comment. I don't know if I've covered it sufficiently or not."

Mr. McGrath commented that this was the first time he had seen a Chamber of Commerce coming out for an individual government authority that is going to put them in direct competition with their members.

Mr. Miller commented on a conversation that had been held between Mr. Colding and Mr. Wightman in which it was stated that Mr. Colding currently had the authority to impose leasehold tax on government property that is leased to private enterprise. Mr. Miller went on to say that he felt the confusion had arisen on this subject because the Department of Taxation in Tallahassee has been attempting to come up with a state-wide uniform approach for the County Appraisers.

Mr. Robert Hall, newest member of the Airport Authority, came forward to speak. He emphasized that he is still of the opinion that the City has the Zoning authority at the airport; however, he wanted to go on record that he felt removal of the four year term and removal of commissioners by act of the City Council itself as downgrading of the standing of the Airport Authority. He repeated his public statement that if that ordinance is passed, he would resign.

Mayor Heineman and Mr. Blanquart both pointed out that there is no change because when he was appointed the rule was the same as in this next ordinance because the Charter takes precedence to which Mr. Hall responded that it was a misunderstanding on his part.

Mayor Heineman summed up Council's position that this ordinance is just to clarify the matter of land use control and correct the single family zoning now in existence on the airport property.

In answer to Mr. McGregor's inquiry, Mr. Fletcher explained Section 2 of this ordinance as being a means of incorporating Chapter 69-1326, Special Acts of Florida into the City of Naples Code of Ordinance Book.

There being no one else wishing to speak for or against, Mayor Heineman closed the Public Hearing at 4:30 p.m.

Mr. Thornton moved for adoption of Ordinance 2876 on Second Reading, seconded by Mr. Blanquart.

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

Motion Carried 5-2.

AGENDA ITEM 19-PUBLIC HEARING: An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding a new Section 5.14 thereto, establishing an Airport Commercial Zone District to be designated "C4"; providing district regulations therefor; and by adding to Paragraph I, relating to off-street parking, of Sub-section 17, Section 6, a new Item 17, providing off-street parking regulations for airport passenger terminal; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 4:43 p.m.

Mr. Jack Miller said, "It is the same question of legality. If you can legally do it, we do object to C-4: too restrictive, it's related primarily to airport- or aviation-related purposes and we have other plans in our master plan which we do need to incorporate in this. Secondly, we specifically object because of the elimination of the motel classification. We think it could be very important in the future.

In response to Mayor Heineman's statement that this was at least better than single family zoning, Mr. Miller did agree that it was better than single family.

There being no one else present wishing to speak for or against, Mayor Heineman closed the Public Hearing at 4:47 p.m.

Mr. Thornton made a motion that Ordinance 2877 be adopted on Second Reading, seconded by Mr. McGrath.

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

Motion Carried 5-2.

AGENDA ITEM 20. 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 4:48 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 4:49 p.m.

Mr. McGregor made a motion that Ordinance 2878 be adopted on Second Reading, seconded by Mr. Thornton.

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

Motion Carried 7-0.

AGENDA ITEM 21 - PUBLIC HEARING: 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 4:50 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 4:51 p.m.

There being no discussion, Mr. Thornton made a motion that Ordinance 2879 be adopted on Second Reading, seconded by Mr. McGrath.

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

Motion Carried 7-0.

AGENDA ITEM 22 - PUBLIC HEARING: 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, establishing procedures therefor; and providing an effective date. (Second Reading)

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

Mayor Heineman declared the Public Hearing open at 4:52 p.m.

Mr. Jack Stanley came forward to speak against this ordinance because he felt the restrictive covenant running with the land created too many problems. He objected mainly because it might be interpreted as a cloud on a title to a careful attorney and cause some property to be considered unmarketable. He read a statement prepared by Mr. Vines in which Mr. Vines suggested the use of a special exception techniques which may include conditions regarding the continuous use of either the on-site or off-site parking as long as required by the facility it serves. It was his opinion that it was easier to change or modify a special exception to suit the needs required. Mr. Stanley gave examples of how one building could have various parking needs as the use of the building changed.

Mr. Fletcher pointed out that the purpose of the restrictive covenant running with the land was to jam up the title to put a prospective buyer on notice regarding the land. He went on to state that this is being done by the variance procedure rather than the special exception and the restrictive covenant is a condition of the variance. When the variance is no longer needed, the covenant then becomes a unilateral document because it is no longer predicated upon the variance; which unilateral document can be rescinded by a simple document of the property owner at that time saying it is hereby rescinded. It also ends any attempt to get the variance back unless they come back through the procedures again.

Mr. Stanley did not agree that it was that easy to get rid of a restrictive covenant. He also still felt the local title examiners would not accept a unilateral withdrawal from a grantor.

Mr. Thornton observed that Council should follow the advice of their own attorney.

Their being no one else wishing to speak for or against, Mayor Heineman closed the Public Hearing at 5:05 p.m.

Mr. Blanquart made a motion that Ordinance 2880 be adopted on Second Reading, seconded by Mr. Thornton.

Mr. Holland asked who requested this ordinance to which the response was that it came from Mr. Biggs of the Planning Advisory Board.

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

Motion Carried 6-1.

AGENDA ITEM 23. - PUBLIC HEARING: An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by amending Subsection 42, relating to development and site plan review for developments of significant impact, of Section 6, entitled "Supplementary District Regulations" providing that all development within the City that occupies five or more acres of land, including areas which are covered by water and/or mangrove areas, or that occupies, or is proposed to occupy, property zoned "H" Highway Commercial or "P" Planned Development, but intended to accommodate "H" uses, shall require development and site plan review and approval; and providing an effective date. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 5:06 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 5:07 p.m.

Mr. McGregor made a motion that Ordinance 2881 be adopted on Second Reading, seconded by Mrs. Corkran.

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

Motion Carried 7-0.

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Mrs. Corkran brought up the subject of how Council intended to complete Agenda at this late hour. Mr. Estes reported that the Parks & Recreation auditorium was scheduled for other use at 6:00 p.m. Discussion continued regarding carrying Agenda over to another day.

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Mr. Herbert Cambridge asked to address Council regarding Agenda Item 14.

AGENDA ITEM 14. A resolution declaring the need for a housing authority in the City of Naples. Pursuant to citizens' petition.

MR. CAMBRIDGE: ...that might simplify things. In regards to in particular to one thing, the discussion of McDonald's Quarters situation, which is not a great deal of concern to us at the moment, I don't imagine...The resolution declaring the need for a housing authority in Naples through a petitioners' petition. Based upon what transpired yesterday and the rationale for the seeming consensus...

MRS. CORKRAN: Excuse me, Mr. Cambridge, are you asking us then if for the time that we have left that we take up...Agenda Item...

MR. CAMBRIDGE: No, ma'am, what I'm saying is that based upon that we would probably like to withdraw the resolution need for a housing authority from this particular Agenda if Council agrees, but I would like to state the reason for that is the rationale for why it should not be. In the opinion of our group as well as Council is that when we talk about marginal people--the statement that Naples can not afford marginal people...

MR. BLANQUART: ...more marginal people...

MR. CAMBRIDGE: ...quote. And I don't know how we define that or if the people that we are talking about replacing are really marginal people. It appears that we are talking about alligators, or cows or horses, or something. We feel that that is not the reason why the Council should reach consensus, if there is one, not to pass the resolution creating the housing authority. Because in my opinion and the opinion of our group, that would really be invidious discrimination; and we think, based upon the number of years that this problem has been facing the City and the way we have dealt with it, that that in itself constitutes invidious discrimination, and a resolution based upon marginal people would constitute invidious discrimination; and therefor, rather than have this Council vote on that, the Black Betterment Committee would like to withdraw its petition seeking a resolution.

MR. BLANQUART: Which item is that?

MR. CAMBRIDGE: For a housing authority. Item No. 14

MAYOR HEINEMAN: That was pursuant to that petition, Mr. Cambridge.

MR. CAMBRIDGE: Based strictly on those reasons and we'd like those reasons stated clearly in the record as to why are withdrawing it. We will come back with a housing resolution at a different time.

MAYOR HEINEMAN: Then you are now suggesting that this item be withdrawn from the agenda?

MR. CAMBRIDGE: Correct

MR. MCGREGOR: I'll move that Item 14 be removed from the agenda at this time.

MR. THORNTON: I would put in there, Mr. McGregor, at the request of the petitioners.

MR. CAMBRIDGE: For the stated reasons.

MAYOR HEINEMAN: Yes.

MR. MCGREGOR: Yes.

MAYOR HEINEMAN: For the reasons which are in the record.

MR. CAMBRIDGE: May I just say that the reasons that we are-- it would appear to me yesterday that we had reached a consensus and what disturbs me very much was that the discussion of marginal people smacked of quotas and it's a racist kind of thing in our opinion and it constituted, as I said, invidious discrimination and for that reason we are withdrawing our petition and will come back at what we consider a more favorable time.

MAYOR HEINEMAN: Very good, but I do want to make this comment to you, sir. That that was a comment by one councilman and that was not the reason for the consensus against a housing authority. I want to make that very, very clear. That was not the reason. Now, it may have been the reason of one councilman.

MR. CAMBRIDGE: I think it would be best for me to reserve the right to return to Council.

MR. BLANQUART: I made that statement and he's placing an entirely wrong interpretation of the statement.

MAYOR HEINEMAN: I realize that, but regardless of whether he's placing a wrong interpretation on it or not, what I want to make clear to Mr. Cambridge is that was a statement by one person.

MR. BLANQUART: May I ask a question. I'd like to ask it of the City Attorney. Since this was put on the agenda because of a petition duly executed and signed, can one representative withdraw that?

MR. FLETCHER: Was he a signator?

MR. MCGREGOR: Yes.

MR. FLETCHER: There were only 25 signatures on it. If he withdraws his, there's not sufficient number under the statutes.

MR. BLANQUART: Are there more than 25?

MAYOR HEINEMAN: No, just 25 exactly.

MRS. CORKRAN: In other words, Mr. Cambridge is withdrawing his signature from the petition as opposed to withdrawing this item from the agenda.

MR. FLETCHER: He can't withdraw from the agenda. Only you can withdraw from the agenda because you can pass a resolution creating a housing authority without such a petition.

MAYOR HEINEMAN: We have a motion made and seconded.

MR. BLANQUART: Who seconded it, Harry?

MAYOR HEINEMAN: I don't know.

MR. MCGREGOR: I think Mr. Thornton did, I made it.

MR. MCGRATH: Mr. Thornton seconded it.

MAYOR HEINEMAN: Well, second it again, Randy.

MR. THORNTON: I'll second it.....as amended.

MAYOR HEINEMAN: Moved and seconded that this item be withdrawn from the Agenda.

MR. THORNTON: Because of a request of the petitioner...

MR. BLANQUART: ...request of a petitioner

MAYOR HEINEMAN: ...from one of the petitioners. We can do this by acclamation. All those in favor, signify by saying "Aye"

Aye, Aye, Aye, Aye, Aye

MAYOR HEINEMAN: Opposed, "no".

MAYOR HEINEMAN: Motion is carried. And the item is withdrawn from the agenda.

AGENDA ITEM 24. - PUBLIC HEARING: 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 5:16 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 5:17 p.m.

Mr. Thornton made a motion that Ordinance 2882 be adopted on Second Reading, seconded by Mr. McGrath.

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

Motion Carried 7-0.

AGENDA ITEM 25. - PUBLIC HEARING: An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 5:18 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 5:19 p.m.

Mr. Thornton made a motion that Ordinance 2883 be adopted on Second Reading, seconded by Mr. McGrath.

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

Motion Carried 7-0.

AGENDA ITEM 26. - PUBLIC HEARING: 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. (Second Reading)

City Attorney Fletcher read the above captioned ordinance by title for Council's consideration upon Second Reading.

Mayor Heineman declared the Public Hearing open at 5:22 p.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 5:23 p.m.

Mr. Thornton made a motion that Ordinance 2884 be adopted on Second Reading, seconded by Mr. McGrath.

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

Motion Carried 7-0.

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Mr. Estes reported that Room A would be available and the meeting was recessed at 5:30 p.m. to return at 7:30 p.m. in Room A.

Meeting was reconvened at 7:30 p.m. in Room A of the Parks & Recreation Building. Let it be noted for the record that Mrs. Corkran was absent and all other members were present.

RETURN TO AGENDA ITEM 9

Mr. Thornton felt that this ordinance would at least bring the Special Act for the Airport Authority into uniformity with the Charter.

Mayor Heineman inquired if there were other provisions of the Act that were in violation of the Charter to which Mr. Fletcher answered that there were.

Mr. Holland pointed out that there had been other changes to the Charter without referendum to which Mr. Fletcher responded that the Charter could not be amended by ordinance regarding matters related to appointed boards.

Mayor Heineman again stated that he felt the consensus of Council was to remove by 5/7's vote and he was not happy with the wording of this ordinance.

Mr. Blanquart stated that since the Home Rule Act made the Special Act an ordinance, Council could use the 15.1 provision of the Charter as written to remove a commissioner now.

Mr. Holland felt that if these people could be removed without cause, it would make it difficult to get good people to serve on these Boards.

Mr. McGregor did not like the idea of the possibility of three people being able to remove someone without cause; and Mr. Thornton thought it would be a good idea if this went to referendum.

Mr. Thornton thought it would be a good idea if this went to referendum, but he felt that it would be a good idea to bring this matter into uniformity with the Charter.

Mr. Thornton made a motion to adopt Ordinance on Second Reading, seconded by Mr. Blanquart.

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

Motion Failed 3-3, with Mrs. Corkran absent and not voting.

AGENDA ITEM 10. An ordinance amending Article IX of Chapter 1A of the Code of Ordinances of the City of Naples, Florida, by amending Section 1A-149 thereof, relating to duties and functions of the Board of Appeals, providing for said Board to hear appeals from decisions of the Building and Zoning Administrator in the application and interpretation of the Standard Building Code, as amended, the City of Naples Housing Code and Section 8-2.3 of the Code of Ordinances (Flood Insurance Criteria); 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. Blanquart felt that this was an awkward situation for the Board of Appeals because they had to do day to day business with the people who would be appealing decisions of the Building and Zoning Administrator. Mayor Heineman concurred with Mr. Blanquart's observations.

It was the consensus of the Council that a procedure for appeals on certain items be developed so they could be directed to Council if they fail on the level of the Board of Appeals; however, this amendment of the above ordinance could not be made without changing the title, requiring that it be referred back to the City Attorney for further study.

Mr. Thornton moved that this ordinance be referred back to the City Attorney for revision, seconded by Mr. Blanquart.

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

Motion Carried 5-1, with Mrs. Corkran being absent and not voting.

Mr. Fletcher asked Council for more direction from Council regarding their wishes on this matter.

Mayor Heineman suggested remodeling the last paragraph in Section 1, following "the decision of the board will be final" and then those sections (105-109) "wherein there can be" appeal to Council.

Mr. Fletcher asked if these appeals should go directly to Council after the Administrator's decision; he was directed that they should go to the Board of Appeals first and if not successful there, then to Council for a hearing.

AGENDA ITEM 11. A resolution authorizing the Mayor and City Clerk to execute an agreement between Collier County, Joseph P. D'Alessandro, State Attorney, and the City of Naples relating to employment of an Assistant State Attorney for the sole purpose of prosecuting violations of county and municipal ordinances and laws, a copy of which is attached hereto and made a part hereof. Requested by City Attorney. (Attachment #13)

Mayor Heineman opened discussion on this matter.

Mr. Fletcher noted that the County had signed the contract and State Attorney D'Alessandro is ready to sign as soon as the City signs it and that the Assistant State Attorney is ready to go to work.

In answer to Mr. Thornton's question, Mr. Fletcher stated that the estimated cost to the City would be about \$4,000 through July 1st.

Discussion cost during which Mr. Fletcher explained that the City and County would split the salary and required fringe benefits set by law for County employees for the Assistant State Attorney and his secretary for five months; that equipment and supplies would be paid for by the State Attorney's office and if there were a CETA grant received for the secretary, the City may be asked to pay less. He further stated that the Assistant State Attorney would be hired on the first pay step for State Attorneys and his salary was set by law; also that he would be hired as a County employee.

Mr. Fletcher answered Mr. Blanquart's question about termination of the contract by explaining that the contract only ran to July 1, 1978, at which time it would automatically terminate.

Mr. Holland asked about the proportionate work load between City and County to which Mr. Fletcher stated that this was a trial period during which time, experience would be gained to determine a practical method for fulfilling the functions specified.

Harry Rothchild came forward to speak on the matter. He questioned the determination of fringe benefits and suggested that they be clarified. He also asked about where the fines would go

Mr. Fletcher stated that since these cases would go to County Court, the fines would be split 50-50 between the City and the County as provided by law.

Mr. Rothchild suggested a clause limiting City's liability.

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

Mr. Blanquart made a motion to adopt Resolution 2885, seconded by Mr. McGrath.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 12. An ordinance granting a Special Exception to construct a 5' high wall in the required front yard at 3970 Gordon Drive, Naples, Florida, more particularly described herein; and providing an effective date. (First Reading)

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

Mr. Thornton moved that this ordinance be adopted, seconded by Mr. McGrath.

Mr. McGregor asked if there was a provision for landscaping this wall. Mr. Patterson commented that he thought Council had passed an ordinance that stated that landscaping was a condition of these special exceptions. This petitioner had assured Council of his intention of landscaping.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 13. Discussion of McDonald Quarters. Requested by Councilman Blanquart and Thornton.

Mr. Thornton started the discussion by observing that he felt Council started with well-founded objectives a year ago, but things haven't fallen into place the way they had hoped. They had wanted to avoid getting the City into the housing business and had hoped to get this done by private means if at all possible, but the fund raising had been disappointing. He wanted to get everything out on the table and see whether they couldn't get this back on the rails.

Mayor Heineman referred to City Manager's memorandum of January 13 detailing three different alternatives. (Attachment #14) Alternative No. 1 involving the TurnKey Program becomes a moot point because the TurnKey Program requires the creation of a housing authority, and a housing authority had not been created. Alternative No. 2 was to follow the present course, completion of the contract, plus hopefully a contribution from a potential donor. He added that the negotiations were proceeding in good order. He went on to say that the remainder of Alternate 2 was the utilization of the \$150,000 from HUD towards the acquisition of the Carver site.

Mr. Blanquart felt that at this time Council had a changed condition from when they undertook this course of action and he felt they should be looking for another alternative in the event that this donation is not forthcoming. It was his suggestion that Council get out of the contract with the McDonald family and not lose any more money. He wasn't advocating it, but he did not want to leave the new Council facing a substantial financial obligation plus the obligation to build and run housing operations. He questioned whether it was a valid expenditure of public funds for private ownership. He also questioned the acquisition of a site that would meet with HUD approval and he further questioned the appraisal of the Carver site and the fact that some of that land had been deeded to the School Board by the City. He went on to question that Watkins-McDaniel site was at a disadvantage because it wasn't recommended by the site selection committee.

Mr. Thornton again questioned the apparent absence of public interest in the fund drive. Mr. Patterson felt it was not organized fully enough and there were too many unknown quantities.

Mr. McGregor felt it was important to apply for the section 8 funds for next year.

Mr. Blanquart also brought up the cost for razing the buildings. He felt there were too many "ifs" involved in the whole project.

Mr. Patterson thought it would be easier to interest a developer once a site had been purchased.

It was the consensus of Council to negotiate for the Carver site and apply for the second \$150,000 from HUD.

Harry Cunningham spoke on the fund raising campaign and that Council needed to develop a positive attitude and develop confidence in their objectives.

Discussion ended with the hope that there would be a decision made soon by the anonymous donor.

AGENDA ITEM 27. Discussion and authorization for City Manager to enter into contracts with vendors involving expenditures of under \$2,500. Requested by City Manager.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS IN BEHALF OF THE CITY OF NAPLES FOR EQUIPMENT MATERIALS, SUPPLIES AND/OR SERVICES IN AMOUNTS OF LESS THAN \$2,500.00.

Mr. Thornton moved for adoption of Resolution 2886, seconded by Mr. McGrath.

Mr. Blanquart asked if the City Manager could execute any contracts where the money was not available or budgeted. To which the City Attorney replied that he could not.

Mr. Holland inquired whether these items would still be put out for bid.

Mr. Patterson replied that he is now authorized to put these out to bid, but not to execute contracts on those bids. He inquired whether Council still wished to review such items as maintenance contracts. If not, they could authorize him to do so.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 29. Request for permit to repair seawall at 719 - 17th Avenue South, Aqualane Shores. Dr. Arthur Salvatori, Owner Scofield Marine, Agent. Requested by Scofield Marine.

City Manager Patterson presented the above request.

City Attorney Fletcher pointed out that the ordinance passed earlier in this meeting outlined procedures for obtaining permits for dredge and fill, and for construction of bulkheads seawalls, groins, etc. With the repair of seawalls generally being excluded. However, an exception to this exclusion was repair of a seawall beyond the original dimensions. He advised that it would be proper to follow this new procedure because the request for the above repair would extend the original dimensions.

Mr. Thornton made a motion that this item be removed from the agenda, seconded by Mr. McGrath and unanimously carried by voice vote, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 30. A resolution authorizing the Mayor and City Clerk to enter into an agreement with the Seaboard Coastline Railroad Company for installation and maintenance of a sidewalk across the railroad track at 14th Avenue North. Requested by Public Works Director.

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

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF NAPLES AND THE SEABOARD COAST LINE RAILROAD COMPANY RELATIVE TO CONSTRUCTION AND MAINTENANCE OF A SIDEWALK ADJACENT TO THE STREET CROSSING ACROSS THE RIGHT-OF-WAY AND TRACK OF SAID RAILROAD COMPANY, AS MORE PARTICULARLY SET FORTH IN SAID SUPPLEMENTAL AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION.

When asked who would build the sidewalk, Mr. Savidge stated that the City would build the sidewalk and Seaboard Coastline would build the actual crossing.

Mr. Holland noted that this had been approved in the 77-78 budget.

Mr. Thornton moved approval of Resolution 2887, seconded by Mr. McGrath.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 31. Authorization for the Mayor and City Clerk to enter into a contract for the engineering work for racquetball courts at Fleischmann Park. Requested by City Manager.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN THE CITY OF NAPLES AND BRUCE GREEN AND ASSOCIATES RELATIVE TO ENGINEERING SERVICES FOR CONSTRUCTION OF RACQUETBALL COURTS AT FLEISCHMANN PARK, A COPY OF WHICH CONTRACT IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION.

There being no discussion, Mr. Holland moved to approve Resolution 2888, seconded by Mr. Blanquart.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 32. Bid Award - autos and trucks for various departments.

City Attorney read the following resolution for Council's consideration.

A RESOLUTION ACCEPTING AND AWARDING BIDS FOR THE FURNISHING OF CERTAIN VEHICLES ENUMERATED HEREIN AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREOF; FURTHER, REJECTING ALL BIDS RECEIVED ON ONE INTERMEDIATE VEHICLE AND TWO COMPACT VEHICLES AND AUTHORIZING THE SAME TO BE PURCHASED UNDER STATE CONTRACT.

Mayor Heineman commented that this was a good job done by purchasing department, but he questioned only one bid on the VW Rabbits.

Mr. Patterson explained that he understood that they don't bid outside of what they consider their area. He went on to state that the Rabbits had been proposed on a trial basis, because even though the initial cost was higher, it was expected the greater anticipated mileage, less expensive diesel fuel and lower maintenance costs would be a long range savings.

Mr. Holland questioned the cost of diesel maintenance and whether the City had any employees with the expertise to handle it.

Mr. Thornton objected to buying an import.

Mr. Blanquart felt that Mr. Patterson was attempting to investigate an economy and to deny him that was to deny him the opportunity to exercise his managerial expertise.

Mr. Holland responded that he felt the people in the various departments ought to write the specifications for their equipment.

Mr. Patterson noted that they had projected a \$300 savings on each vehicle over an anticipated 60,000 mile life of the car.

He also felt that VW had not been in the diesel business long enough to have a reliable product.

Mr. Thornton moved approval of Resolution 2889 except for Section 6 in which all bids would be rejected, seconded by Mr. Holland.

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

Motion Carried 4-2, with Mrs. Corkran being absent and not voting.

AGENDA ITEM 32. Truckster scooter for Public Works Department.

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

A RESOLUTION ACCEPTING AND AWARING BID FOR THE FURNISHING OF ONE TRUCKSTER SCOOTER FOR THE SANITATION DIVISION OF THE PUBLIC WORKS DEPARTMENT.

There being no discussion, Mr. Blanquart moved approval of Resolution 2890, seconded by Mr. Thornton.

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

Motion Carried 6-0, with Mrs. Corkran being absent and not voting.

Mr. Patterson noted that with the Volkswagens voted out, the City is short two cars. Mr. Holland was told that these cars were in the budget, but he said he could not find them.

CORRESPONDENCE AND COMMUNICATIONS

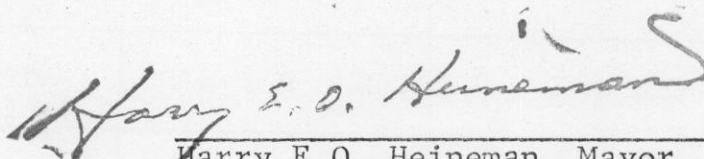
Mr. Thornton felt that action should be taken on the Harbour Drive contract as soon as possible.

Mayor Heineman agreed and it was consensus of Council that if there were a meeting before the February 1 meeting, this would be on the agenda.

Mr. Fletcher brought up Mrs. Corkran's request that he draft an ordinance for Council to establish a Design Review Board which would accomplish the goals of the Community Appearance Board. He went on to outline her requested ordinance in that it would provide a board that would serve under the Planning Advisory Board, and anyone appealing Design Review Board's decision would appeal to the Planning Advisory Board. Mr. Fletcher said that it was Mrs. Corkran's desire to have this completed prior to the present Council members' terms expiring.

Mayor Heineman said that he thought it would be best to have some input from the Task Force and he would call Walter Keller regarding this.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Heineman declared the meeting adjourned at 10:15 p.m.



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 2-15-78.

CITY HALL COMPLEX

EDA FL-0545-0,

January 17, 1978

CITY HALL BIDS	Advanced Contractors	Kraft Construction Co.
BASE BID	\$1,519,000	\$1,563,900
#2 DEDUCT FOR VOTING RECORDER	16,000	17,342
#3 DEDUCT FOR EAST CANOPY	9,000	8,429
#13 DEDUCT FOR PARKING LOT LIGHTING	4,500	10,006
BIDS WITH DEDUCTS	1,489,500	1,528,123
AMOUNT OVER GRANT	\$ 136,684	\$ 175,307
OTHER EXPENDITURES	44,793	44,793
TOTAL ADDITIONAL FUNDS REQUIRED IN 1977/78 FISCAL YEAR *	<u>\$ 181,477</u>	<u>\$ 220,100</u>

* Assuming total of 4% contingency is required; any unused contingency amount could reduce additional funds required.

Bid Tabulation-

Re-bid City Hall Complex
Naples, FloridaStewart-Richmond Architects
6 January 1978
Commission No. 77013-III Page 1

CONTRACTOR	ADVANCED CONTRACTORS	GEORGE KRAFT	W.G. MILLS	H.D. RUTLEDGE	REMARKS
Bid Bond	yes	yes	yes	yes	
Base Bid	\$1,519,000.	\$1,563,900	\$1,611,000.	\$1,609,000.	
Alt #1 DEDUCT Stone Veneer	\$45,000	\$92,847	\$97,000	\$92,000	
Alt #2 DEDUCT Vote Recording Device	\$16,000	\$17,342	\$19,500	\$17,342	
Alt #3 DEDUCT East Canopy	\$ 9,000	\$ 8,429	\$ 5,800	\$ 8,592	
Alt #4 DEDUCT Performed Metal Panels	\$11,000	\$ 6,900	\$ 5,600	\$ 6,000	
Alt #5 ADD Plaza Fountain	\$ 4,000	\$ 8,749	\$ 8,500	\$11,453	
Alt #6 DEDUCT West Canopy Skylight	\$ 1,000	\$ 9,348	\$11,200	\$14,110	
Alt #7 DEDUCT Emergency Generator	\$17,000	\$2,196	\$17,500	\$ 2,200	
Alt #8 DEDUCT Operable Windows	\$11,000	\$ 3,600	\$ 3,600	\$ 3,400	
Alt #9 DEDUCT Fire Protection System	\$25,000	\$19,942	\$20,000	\$20,000	
Alt #10 DEDUCT Landscaping	\$31,000	\$23,580	\$23,000	\$23,580	
Alt #11 DEDUCT Irrigation System	\$ 2,100	\$ 3,572	\$ 3,300	\$ 2,152	
Alt #12 DEDUCT Planter Walls & East Side	\$ 2,000	\$ 2,063	\$ 2,200	\$ 1,921	
Alt #13 DEDUCT Parking Lot Lighting	\$ 4,500	\$10,006	\$ 9,500	\$12,000	
Calendar Days	365 days	460 days	450 days	455 days	
ADDENDUM	1,2,3,4	1,2,3,4	1,2,3,4	1,2,3,4	
MBE	19.0%	14.24%	15%	14%	



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: CITY MANAGER GEORGE M. PATTERSON
SUBJECT: LEGISLATIVE PUBLIC HEARING
DATE: JANUARY 13, 1978

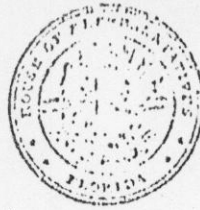
Attached is a notice from the legislative delegation on the public hearing that will be held on January 25.

I am bringing this to your attention so that you will have the opportunity to consider any proposed legislation you wish to present. Following discussion of the matter at the workshop, we will have prepared for your action at the Wednesday meeting any resolutions you decide to have drawn.

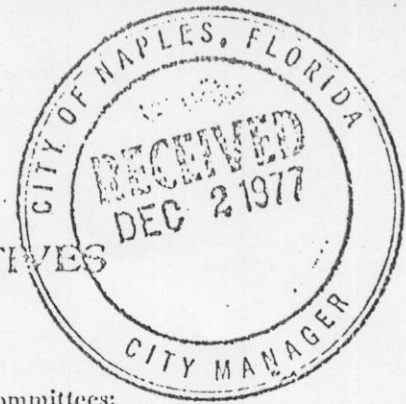
Respectfully submitted,

George M. Patterson
George M. Patterson
City Manager

GMP/tan
attachments



FLORIDA HOUSE OF REPRESENTATIVES
Tallahassee



Mary Ellen Hawkins
Representative, 89th District

Reply to:

Collier County Courthouse Complex
Naples, Florida 33942
(813) 774-4240

416 House Office Building
Tallahassee, Florida 32304
(904) 489-4497

Committees:

Agriculture & General Legislation
Natural Resources

TO: ALL AGENCIES OF LOCAL GOVERNMENT AND OTHER INTERESTED PARTIES

FROM: Rep. Mary Ellen Hawkins, chairman; Collier County *M E H*
Legislative Delegation

SUBJECT: Legislative public hearings

January 25, 1978 has been set as the date for two Collier County Legislative Delegation public hearings, as follows:

1:30 p.m. Collier County Commission Chamber, Building F, Collier County Courthouse, Naples

7:30 p.m. Collier County Courthouse Annex, Immokalee

Local governmental agencies are expected to present their proposals for local bills at the hearing in Naples. Proposals must be drafted in bill form and submitted to my office no later than noon on January 18. The agenda for the Naples hearing will be set on January 18 and will be changed only to take care of an unforeseen emergency. Unless there is an emergency, the delegation will consider for introduction in 1978 only those bills which have been presented at the hearing.

The agenda for the Naples meeting will be released to the news media on January 19, so that the citizens of Collier County will have ample time to prepare testimony for or against proposed measures. Following the discussion of local bills, the delegation will be happy to hear comments from citizens who wish to express themselves regarding general legislation.

The Immokalee hearing will be more informal. Expressions for or against any of the local bills on the agenda for the Naples hearing will be received, as well as comments regarding general legislation. Sponsors of local legislation are not expected to make presentations at the Immokalee hearing unless they desire to do so.

If you have any questions, please contact me or my aide, Carol Muller at Building C, Collier County Courthouse, telephone 774-4240.

J. Fletcher



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

January 18, 1978

OFFICE OF THE CITY ATTORNEY

Hon. Mary Ellen Hawkins
Representative
Collier County Courthouse Complex
Naples, Florida 33942

Dear Mrs. Hawkins:

Enclosed please find proposed legislation which the City Council of the City of Naples requests that the Collier County Legislative Delegation consider for introduction to the Legislature during its next session.

We would appreciate your forwarding to us a copy of the Agenda for the public hearing to be held by the Legislative Delegation on January 25, 1978, as soon as the same is available.

If you have any questions regarding the enclosed Bills, please don't hesitate to call me.

Cordially,

John G. Fletcher
City Attorney

JGF:bh

Enc.

cc: City Council
City Manager

RESOLUTION NO. 2871

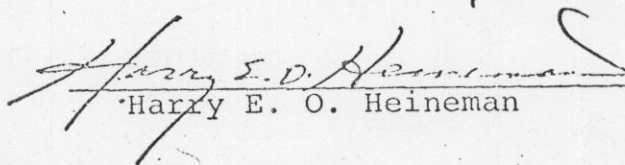
A RESOLUTION REQUESTING THE COLLIER COUNTY LEGISLATIVE DELEGATION TO SUBMIT THE ATTACHED PROPOSED LEGISLATION TO THE FLORIDA LEGISLATURE DURING ITS NEXT SESSION.

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

SECTION 1. That the Collier County Legislative Delegation is hereby requested to submit the attached proposed legislation to the Florida Legislature during its next session.

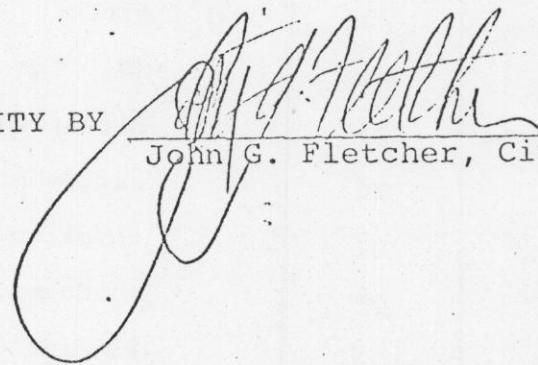
SECTION 2. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 18th DAY OF JANUARY, 1978.


Harry E. O. Heineman Mayor

ATTEST:

Janet L. Davis
City Clerk

APPROVED AS TO FORM AND LEGALITY BY 
John G. Fletcher, City Attorney

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A BILL TO BE ENTITLED
AN ACT AMENDING SECTION 195.027, FLORIDA
STATUTES, RELATING TO THE ADMINISTRATION
OF AD VALOREM TAXATION AND BUDGETING
PRACTICES; PROVIDING FOR THE DEPARTMENT
OF REVENUE, BY SEPTEMBER 1, 1978, TO
ESTABLISH STANDARDS TO ASSURE COMPLIANCE
WITH ARTICLE VIII, SECTION 1(h), FLORIDA
CONSTITUTION, PROHIBITING THE USE BY
COUNTIES OF AD VALOREM TAX FUNDS
COLLECTED FROM PROPERTIES LOCATED IN
MUNICIPAL LIMITS EXCLUSIVELY FOR COUNTY
PURPOSES; PROVIDING FOR MUNICIPALITIES
TO HAVE STANDING IN COURT TO ENFORCE
SUCH STANDARDS ON BEHALF OF ITS
TAXPAYERS; PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
FLORIDA:

SECTION 1. Section 195.027, Florida Statutes,
is hereby amended by adding the following subsection
(7) thereto:

"(7) The Department of Revenue is hereby
directed to establish, no later than
September 1, 1978, standards to assure
compliance by all counties with the
mandate of Article VIII, Section 1 (h),
Florida Constitution."

SECTION 2. Section 195.027, Florida Statutes,
is hereby amended by adding the following

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Subsection 8 thereto:

"(8) Any municipality in the state which determines by resolution that the board of county commissioners or other entity or officer of the county in which such municipality is situate is violating any standard established by the State Revenue Department to assure compliance with Article VIII, Section 1 (h), Florida Constitution, may institute and prosecute to conclusion litigation requiring such county to comply with such standards and requiring appropriate tax refunds to the individual taxpayers of such municipality from ad valorem tax funds found to be illegally collected, whether or not such funds were paid under protest."

SECTION 3. This Act shall take effect immediately upon becoming a law.

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A BILL TO BE ENTITLED
AN ACT AMENDING SECTION 200.065, FLORIDA
STATUTES, RELATING TO AD VALOREM TAX
MILLAGE LEVIES; PROVIDING THAT NO
AD VALOREM TAXING ENTITY NEED ADVERTISE
THAT IT IS INCREASING SUCH TAXES
UNLESS ITS MILLAGE RATE IS INCREASED
OVER THAT OF THE PRIOR YEAR; PROVIDING
AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
FLORIDA:

SECTION 1. Section 200.065, Florida Statutes,
is hereby amended by adding the following subsection
(10) thereto:

"(10) Notwithstanding any other
provision hereof, no ad valorem
taxing entity shall be required
to advertise that it is increasing
such taxes unless it increases its
millage rate over that of the prior
year."

SECTION 2. This Act shall take effect immediate-
ly upon becoming a law.

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A BILL TO BE ENTITLED
AN ACT AMENDING SECTION 180.22, FLORIDA
STATUTES, RELATING TO POWERS OF
MUNICIPALITIES UNDER CHAPTER 180, FLORIDA
STATUTES; PERMITTING MUNICIPALITIES TO
FINANCE PROJECTS IN EXTRATERRITORIAL
AREAS THROUGH ANY METHOD PERMITTED
WITHIN THE MUNICIPAL LIMITS; PROVIDING
AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
FLORIDA:

SECTION 1. Section 180.22, Florida Statutes,
is hereby amended by adding the following subsection
(2) thereto:

"(2) Any municipality which under-
takes the exercise of extraterritorial
power hereunder may finance any such
extraterritorial project by any method
permitted by law for like projects within
the municipal corporate boundaries."

SECTION 2. This Act shall take effect immediate-
ly upon becoming a law.

A RESOLUTION OF THE CITY COUNCIL, REQUESTING THE FLORIDA LEAGUE OF CITIES TO URGE THE LEGISLATURE TO ENACT LEGISLATION ESTABLISHING A FORMULA WHICH WOULD ATTEMPT TO ALLEVIATE OR CLARIFY THE PROBLEM OF DOUBLE TAXATION AND WHICH WOULD GIVE MUNICIPALITIES THE PROPER STANDING TO INSTITUTE LITIGATION WHEN DEEMED NECESSARY WITH REGARD THERETO.

WHEREAS, this Council is extremely concerned with the problems relating to double taxation and with the lack of proper standing for cities to institute litigation to seek relief with regard thereto; and

WHEREAS, it is the desire of this Council that appropriate legislation be proposed in an attempt to alleviate these problems;

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

SECTION 1. That the Florida League of Cities is hereby requested to urge the Legislature to enact legislation establishing a formula which would attempt to alleviate or clarify the problem of double taxation and which would give municipalities the proper standing to institute necessary litigation to seek relief with regard thereto.

SECTION 2. That a copy of this Resolution shall be furnished to the Resolution's Committee of the Florida League of Cities.

SECTION 3. 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 21 DAY OF SEPTEMBER, 1977.

Harry E. O. Heineman

Harry E. O. Heineman Mayor

ATTEST:
Janet L. Davis

Janet L. Davis
City Clerk

APPROVED AS TO FORM AND LEGALITY BY *John W. Fletcher*

John W. Fletcher, City Attorney

A RESOLUTION OF THE CITY COUNCIL REQUESTING THE FLORIDA LEAGUE OF CITIES TO PROPOSE AND SUPPORT AN AMENDMENT TO SECTION 200.065, FLORIDA STATUTES, RELATING TO METHOD OF FIXING MILLAGE RATE.

WHEREAS, Section 200.065, Florida Statutes, provides that no millage in excess of the assessor's certified millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority in accordance with the procedure set forth therein; and

WHEREAS, said requirement places the governing body in an unfair position in view of the fact that although a municipality may maintain its previous year's millage rate, property taxes may be increased due to increase in assessed evaluation; and

WHEREAS, it is further misleading to the public when the millage rate is reduced from the previous year's millage, but may be higher than the millage rate certified by the tax assessor because of reassessments, and the municipality is required to advertise that it is increasing the taxes, when in reality, all properties whose assessed valuation was not increased will actually receive a tax reduction; and

WHEREAS, said requirement places an undue burden on municipalities in that if the certified millage rate is reduced each year to provide revenue identical to the previous year, that assumes that a municipality should be able to continue to operate on the same revenue, irrespective of inflation and constantly escalating costs;

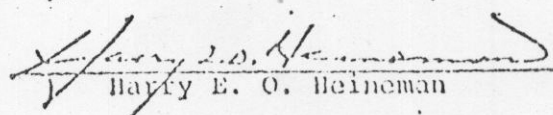
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

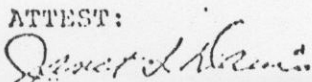
SECTION 1. That the Florida League of Cities is hereby requested to propose and support an amendment to Section 200.065, Florida Statutes, revising the procedure required for fixing millage rates, taking into consideration the objections thereto hereinabove set forth, and providing that a municipality should be required to advertise an increase in taxes only when the municipality actually increases the millage rate above the previous year.

SECTION 2. That a copy of this Resolution shall be furnished to the Resolution's Committee of the Florida League of Cities.

SECTION 3. 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 21 DAY OF SEPTEMBER, 1977.


Harry E. O. Heineman Mayor

ATTEST:

Janet L. Davis
City Clerk





City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

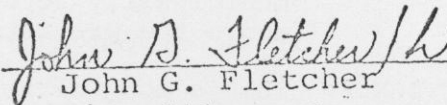
January 13, 1978

M E M O

TO: Honorable Mayor and Members of Council
FROM: John G. Fletcher, City Attorney
SUBJECT: MINI-PERC ORDINANCE

We have prepared the attached ordinance amending the City's Mini-Perc Ordinance in compliance with Order of the Public Employees Relations Commission, dated December 28, 1977.

This is being proposed as an emergency ordinance, dispensing with the requirement for second reading, due to the fact that the City only has 45 days from date of the Order to adopt the amendments and refile the same with PERC.



John G. Fletcher
City Attorney

JGF:bh

Enc.

AN ORDINANCE AMENDING ORDINANCE NO. 2215, AS AMENDED, RELATING TO COLLECTIVE BARGAINING, BY AMENDING SECTION 1.002, REDEFINING THE TERM "PUBLIC EMPLOYEE"; AMENDING SECTION 1.003 (4), DELETING REFERENCE TO CHAPTER 447, FLORIDA STATUTES THEREIN; AMENDING SECTION 1.008 (1) (g), TO REQUIRE REGISTRATION OF LABOR ORGANIZATIONS PURSUANT TO CHAPTER 447, PART I, FLORIDA STATUTES; AMENDING SUBSECTION (1) (a) OF SECTION 1.009, RELATING TO RECOGNITION OF AN EMPLOYEE ORGANIZATION AS THE COLLECTIVE BARGAINING REPRESENTATIVE; AMENDING SUBSECTION (4) (h) OF SECTION 1.013 TO SUBSTITUTE A PERIOD IN LIEU OF SEMI-COLON; AMENDING SUBSECTIONS (1) (a) and (2) (a) OF SECTION 1.016 BY DELETING REFERENCES TO SECTION 447.03, FLORIDA STATUTES; AMENDING SUBSECTION (2) OF SECTION 1.027, PROVIDING FOR THE ACCEPTANCE OF ALL PENDING CASES INVOLVING THE CITY OF NAPLES AT THEIR PRESENT STATUS UPON TRANSFER FROM THE FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION TO THE CITY OF NAPLES COMMISSION; DECLARING THIS ORDINANCE TO BE AN EMERGENCY ORDINANCE, DISPENSING WITH THE REQUIREMENT FOR SECOND READING HEREOF; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. That Ordinance No. 2215, as amended, is hereby amended as follows:

A. Subsection (3) of Section 1.002, entitled "Definitions - as used in this ordinance" is hereby amended to read as follows:

(3) "Public employee" means any person employed by the City of Naples and any subdivision or agency thereof, except:

(a) Those persons appointed by the governor or elected by the people, agency heads, and members of boards and commissions.

(b) Those individuals acting as negotiating representatives for employer authorities.

(c) Those persons who are designated by the Commission as managerial or confidential employees pursuant to criteria contained herein upon application of the public employer, or of an organization filing a petition for certification pursuant to Section 1.009 of this ordinance.

B. Subsection (4) of Section 1.003 is hereby amended to read as follows:

(4) The deliberations of the commission in any proceeding before it shall be exempt from the provisions of Chapter 286, Florida Statutes. Provided, however, that any hearing or oral argument held by the Commission pursuant to Chapter 120, Florida Statutes or pursuant to this ordinance shall be open to the public. All draft orders developed in preparation for or preliminary to the issuance of a final written order shall be exempt from the provisions of Chapter 119, Florida Statutes.

- C. Subsection (1) (g) of Section 1.008 is hereby amended to read as follows:

(g) Evidence that the organization has complied with the registration and reporting requirements of Chapter 447, Part I, Florida Statutes and evidence that its business agent is licensed in accordance with the provisions of Section 447.04, Florida Statutes.

- D. Subsection (1) (a) of Section 1.009 is hereby amended to read as follows:

(1) (a) Any employee organization which is designated or selected by a majority of public employees in an appropriate unit as their representative for purposes of collective bargaining shall request recognition by the public employer. The public employer shall, if satisfied as to the majority status of the employee organization and the appropriateness of the proposed unit, recognize the employee organization as the collective bargaining representative of employees in the designated unit. Upon recognition by a public employer, the employee organization shall immediately petition the commission for certification. The commission shall review only the appropriateness of the unit proposed by the employee organization. If the unit is appropriate according to the criteria used in this ordinance, the commission shall immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate according to the criteria used in this ordinance, the commission may dismiss the petition.

- E. Subsection (4) (h) of Section 1.013 is hereby amended to read as follows:

(h) Job security.

- F. Subsections (1) (a) and (2) (a) of Section 1.016 are hereby amended to read as follows:

(1) Public employers or their agents or representatives are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this ordinance;

(2) A public employee organization or anyone acting in its behalf, its officers, representatives, agents or members are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this ordinance; or from interfering with, restraining or coercing managerial employees by reason of their performance of job duties or other activities undertaken in the interests of the public employer.

G. Subsection (2) of Section 1.027 is hereby amended to read as follows:

(2) The Commission shall accept all pending cases involving the City of Naples at their present status upon transfer from the Florida Public Employees Relations Commission. The Commission shall honor all certifications granted by the Florida Public Employees Relations Commission.

SECTION 2. This ordinance is hereby declared to be an emergency ordinance for the purpose of promoting the health, safety and general welfare of the citizens of the City of Naples and the requirement for second reading hereof is hereby waived.

SECTION 3. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF _____, 1978, SUBJECT TO APPROVAL OF THE FLORIDA PUBLIC EMPLOYEES RELATIONS COMMISSION.

Harry E. O. Heineman Mayor

ATTEST:

Janet L. Davis
City Clerk

APPROVED AS TO FORM AND LEGALITY BY _____
John G. Fletcher, City Attorney



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

January 13, 1978

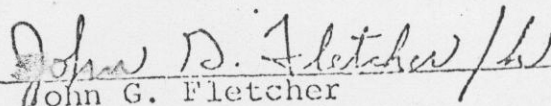
OFFICE OF THE CITY ATTORNEY

M E M O

TO: Honorable Mayor and Members of Council
FROM: John G. Fletcher, City Attorney
SUBJECT: Section 15.1 of the Charter

At the last Council meeting Council discussed amending Section 15.1 of the Charter relative to the removal from office of officials and members of commissions and boards of the City.

Upon further review of the Home Rule Powers Act, I find that no changes in the Charter are permitted with regard to "matters prescribed by the Charter relating to appointive boards" without referendum. Therefore, we have not placed an ordinance on the Agenda to amend this section. However, we have placed on the Agenda for first reading the ordinance amending the Airport Authority Act to provide for the removal of the commissioners pursuant to the Charter of the City of Naples.


John G. Fletcher
City Attorney

JGF:bh

YOUR CONSTITUTIONAL RIGHTS COULD BE VIOLATED TOMORROW!

The Naples City Council will be voting at a public hearing at 10 A.M., Wednesday, January 18. If you have never voiced an opinion or come out in favor or against a government action — now is the time! This ordinance will affect **YOU!**

Several years ago, an ordinance was put into affect banning "campers" from an area within one block of the beach in Naples. The City Council is now planning a new ordinance which will affect all Naples residents and visitors, not just campers on the beach.

Not only will "recreational vehicles" be barred from the beach area. They will be prohibited from parking on city streets for more than an hour, or from parking in driveways or yards overnight.

How will this affect **YOU?** A few of the ways passage of this ordinance will directly hurt you are listed below. Think about them — and then attend the public hearing and stand up for your rights!

Do you have friends or relatives who will be visiting you — planning to stay at your house in their "recreational vehicle"? **THEY** couldn't.

Do you own a "recreational vehicle" and sometimes leave it in your driveway overnight? **YOU** couldn't.

Do you drive a "recreational vehicle" to do your shopping, visit doctors, dentists, lawyers, banks, church or your place of business, leaving it parked on the city streets? **YOU** couldn't.

Do you sell "recreational vehicles", supplies, parts, gasoline, overnight camping areas, or food to local residents or visitors? **YOU** would lose business.

Does your job in some way depend on tourists or winter residents — many of whom come here in "recreational vehicles"? **YOU** could lose money — or your job, if they stop coming here.

Do **YOU** want these things to happen? Attend the public hearing, January 18 at 10 A.M. and let the City Council know that **YOU** don't want to be discriminated against!

This ad paid for by the concerned citizens listed below:

Jungle Larry's African Safari
Gene and Ilsa Lezgus
Coastland Chrysler Plymouth Inc.
Happy Times Inc.
Naples Sanitary Supply
Walter Phillips, Jr.
Prides
Dick Shrock RV Sales
Harold and Kathy Glazer
Armstrong Repair Service
Jack & Barb Dixon

Sun 'N' Vans Van Club
Ernie and Rachel Blodgett
Pvt. John, Inc.
Truckin' Fever Van Accessories
Robert Moorhead
Rock Creek Campground
Bob Kanapke
Marco - Naples Hitching Post
Central Sunoco
Francis Barley
Freedom Truckers L.T.D.

ATTACHMENT #0
 1689 Bonita Court
 Naples, Fla. 33942
 August 21, 1977

735 8th St. S.
 Naples, Fla. 33942

15-1

Dear Mayor Heineman;

We are writing to you about the "Camper Law" in Naples. We own a motor home & use it regularly. We pay for the storage of it each month, because we care about our neighbors & neighborhood. We would not care to see a camper parked at our neighbors home continually. However, we would like you to take some other circumstances into consideration as you give this present law some thought.

① We have access to our storage from 8-6 weekdays, & 8-12 Sat. (Some places only have access for one hour in a.m. & one hour in p.m.). If we want to use our motor home on Sunday, (which we do quite a bit), we have to get it out of storage on Sat. & return it on Monday - that means two nights parked in our driveway. If we arrive home later than 6 p.m. on a weekday it's in our driveway over-

night.

② Opening up + storing a motor home is like opening up + closing down a cottage. Before anyone goes on a trip, even in a car, they have certain maintenance items done + checked. Such as tires, wheel alignment, oil change, lubrication, etc. We must start the refrigerator - freezer to get it cold before putting the food into it. We stock campers w/ food + clothing, all linens + towels. It takes time. We really need one day before and one day after a trip to take proper care of our motor home + to do minor repairs.

To get motor home ready for storage:

- Empty, defrost + clean refrigerator
- Remove all soiled bedding, towels + clothes
- Remove all clothing + food.
- Vacuum carpeting
- Empty fresh water tank
- Wash outside of camper
- Remove CB radio, tools, books, etc.
- Check batteries, tires, gas bottles,

Generalov, (Mr Co. delioned letters)
etc.

We hope that this letter will help you to realize how hard it is for us to be law abiding citizens in Naples, with this present "Camping Law." We hope the law is rewritten so that active Camping families are not discriminated against. We are well aware of the Euclid, Ohio Decision, & hope you are too.

Yours truly,
Eugene E. Legus
Olga Legus

RECEIVED AUG 24 1977

J. Jacques Craumer, F 21620 281
1260 - 26th Ave. N.
Naples, FL 33940
12/29/77

Roger Barry, City Planning Director
City of Naples
735 - 8th Street South
Naples, FL 33940

Regarding - Zoning change or 'unchanged' concerning
Recreation Vehicles - Specifically Motor Coaches.

Dear Sir,

From past communications, either by letter or by telephone, I think that you will recall my situation. I am permanently disabled, and own and have parked my 24' Motor Coach in my driveway at the above address ever since purchasing it in 1976.

You may further recall that I appeared before Naples City Council on August 17, 1977 in regard to obtaining a Special Permit in order to continue to park said Motor Coach in my driveway, at my home, as parking it elsewhere would create a hardship on my family and myself.

Since that time, I have phoned City Hall and asked if the Zoning Change had gone through and exactly what I had to do to obtain the Special Permit. I did, in fact telephone you in this regard. You indicated that the zoning change had only been proposed and would have to be acted upon by City Council this month (December.) With that information, I wrote to Mr. Anders Sandquist on September 29, 1977 thanking him for having his enforcement officer stop at my home and indicate that I was simply to continue parking my Motor Coach in my driveway until any further action was taken.

From an item on WBBH-TV news, this past week (accompanied by the showing of film that they took last August) I now understand that the Zoning Regulations regarding Motor Coaches and other Recreational Vehicles was on the City Council Agenda at the last meeting. The City Council voted to let the existing Zoning Regulations stand, as they were in the period prior to the August 17, 1977 Council Meeting - with "one exception." - This was as TV News reported it.

I would like to have clarification, does the Zoning Regulation herein discussed stand without change? Is there an "exception" and am I that exemption or exception? If so, please so indicate to me, and tell me what I should do now.

I would greatly appreciate a copy of those Zoning Regulations that apply to Motor Coaches, plus copies of recommendations that were made to City Council and a copy of that portion of the minutes of the last Council meeting which decided the issue.

You may or may not recall that, at the August 17th Council meeting, I specifically asked the Mayor and Council if there was anything further that I should do add was I to appear before council again. The answer to both was "NO." I have the Mayor's letter of August 22, 1977 reiterating, same, he also copied you. I also have my letter (copy) of September 29, 1977. So, please advise me and send me the copies of the information requested.

cc-Mayor Harry E.O. Heineman ✓
FMCA
cf

Very truly yours,
- 64 - *J. Jacques Craumer*
J. Jacques Craumer F21620

RECEIVED DEC 30 1977

JOHN M. CUNNINGHAM
2137 N. HAMPTON CIRCLE
WINTER PARK, FLORIDA 32792

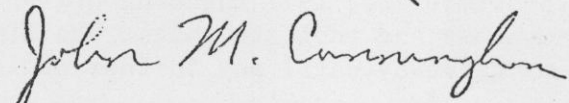
7-18-78
ATTACHMENT #8January 16, 1978
15-6

City Council
Naples, Florida

Gentlemen:

I hope you will not pass the proposed ordinance that prohibits parking any vehicle that has sleeping facilities for more than an hour on the streets of Naples as this would be a clear violation of the constitutional rights of not only the citizens of Naples but of any visitor from anywhere in the United States. I urge you not to pass this measure.

Yours truly,



John M. Cunningham

RECEIVED JAN 17 1978

XC: Council
Manager
Attorney
Clerk

RECEIVED JAN 6 1978

1285 Forest Avenue, North
Naples, Florida 33940

January 5, 1978

15-3

Mayer Harry Heineman
City of Naples
735 - 8th Street, South
Naples, Florida 33940

Dear Mayer Heineman--

My husband and I have been tax (property and any other taxes) paying residents of Naples for almost five years and have abided by all rules.

This ~~xxxx~~ past year (about a year ago) we bought a 23-foot Winnebago recreational motor home. ~~vehicles~~. We bought it only for personal trips and not to keep at our home except when preparing or returning from a trip. We pay year-round storage at one of the storage lots for motor vehicles.

Because of illness we were unable to attend the January 4 meeting of the Naples City Council on the restrictions on motor vehicles (motor home). We are in agreement that they should not be allowed to park on the street overnight for living and eating purposes.

In reading the January 5 edition of the Miami Herald, one paragraph read: "unoccupied trailers and campers, according to the proposal, could not be parked in front of homes or in driveways. They would have to be stored in carports and private facilities."

In the first place, we have a garage and our motor home would not fit into it. Anyone with an ounce of intelligence would know that if you are planning a prolonged trip (such as the almost three-month trip we took last summer), you need a few days to have the motor home at your residence to get it ready and also on return there has to be a period for getting it ready for storage. Our particular neighborhood seems to be reported almost within the hour if a motor home is in the driveway.

Yet during the Christmas holidays I had the occasion to drive through the Moorings, Park shore, and Port Royal several times and each time I saw motor homes in the same driveways. The people probably were not living them but were just visiting the occupants of the house and it seems that is perfectly legitimate if the occupant approves.

But I strongly protest the fact that you can't have your motor home parked in your residential driveway when you are getting ready for a trip. I'm sure anyone traveling by plane or automobile or ship would need more than half an hour to get ready. With packing clothes (for different climates), food, and all other necessities I can assure you I need more than one day. Even on a one-day trip we could not get back in time to meet the storage lot's closing hours.

I also think beautification is one item that should be considered by the Council. Most yards in our area are fairly well kept but some places are awful. I would like to see a citizens association organized. Why across the street from one of your planning board members is a house that should have been condemned long ago (on 8th St. south--2nd from corner). We hope to be recovered sufficiently to attend the next meeting. Yours truly,

Agenda Items 15 & 16
1/18/78

RICHARD C. CAMERON
610-13th AVE. SO.
NAPLES, FLORIDA 33940

1-4-78
610 13th Ave S
Naples, Fla
15-4

Hon: City Council,
City of Naples,
Fla

Gentlemen: I wish to go on record as opposed to the proposed 'R.U.' ordinance, we have friends who plan to visit us from Nova Scotia for 2 weeks, and their only vehicle ~~will~~ will be their new G.M.C. pickup truck with a small utility camper on it. If this ordinance passes as I understand it, my friends will have no place to park it - it will not go under my carport.

They will not be using the camper at all while in Naples, except for their own transportation.

Please vote against this ridiculous proposal.

Yours truly.

Richard C. Cameron

A resident in Naples since 1956.

RECEIVED JAN 6 1978

15-5

R. GRAEME SMITH

Naples City Council
City Hall
Naples, Florida 33940

Dear Ladies and Gentlemen:

I am a veteran of World War II with a service-connected disability which the U.S. Veterans Administration evaluates at 100% with loss of use of both lower extremities. In consequence, I spend my waking hours in an electric wheelchair.

As the chair is quite heavy, for a protracted period of time I was confined to my home in Connecticut.

A little more than a year ago with the assistance of the Veterans Administration I acquired a Dodge Tradesman 200 van which is equipped with electric doors, a wheelchair lift, hand controls and a unit in the rear which can be converted into a bed in order that I may rest while my wife is driving on the long trip to Naples.

By reason of the presence or potential presence of the bed, I assume that this vehicle can be classified as a camper.

With dismay I read the front page story on two proposed ordinances regarding vehicles such as my own in the Naples Daily News of Monday, 2 January 1978.

My wife and I have rented an apartment here for 3½ months this year and have enlisted a local realtor to help us locate a single family house that we can purchase.

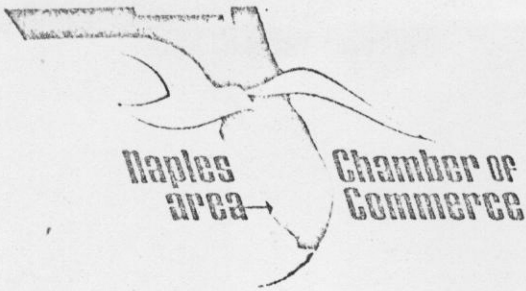
It is my hope that, if you determine that such restrictive ordinances are needed to protect your community, you will provide some exception that will permit those of us who have no choice as to the type of vehicle we drive to move about in and enjoy your community.

Sincerely yours,

R. Graeme Smith

Apartment 212
310 10th. Avenue South
Naples
3 January '78

RECEIVED JAN 5 1978



1700 NORTH TAMiami TRAIL • NAPLES, FLORIDA 33940 • PHONE (813) 262-614

RESOLUTION

WHEREAS, the Airport Authority of the City of Naples was originally created to relieve the City Council of the management responsibilities, financial burden and planning requirements of the Naples Airport; and

WHEREAS, in the past seven years, the Airport Authority has fulfilled its obligations under its mandate by upgrading facilities, by becoming financially self-sufficient, and by transforming a totally inadequate aviation facility into one of the finest small airports in the country; and

WHEREAS, it has been able to fulfill its function primarily because of its independence from political control and its autonomy in its decision-making powers;

NOW, THEREFORE, be it resolved by the Board of Directors of the Naples Area Chamber of Commerce, at a regular meeting, as follows:

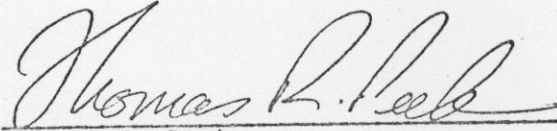
1. That the City Council recognize that the original intent of elimination of political control of the Airport is still a valid consideration;
2. That the autonomy created by the original charter of the Authority includes the control of planning and zoning as well as the establishment of other rules and regulations;
3. That the proposed Ordinances amending Chapter 69 - 1326, Special Acts of Florida, relating to the City of Naples Airport Authority amending Section 4(0) with respect to planning and zoning powers over Naples Airport properties and proposed amendments to the third paragraph of Section 3 entitled "Commissioners" and the fifth paragraph of Section 3 entitled "Removal of Commissioners" not be passed by the Council:

RESOLUTION (continued)

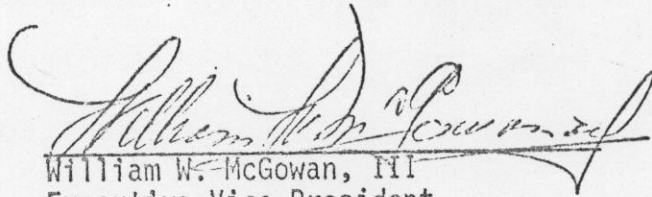
-2-

4. That the City Council and Airport Authority be urged to avoid litigation regarding the question of control of the Airport.

Passed in regular session this 17th day of January, 1978



Thomas R. Peek
President



William W. McGowan, III
Executive Vice President

SS
1/17/78



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

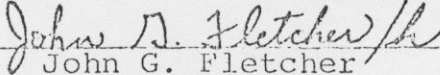
January 13, 1978

M E M O

TO: Honorable Mayor and Members of Council
FROM: John G. Fletcher, City Attorney
SUBJECT: Assistant State Attorney

We have placed on the Agenda for Council consideration the attached Resolution and Contract relating to employment of an Assistant State Attorney.

The County has approved and executed this Agreement and State Attorney Joseph D'Alessandro has indicated that he will sign the same upon execution by the City and County.



John G. Fletcher
City Attorney

JGF:bh

Enc.

RESOLUTION NO. 2885

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN COLLIER COUNTY, JOSEPH P. D'ALESSANDRO, STATE ATTORNEY, AND THE CITY OF NAPLES RELATING TO EMPLOYMENT OF AN ASSISTANT STATE ATTORNEY FOR THE SOLE PURPOSE OF PROSECUTING VIOLATIONS OF COUNTY AND MUNICIPAL ORDINANCES AND LAWS, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

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

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute an Agreement between Collier County, Joseph P. D'Alessandro, State Attorney, and the City of Naples, a copy of which is attached hereto and made a part of this Resolution.

SECTION 2. 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 _____ DAY OF JANUARY, 1978.

Harry E. O. Heineman Mayor

ATTEST:

Janet L. Davis
City Clerk

APPROVED AS TO FORM AND LEGALITY BY _____
John G. Fletcher, City Attorney

THIS AGREEMENT, made and entered into this 10th day of January, 1978, by and between COLLIER COUNTY, hereinafter called "County"; the CITY OF NAPLES, FLORIDA, hereinafter called "City" and JOSEPH P. D'ALESSANDRO, hereinafter called "State Attorney";

NOW, THEREFORE, WITNESSETH, that for and in consideration of the covenants hereinafter provided, the parties agree as follows:

1. The State Attorney agrees to supervise an employee to be hired by the County as an Assistant State Attorney for the sole purpose of prosecuting violations of county and municipal ordinances and laws relating to Collier County and the City of Naples.

2. The State Attorney agrees to provide all necessary office facilities, other than a legal secretary, required by said Assistant State Attorney.

3. The State Attorney agrees to designate said County employee as an Assistant State Attorney, with full authority provided by Florida Statutes for such position.

4. The County agrees to hire such individual as a County employee.

5. The City and County agree to pay 50% each of the actual costs, as determined by the State Attorney, of the salaries and required fringe benefits of the Assistant State Attorney and of his legal secretary; provided, however, if Collier County is able to obtain a CETA grant for said legal secretary, the City shall not be required to contribute any funds thereto.

6. The Assistant State Attorney provided for hereunder shall serve through July 1, 1978, after which date the parties hereto may re-negotiate this agreement predicated upon actual experience.

their signatures and seals this, the day and year first

above written.

ATTACHMENT #13 - page 4

COLLIER COUNTY

By Russ Wimer



William Hooper
Clerk

CITY OF NAPLES, FLORIDA

ATTEST:

Janet L. Davis, City Clerk

By Harry E. O. Heineman, Mayor

Joseph P. D'Alessandro
State Attorney



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: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: CONSIDERATIONS AND ALTERNATIVES REGARDING THE
MC DONALD QUARTERS PROBLEM

DATE: JANUARY 13, 1978

There are a number of alternatives which the Council could choose to pursue as it relates to a resolution of the McDonald Quarters problem. I am bringing these to you for your consideration as there are several different courses of action which the Council could select. No one of these solutions is without some advantages and disadvantages; consequently, it is simply a need to attempt to find the best one possible. The major problem, obviously, involves the funding of the solution.

The details of one solution, the creation of a housing authority and utilizing a Turn Key Program, are contained in the memo with reference to Workshop Agenda Item #1. The advantage of utilizing this alternative is that it is a means to attempt to solve the problem and also does not involve any funding by the City other than the acquisition of the present McDonald Quarters units. The chief disadvantage of utilizing this concept is that it creates an autonomous authority which does not necessarily need to follow the will of the majority of Naples citizens in that the board is not elected and consequently is not accountable to the people.

Alternative number two is to follow the present course of action. This involves the continuing effort to obtain a substantial contribution from a potential donor which would appear to result in the acquisition of the Carver Site and, hopefully, provide sufficient funds in combination with the \$150,000 HUD grant to complete the acquisition of the Carver Site and pay the balance of the McDonald Quarters acquisition agreement without the use of any additional City funds. The advantage of following this course of action is that it, hopefully, would not involve funding

Mayor and Council
(McDonald Quarters)
January 13, 1978
Page 2

by the City and would accomplish the goal of the acquisition and demolition of the McDonald Quarters units and provide the site for the replacement housing. The only disadvantage to this course of action is a slight delay until such time as a decision is made regarding the major contribution. Should it not be forthcoming, the Council would then certainly want to look at other alternative means of solving the overall problem.

The third alternative would involve following the present course of action if the City did not receive the major contribution. This would involve the City making an offer to the School Board for acquisition of one-half of the multi-family zoned portion of the Carver Site, then applying for additional HUD funds, approximately \$150,000, to buy the second half of the multi-family zoned area of the Carver Site. The application for the second \$150,000 would not be possible until the City had expended the presently approved grant. The advantage of this alternative, assuming success in the application for the additional \$150,000, is that it would acquire an adequate site with no City funding involved for the site itself and would reduce the total City obligation only to the McDonald Quarters acquisition agreement. Due only to a slight delay in alternative two, alternative three would not seem best to pursue until all efforts had been made to attempt to complete the plan for alternative two.

Alternative four would be the purchase of the Watkins/McDaniel Site, which had been offered to the City for the exact amount of the presently approved HUD grant, and simply continue with the McDonald Quarters acquisition agreement. The advantage of this is similar to the advantage in alternative three in that it would reduce City funding to only the McDonald Quarters acquisition agreement. The disadvantage to this is that it was not recommended as a site by the Site Selection Committee.

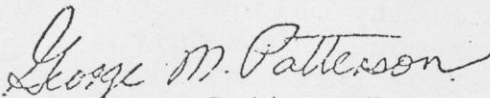
One additional option on which no decision is necessary at this time would be for the City to apply for Section 8 rent supplement funds for new construction, as would be applicable to alternatives two, three and four. This application, if desired by the Council, would not even be submitted until at least the very late part of this year or even early 1979.

Mayor and Council
(McDonald Quarters)
January 13, 1978
Page 3

As it relates to alternatives two, three and four, approval by HUD of either the Carver Site or the Watkins/McDaniel Site is necessary before any acquisition could be completed.

The McDonald Quarters problem has been one that has continued over a period of years. While I share the desire to solve the problem at the earliest possible date, I suggested at the time the present course of action was approved that, depending upon sources of funding, it might take as much as three years to resolve the entire problem. This is the reason I explained to the Council that the McDonald Quarters acquisition agreement was phased over a three-year period to allow the City the necessary time to complete both the acquisition and demolition of the McDonald Quarters units, acquire a replacement housing site and ultimately, through either a non-profit organization or private developer, provide the replacement housing.

Respectfully submitted,


George M. Patterson
City Manager

GMP/tan