

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD
 IN JOINT PUBLIC HEARING WITH THE NAPLES PLANNING ADVISORY
 BOARD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA,
 WEDNESDAY, FEBRUARY 1, 1978, AT 9:00 A.M.

Present: Harry E. O. Heineman
 Mayor

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

Absent: C. C. Holland
 Councilman

Planning Advisory
 Board:

Clayton E. Bigg, Chairman
 Lawson Adams
 Edward Twerdahl

Absent: Roger Billings
 Donald Boyes

Also Present:

George M. Patterson
 City Manager
 John Fletcher
 City Attorney
 Franklin Jones
 Finance Director
 Bradley Estes
 Assistant to the City Manager
 William Savidge
 Director of Public Works
 Mark Wiltsie
 Purchasing Department
 Nathaniel Hooper
 Senior Engineering Technician
 Anders Sandquist
 Building & Zoning Official
 Roger Barry
 Planning Director

 Rev. Harold B. Brown, Jr.
 John Offutt
 Ron Wood
 Ted Smallwood
 Harry Rothchild
 Cliff Schneider

Gordon Dilno
 John Forsyth
 William Shearston
 Wade Schroeder
 David Heron
 Walter Keller
 David Work
 Finley Talbot

News Media:

Allan Bartlett
 Fort Myers News Press
 David Swartzlander
 Naples Daily News
 Ray McNally
 TV-9

Other interested citizens and visitors.

Mayor Heineman called the meeting to order; whereupon, the Reverend Harold B. Brown, Jr. of the East Naples United Methodist Church gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of minutes.

Mayor Heineman called Council's attention to the minutes of the Regular Meeting of December 21, 1977 and the Regular Meeting of January 4, 1978.

There being no corrections or additions, Mr. Thornton made a motion that they be approved as submitted, seconded by Mr. McGregor and unanimously carried on voice vote with Mr. Holland being absent and not voting.

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

Mr. Bigg organized the Planning Advisory Board and roll call indicated Mr. Billings and Mr. Boyes absent.

AGENDA ITEM 4-a. Rezone Petition #77-R7, Moorings Country Club, from "R1-10" Single Family Residential to "PS" Public Service Zone.

City Attorney Fletcher read the Notice of Public Hearing as published in the January 17, 1978 edition of Naples Daily News; whereupon, Mayor Heineman declared the Public Hearing open at 9:11 a.m.

Mr. Bigg, Chairman of the Planning Advisory Board, said that he may have some comments later, but he would like to hear from the petitioner at this time.

Mr. Finley Talbot, representing the Moorings Country Club, pointed out that there now exists a zoning category called Public Service; and since the country club is now a legal non-conforming use now in a single family residential zone and they would like to be re-zoned with the new "Public Service" category. He stated that the club had no immediate plans for any changes at this time, but would like to be re-zoned now so when the time came they would be properly zoned to obtain permits.

Mr. David Work who lives across from Lot No. 1 came forward to speak against this new Public Service zoning because it was not specific enough. He felt a site plan should be required before anything is rezoned in this category. He asked that this petition be held in abeyance until further study has been made.

Mr. Gordon Dilno, whose property is adjacent to Lot No. 1 came forward to speak against the petition of the County Club in that he felt they are already in violation of the noise ordinance and the variance they were granted for parking on Lot No. 1. He noted that instead of a parking lot, they have built a practice green.

Mr. Roger Barry stated that there was discussion presently with the Planning Advisory Board about requiring the submittal of a site plan for the development of any property to be zoned Public Service. He read a letter from Mrs. William Hinton (Attachment No. 1) asking that if this request were granted that there be a stipulation that if the Country Club sold the property, it would revert back to single family-residential. Mr. Barry suggested that Council could grant approval of the re-zoning with the condition that it apply only to the Moorings Country Club.

In answer to Mr. McGrath's question of whether the City had control of this property under the D-R1-10 because they would have to submit any plans for change to Planning Advisory Board, Mr. Barry pointed out that they may continue to exist as they are, but they can not expand, nor could they re-build in case of disaster. Mr. McGrath asked if they were re-zoned and then sold, would the property still be Public Service in the middle of a residential zone, to which Mr. Barry answered in the affirmative.

Mrs. Corkran observed that if they were burned down, they could get re-zoned at that time in order to rebuild.

Mr. Fletcher pointed out that under Florida law, Council could not attach a condition to the change of zone. They would have to change the category and then they could attach any conditions that were spelled out in the category.

Mr. Adams asked if this matter could be adjourned awaiting a change in the ordinance to which Mr. Fletcher replied it could be recessed; and also under the zoning provisions it could be referred back to the Planning Advisory Board for further study. Mr. Bigg pointed out that the Planning Advisory Board had not yet made any recommendation to Council on this petition.

Mr. Thornton asked if the screening had been done to the satisfaction of the neighbors and the answer was that on one side everything had either died or disappeared. Mr. Finley stated that that was due to lack of water and was being corrected.

Mr. Harry Rothchild spoke to Council to state that he felt confident that the Moorings Country Club would do everything to conform with the City regulations.

After more discussion regarding Public Service zoning, and its effect on pocket areas such as the country club, Mayor Heineman closed the Public Hearing at 9:50 a.m.

Mr. Adams moved that Re-zone Petition 77-R7 be recessed awaiting further action on proper control in the Public Service zoning requirements, seconded by Mr. Twerdahl and unanimously carried with Mr. Billings and Mr. Boyes being absent and not voting.

Mr. Bigg offered his regrets that this situation had occurred and inconvenienced the people it affected.

Mr. Bigg made a statement relative to this being the last meeting of these Council members. (Attachment No. 2)

It is noted for the record that the Planning Advisory Board was excused at 9:56 a.m.

AGENDA ITEM 5. Bid award - Harbour Drive and Tenth Avenue South Reconstruction Project.

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

A RESOLUTION ACCEPTING AND AWARING BID FOR HARBOUR DRIVE AND TENTH AVENUE SOUTH RECONSTRUCTION PROJECT; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR.

City Manager Patterson pointed out that bid was under the estimate by about \$14,000 and it is also under the budgeted figure.

Mayor Heineman asked Mr. Cliff Schneider about the schedule for this project. Mr. Schneider stated that the section from Crayton Road to U. S. 41 would be started first because of the heavy seasonal residents' traffic on the section from Crayton Road to Gulf Shore Boulevard. He stated that they would have meetings with City Manager, Public Works Director and coordination

with the Police Chief regarding the establishment of actual notice to proceed on the section between Crayton Road and Gulf Shore Boulevard. He said he expected to do Crayton Road to Gulf Shore around mid-April or the end of April.

Mr. McGregor moved that Resolution 2891 be approved, seconded by Mr. Thornton.

Discussion on placement of gutters and curbs followed. Mr. Schneider again summarized that there will be valley swales on both sides of the roadway, and median curb will be in the center where it is four-laned between Crayton Road and U. S. 41. Storm water management retention areas will be behind the valley gutters, placed as necessary to achieve the proper storm water retention. Project has been approved by Collier County Water Management Advisory Board and South Florida Water Management District. There will be collateral project of cleaning out the drains of the Moorings Country Club. That is a City drainage easement. They will be inter-connecting the lake with pipe and constructing a water control structure.

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

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

Further discussion on the protection of the existing Royal Palms on the median, which protection was assured by Mr. Schneider.

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Mr. Fletcher asked at this time to introduce Mr. John Offutt, the new assistant State Attorney, who will be prosecuting the violation of City Ordinances. He also pointed out that the City and County were able to obtain CETA assistance for the secretary for this office so that the estimate of \$4,000 as a maximum was high and actual amount the City will have to pay for this service is \$3,141.45.

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AGENDA ITEM 6. Rogers, Silva, Robbins, Moon & Company, C.P.A., present the annual audit for the City of Naples for the fiscal year beginning October 1, 1976, through September 30, 1977.

Mr. Wood spoke for his firm and thanked Mr. Patterson, Mr. Jones and their staffs for their cooperation in the audit this year. He mentioned some highlights of the audit, stating that this was a very successful year. He went on to state that comparing this year with last year showed a very significant increase in the management of the general fund. He cited the income in the Water and Sewer Department and commended the City for the operation of that Department.

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At this point Mr. Blanquart stated that that income reflected a raise in rate in anticipation of having to spend in finance and funds for a large expansion of our water system and that it was a deliberate plan and Mr. McGrath pointed out that such a deliberate plan was good management.

Mr. Wood went on to point out two other aspects that were not reflected here which were the up-coming bond issue to fund those improvements and the fact that the City in the past has never recognized any depreciation factor on obsolescence. He reminded Council of their letter to Council and their recommendations for the third year in a row that consideration be given to recognizing depreciation in this system.

Mr. Patterson noted that according to the EPA standards this has to be done, because they require a depreciated schedule.

In summing up his comments, Mr. Wood stated that the acquitted position of the City is fantastic and they were to be complimented.

Mr. Blanquart inquired about the number of bank accounts the City had and Mr. Wood replied that this was being researched to determine which accounts may be mandated and could not be closed. Following this, proper action would be taken to reduce the number of accounts open.

Mayor Heineman wished to note that by careful judgment in the date of purchase of the federal securities to be put in escrow to help retire former bonds, a savings to the City of \$215,000 had been realized.

AGENDA ITEM 7. PUBLIC HEARING: 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. (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 10:27 a.m. and there being no one present wishing to speak for or against, closed the Public Hearing at 10:28 a.m.

There being no discussion Mr. Thornton made a motion that Ordinance 2892 be adopted on Second Reading, seconded by Mr. McGrath.

Roll Call Vote:

Mr. Blanquart	Yes
Mrs. Corkran	Yes
Mr. Holland	Absent
Mr. McGrath	Yes
Mr. McGregor	Yes
Mr. Thornton	Yes
Mayor Heineman	Yes

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

AGENDA ITEM 8. An ordinance authorizing the transfer of funds from the contingency fund to the appropriate accounts to cover expenditures as set forth herein; and providing an effective date. (First Reading) Requested by City Manager.

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

Mr. McGregor moved that this Ordinance be approved on First Reading, seconded by Mr. Blanquart.

Mr. McGrath asked what that left in the contingency fund to which Mr. Patterson replied the City still had \$160,000. He went on to state that this had been brought to Council previously at the end of each fiscal year, but he had suggested last year, in order to keep a better running balance so that Council would be aware of the financial position, that he attempt to bring those items approved by Council to them on a quarterly basis as it requires an ordinance to transfer these funds.

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

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

AGENDA ITEM 9. An ordinance amending Chapter 8, entitled "Buildings" of the Code of Ordinances of the City of Naples, Florida, by amending Paragraph (a) of Section 8-2.3, relative to erection of buildings in flood hazard areas, providing construction criteria for buildings erected in flood hazard areas; and providing an effective date. (First Reading) Requested by Building & Zoning Administrator.

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

Mayor Heineman asked Mr. Sandquist where the 100 year flood level figure came from.

Mr. Sandquist spoke regarding the history of these elevations and their required usage in our ordinance by the Federal Flood Insurance Program of the Housing and Urban Development Department. They sent the City a map outlining areas along the Gulf and the various levels they mandated that buildings had to be raised above the mean sea level. Some officials had gone to Washington in 1973 to argue the elevations required by the Flood Insurance Program, but they did not agree with the local officials. Now it appears their latest program is going to lower these requirements by a foot or two.

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He went on to state that this ordinance was before Council to include criteria sent in their latest list of requirements and these must be included to maintain our eligibility for the Flood Level Insurance. He further stated that there is no way a home owner can get a mortgage unless he has it backed up with flood insurance so he must live up to the standards they require. The building department can not issue a permit to anyone unless he complies with their regulations or he has received a variance from it from the City's Board of Appeals.

AGENDA ITEM 10. An ordinance amending Article VI, entitled "Housing Code" of Chapter 8 of the Code of Ordinances of the City of Naples, by amending Paragraphs (e) and (f) of Section 8-68, relative to general requirements for structures, providing requirements for exterior walls and interior walls and ceilings; further, by amending Paragraph (a) of Section 8-72, relating to heating and cooking installation, providing minimum heating requirements; and providing effective date. (First Reading) Requested by Building & Zoning Administrator.

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

Mr. Thornton made the comment that he did not see how this could possibly be enforced.

Mr. McGregor wondered if this could be made retroactive or applied to existing structures. When answered in the affirmative, he suggested applying it to McDonald's Quarters.

Mr. Thornton expressed doubts about being able to inspect the interiors of houses affected by this ordinance to which Mr. Patterson offered the opinion that people who rent could make a complaint, whereby a house could be inspected on the interior.

Mr. Blanquart offered the explanation that heating capabilities could be measured on a chart with given cubic feet, specific type of construction, number of doors and windows and type of insulation.

Mr. Bill Shearston of the Contractors' Association made a comment to the effect that the criteria referring to the interior upkeep didn't belong in an ordinance.

Mr. Blanquart stated that this provision was in every housing code he had read.

Mr. Harry Rothchild spoke against the ordinance in that it was unenforceable.

Mr. Patterson stated that an ordinance of this type had been requested by Council for quite some time and it has taken a long time to prepare it.

Mr. Sandquist spoke of the difficulty of enforcing this ordinance. He did say he had gone to McDonald Quarters during some of the colder months and had gotten readings of 65°F in the homes that had been open to him. He felt inspecting interior painting would be a problem.

Mr. Blanquart pointed out the hazard of portable heaters and that this particular ordinance did away with portable heaters, requiring permanent ones. He again pointed out the method of checking heating capabilities of a heating unit by using a calculation of the area to be heated. He also referred to Mr. Patterson's illustration of the person who is renting and complains and the capability of enforcing this ordinance in that instance. He went on to say that the reason for being concerned with appearance of housing in zoning is because if a building is allowed to deteriorate, it has a negative effect on the property surrounding it.

Mr. McGregor felt that the exterior walls criteria were good but agreed that the present ordinance that only pertained to interior walls was very difficult to enforce.

Mayor Heineman stated that though there were many commendable items in the ordinance, the way it was written, it lacked practicality.

Mr. Bigg spoke against the ordinance as having many faults and could be unconstitutional.

Mr. Fletcher pointed out that there could be no inspections of the interior of a building without a warrant for which there would have to be probable cause; however, a person who was renting could make a complaint and allow an inspector on the premises for an inspection.

Mr. Blanquart made a motion to approve this ordinance on First Reading, seconded by Mrs. Corkran.

Roll Call Vote:

Mr. Blanquart	Yes
Mrs. Corkran	Yes
Mr. Holland	Absent
Mr. McGrath	No
Mr. McGregor	No
Mr. Thornton	No
Mayor Heineman	No

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

AGENDA ITEM 11. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples, Florida, by amending Section 8-3 thereof, relating to amendments to the Standard Building Code, by adding a new paragraph (c) to Section 105.2 of the Standard Building Code, 1976 edition, requiring each applicant for a building permit to submit a time schedule indicating construction completion date; further, by amending Section 8.5 thereof, providing a time limitation on building permits and requiring completion of construction in accordance with the time schedule submitted; 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.

Mayor Heineman asked Mr. Bill Shearston if members of the construction industry have had an opportunity to see this ordinance.

Mr. Shearston replied that he did not know, but he stated that he did not see anything wrong with it; and Mayor Heineman reminded him of the Public Hearing yet to be held at the Second Reading.

Mr. Thornton asked if this would apply to work in progress, particularly the project that has taken so long and caused so much discussion to which Mr. Fletcher replied they would have three months to comply.

Mr. Thornton moved that this Ordinance be approved on First Reading, seconded by Mr. McGregor.

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

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

AGENDA ITEM 12. 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 a procedure for filing 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); providing for review of certain decisions by the City Council; and providing an effective date. (First Reading) Deferred from Regular Meeting of January 18, 1978.

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

There being no discussion, Mr. Thornton moved that this Ordinance be approved on First Reading, seconded by Mr. McGrath.

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

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

AGENDA ITEM 13. An ordinance establishing a Design Review Committee under the Planning Advisory Board for the purpose of reviewing plans and specifications submitted in connection with applications for building and sign permits, excluding therefrom single-family construction, and making recommendations to the Planning Advisory Board relative thereto, to assure harmonious design and good appearance; providing for the appointment of said committee by the City Council; and providing an effective date. (First Reading) Requested by Councilwoman Corkran.

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

Mr. Thornton had no basic objection to the ordinance; however, he felt there should be a method of appeal in it.

Mrs. Corkran made a brief statement to bring Council up to date on why this ordinance was before them, going back to when Council created a task force to consider a Community Appearance Board. She wished to read their names for the record and extend to each of them a thank you for their time and expertise. The members of that committee were Walter Keller, Carl Guenther as chairman, Richard Morris, John Steinwand, Betty Mintz, Clayton Bigg, Bruce Quintelier, Stockton Renfroe, and Warren Nelson. In November Mr. Guenther made a report that the task force concluded in a 7-1 vote, "We recommend to the City Council that a Community Appearance Board be created as a separate design review board. According to our City Attorney, the Charter describes and assigns the duties and functions of a Community Appearance Board to the Planning Board. Short of a Charter change, a separate board can be established as a committee of the Planning Board." She went on to state that at their most recent meeting, the Planning Board made this suggestion that such a board or committee be established in this way, recognizing the importance and the contribution which a Design Review Committee can make to the community. And this is why the ordinance is before Council today. (Attachment #3)

There followed a discussion on the language of Section 3 regarding the vote of the committee regarding a recommendation to the Planning Advisory Board. It was decided to delete the word "affirmative" and change the wording to "the vote of those present shall be necessary for any recommendation thereof."

Mayor Heineman questioned the use of the word "construction" in the last sentence of Section 3. After discussion it was the consensus of Council to change that to "development".

Mrs. Corkran wished to point out that the words "Design Review" was used in the language of the task force itself and they are used nation-wide in naming committees of this sort. And this is the title of the book that Mr. Guenther asked Council for permission to purchase.

Mayor Heineman noted that Council has not had any up-dated recommendations from the task force.

Mr. Shearston questioned the effect of a negative vote and negative recommendation to the Planning Advisory Committee from the Design Review Committee and Mrs. Corkran explained that they are merely taking a function of the Planning Advisory Board and reviewing this, rendering an informational service to the Board.

Mr. Blanquart read into the record a letter dated January 28, 1966, written by a person who is very knowledgeable, but he had not asked that person for permission to use his name. (Attachment #4)

Mr. Bigg spoke in support of the Design Review Committee as opposed to an independent Community Appearance Board in that Planning Advisory Board would not be side-stepped. He stated that the Planning Advisory Board would be protected by having the opportunity to accept or reject the recommendations. He also questioned extra time involved in additional meetings of another group and wondered if they could meet on the Agenda of the Planning Advisory Board.

Consensus of Council was that the Committee's meetings should be flexible. Mr. Bigg expressed a desire to keep the number of meetings to as few as possible.

Mayor Heineman again noted the absence of a recommendation from the task force and did not want to ignore the work they had done; however, Mrs. Corkran felt Council was complying with the recommendation received some time ago.

Mr. McGregor moved approval of this Ordinance as amended on First Reading, seconded by Mr. McGrath.

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

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

Mrs. Corkran read a letter from Mrs. Janet S. Short into the record (Attachment #5) and submitted several other letters to be kept in the records supporting this committee. (Attachments #6-#7-#8-#9)

Mrs. Corkran noted for the record that initially there had been discussion that this committee would be formed with a majority of representatives of the three-dimensional disciplines such as architects, interior designers and/or landscape architects and she hoped this might even become a requirement in the future.

AGENDA ITEM 14. An ordinance repealing Ordinance Number 1523 which vacated and abandoned a drainage easement over Lot 21, Oyster Bay, Unit 5, and a cul-de-sac on Lot 19, Oyster Bay, Unit 2; and providing an effective date. (First Reading) Requested by City Manager.

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

Mr. Fletcher made the following statement, "There is a batch of material which is attached to this, but we have experienced a problem in regard to this. The original Ordinance 1523 which we are suggesting be repealed by you provided for the vacation of a cul-de-sac and an easement. However, we were promised at the time that we would receive easements in exchange and that the cost of moving the cul-de-sac to another place would be paid for by the property owners. We are experiencing considerable difficulty with them. My research reveals that this vacation was never completed by recordation in the Public Records of the County and so I simply suggest that we repeal what was done before and leave the cul-de-sac where it is, unless they want to come in and live up to the promise which would then be up to you."

He further stated that it was vacated on the basis that there would be no necessity for it because we would have other easements and the cul-de-sac moved and that is not the truth. In answer to Mr. Thornton's question, Mr. Fletcher replied that it will block any development.

Mr. Thornton moved that this Ordinance be approved on First Reading, seconded by Mr. Blanquart.

Roll Call Vote:

Mr. Blanquart	Yes
Mrs. Corkran	Yes
Mr. Holland	Absent
Mr. McGrath	Yes
Mr. McGregor	Yes
Mr. Thornton	Yes
Mayor Heineman	Yes

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

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Mr. Walter Keller asked to address Council at this time. He made an inquiry regarding Agenda Item 13 and was told that Council had acted on it. He wanted to point out that he had been appointed acting-chairman of the task force and he had not received word that this was on the Agenda. He stated that the task force had presented one recommendation to Council and had not received any response. He further stated that he had a rough draft that "puts it as I see it into a nutshell and tells us what we can and can't do, at least in my opinion." He felt that in view of the time the members of the task force have spent that it was unfortunate that they had not been informed of this pending discussion.

Mayor Heineman acknowledged that Council had not had a final recommendation from the task force but he noted that this was a First Reading and there would be a Public Hearing on this. He suggested that the task force be provided with a copy of the ordinance as amended as passed on First Reading.

Mr. Keller felt that the ordinance as written would not be what he thought the task force was thinking of recommending.

Mrs. Corkran stated that the recommendation of the task force was part of the record this morning and she expressed Council's appreciation for efforts of the members of the task force and Mr. Keller's valuable suggestions.

Mr. Keller expressed his desire to bring his recommendations before Council today.

Mayor Heineman stated that he would be very happy to have Mr. Keller present his recommendations and he hoped that the ordinance passed on this date might be congruent with what Mr. Keller's recommendations may be. Consensus of Council members was that they would like to hear the recommendations.

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AGENDA ITEM 15. Request by Senator Jim Glisson that Council support Senate Bill 231 to require that all state-mandated programs also include funding mechanism.

Mayor Heineman asked for an explanation of Agenda Item 15 to which Mr. Patterson replied that the thrust of the Senate Bill is to require that all state mandated programs also include a funding mechanism. In other words in the past if they have mandated a program the city or county has had to do it and also pay the costs. The bill is stating that the state will have funding for any mandated programs. (Attachment #10)

Mr. Thornton made a motion to endorse this Bill, seconded by Mr. McGregor.

At this point Mr. Fletcher pointed out that there was a "hooker" in the wording of this bill as written. His interpretation of the wording "means of financing such activities, services or facilities may be through remission of additional funds of the state to said municipality through specific authority or county to levy a special tax therefor," was that they could direct City to levy a new tax on their people.

Mr. McGregor withdrew his second of the motion.

Mr. Blanquart suggested opposing the bill and stating reasons in a letter from the City Manager so that other jurisdictions will understand Council's viewpoint.

Mr. Thornton withdrew his motion to endorse.

Mr. McGrath made a motion to oppose this bill with a letter from the City Manager outlining Council's reasons, seconded by Mr. McGregor, and motion carried by unanimous voice vote.

Mr. Fletcher suggested a wording change to "the means of financing such activities, services or facilities shall be through remission of additional funds of the state to said municipality or county."

AGENDA ITEM 16. Discussion and action on revenue requirements - City-County Water Sewer Agreement. Requested by Consulting Engineer.

City Attorney Fletcher read the below captioned resolution for consideration by Council.

A RESOLUTION ESTABLISHING THE RATES TO BE CHANGED BY THE CITY TO THE COUNTY FOR BULK RATE WATER SERVICE PURSUANT TO AGREEMENT BETWEEN THE CITY AND COUNTY, DATED OCTOBER 14, 1977.

Mr. Blanquart felt, in accordance with the discussion this morning and the consensus that depreciation should be included in the rate, that Council should recognize this depreciation in any rate that they set. He felt that the rates as established in the formula in this Resolution, which included a figure of 81.7¢ per 1,000 gallons, would lock the City in without being able to include this depreciation once it was determined.

Mr. Fletcher suggested some language that could be added in paragraph C to allow for future resolutions in order to make these changes when necessary. He also questioned replacing assets that were going to be turned over to the County with this depreciation fund.

Mr. Blanquart pointed out that the County would have the use of the City's filtering plant and processing plant because the City is selling them treated water for the next twelve years.

Mr. Smallwood pointed out this billing rate will be adjusted at the end of each year to assure that the City receives a minimum of \$481,993.95 annually. He felt that if each year's billing rate was in close proximity of what the City's actual costs were, they would minimize the rebate to the County.

Discussion then centered on the need to have at this time a specified rate set for future years and the consensus of Council was that the County should have an idea of the mechanics of how the City's billing rate is determined.

Mr. Blanquart felt that if depreciation wasn't allowed for in the 1977-78 rate, there would be difficulty in getting it incorporated into the billing rate in the years following.

Mr. Smallwood suggested substituting an item "D" in lieu of the 81.7¢ in the formula used to set the billing rate each year. In that way a depreciation figure or any other increase in costs could be worked right into the formula, using the item "D".

Mayor Heineman asked that Council defer action on this matter while Mr. Smallwood, Mr. Fletcher and Mr. Patterson conferred on these suggested amendments. (See page 19)

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Mayor Heineman invited Mr. Walter Keller to address Council again at this time.

Mr. Walter Keller returned to the meeting and at the Mayor's invitation presented his recommendations regarding a Community Appearance Board that he had incorporated into a rough draft to be presented to the Task Force members (Attachment #11) He then asked Council for some direction regarding the Task Force.

Mayor Heineman again asked that Mr. Keller read the ordinance that Council passed and let Council know if there were any obstacles to what the Task Force would like to see done.

Mr. Thornton commented that he thought the Task Force wanted a separate advisory board and to that extent Council had not complied because Council members had received legal advice that it couldn't be done. He pointed out that Council had no authority to extend to any board the right to violate existing ordinances. He further stated that with the right members, the Committee should work beautifully.

Mr. Keller felt the whole thing was premature; that the Task Force had put in much time and he felt that they had been by-passed.

Mrs. Corkran stressed that Council had followed Mr. Fletcher's legal advice about creating a board of this type and had tried to keep it open and flexible so the right people could function; and she expressed a hope that Mr. Keller and the Task Force would assist in these recommendations.

Mr. Keller again stated that Council had not responded to the Task Force's recommendations and had passed an ordinance on First Reading and he felt there was a possibility the Task Force members may resign without further recommendations.

Mrs. Corkran quoted recommendation from Mr. Guenther to the City Council that a Community Appearance Board be created as a Design Review Board" and stated that that was what Council had done this morning.

Mayor Heineman asked that Mr. Keller get copies of the amended ordinance as passed and discuss it with members of the Task Force and bring their comments back to Council. He went on to state that Council had not wanted to leave this for a new Council that had not had the benefit of the discussions that had been held on this matter.

* * * * *

At this point, Mr. McGrath made a motion to proceed to Agenda Item 17, seconded by Mr. Thornton, and passed unanimously by voice vote.

For the record, Mrs. Corkran had to leave the meeting at 1:10 p.m.

* * * * *

AGENDA ITEM 17. Request for sewer rate adjustment by Southeast National Bank of Naples, 5th Avenue South location.

Mayor Heineman made note of a memo from the City's Engineering Department with the above request. (Attachment #12)

Nat Hooper verified that this type of request had been handled this way before.

Mr. Thornton moved approval of the above request, seconded by Mr. McGrath.

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

Motion Carried 5-0, with Mrs. Corkran and Mr. Holland being absent and not voting.

RETURN TO AGENDA ITEM 16.

Mr. Smallwood reported the changes that had been agreed upon as suggested amendments. Since a depreciation accounting system had not been set up as yet, there were no suggested changes in paragraph A, pertaining to the 1977-78 billing rate. Paragraph B for "fiscal year 1978-79 and thereafter" had been changed to read: "The City shall bill the County on a monthly basis at a rate per 1,000 gallons based upon the annual budget estimate and at the end of each fiscal year the City will determine actual cost by audit for production and transmission maintenance cost and will adjust revenue to or from the County based upon the following formula." The formula was changed to include a designation "D" in place of the 81.7¢ and the rest of the formula stays the same. "D" was defined as being the Estimated Billing Rate so that every year they would be billed at what is the estimate for the year, based on the budget. An additional definition of Production and Transmission Costs would be "The current cost as now established plus additional costs as may be established by the City including depreciation." Mr. Smallwood explained that in subsequent years the City could include additional costs, whether it was specifically spelled out as depreciation or not, and that would be the rate at which they would be billed.

Mr. Blanquart was still interested in having a reference to a depreciation figure in the 1977-78 rate-making mechanism; but Mr. Smallwood responded that until a depreciation accounting is established there would be no revenues from the system with which to establish this account and there would be no way at the end of 1977-78 to retroactively go back and charge users a depreciation component of the user's fee to establish that account.

Mr. Blanquart still felt something should be done to derive a depreciation factor from the 1977-78 year, but Mr. Thornton felt that it wouldn't be fair to the County in their setting of rates to go back and charge them a retroactive charge; to which Mr. Blanquart responded that not including it was not fair to the City's users.

Mr. Blanquart questioned if there would be any argument as to whether depreciation is an actually incurred cash expense and Mr. Smallwood explained that in municipal accounting depreciation accounting becomes actual expense of that system.

Mr. Thornton moved approval of Resolution 2893 as amended, seconded by Mr. McGregor.

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

Motion Carried 4-1, with Mrs. Corkran and Mr. Holland being absent and not voting.

Mr. Thornton felt that a letter should be written to the County Commissioners enclosing a copy of this rate-making procedure.

Mr. Blanquart suggested that the City Manager should send this letter because he will be the continuing contact person; consensus of Council was in agreement with this.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Heineman declared the meeting adjourned at 1:35 p.m.

Harry E. O. Heineman

Harry E. O. Heineman, Mayor

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

Janet L. Davis
Janet L. Davis
City Clerk

These minutes approved by Naples City Council on 2-15-78.

Mrs. William W. Hinton
600 Wedge Drive
Naples, Florida 33940

January 26 7
Mr. Roger J. Barry, Secretary, Board
Naples Planning Advisory Board
850 4th Ave. So.
Naples.

Dear Sir,
With reference to the Legal
Notice of Public Hearing Aforded
1/13/78, sent to the Moorings
Residents, I would like to make
a suggestion.

As a property owner in this
area I would like to propose that
in the event that the request is
sanctioned, that a rider should be
added stipulating that should a
Moorings Country Club at a
later date decide to see this

Property, that it should
automatically revert to
"D"/R-10 Single Family."

Yours truly
Kathleen Hunt





City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

January 30, 1978

Mr. Mayor:

It is time today to bid you all adieu. As it was once said, time recognizes no man; this day marks the milestone that ends the meeting of these two bodies.

As we close our discussion on this occasion, it is with a feeling of regret that our relationship established over the past four years, during which time many important decisions were made and the accomplishments resulting therefrom for the betterment of our community, has to come to an end.

However, through the chain of events and the stability of democratic process, our work must leave no vacuum due to the change of these events. It is required of every man to share the action and passion of his times in the seat of the political arena which he represents in the interests of good government.

In that order of thought, I commend my departing members of this Council as dedicated people who arduously strove during their tenure of office to preserve the image of the jurisdiction in which they served.

In closing, I want to say it has been a pleasure to have worked with you and to have been a part of what has been accomplished. I feel that the full Planning Advisory Board subscribes to these sentiments. May I wish you Godspeed.

Sincerely,

Clayton E. Bigg, Chairman
Planning Advisory Board

CARL F. GUENTHER FAIA
ARCHITECT

322 HARBOUR DRIVE
NAPLES, FLORIDA 33940

November 12th, 1977.

TO: Mayor Harry E. O. Heineman
and
Members of the Naples City Council

FROM: Task Force - Proposed Community Appearance Board

In accordance with Resolution No. 2678 of Naples City Council, the Task Force for the purpose of drafting a proposed Community Appearance Board Ordinance met for an organization meeting on June 13th, 1977. Subsequent meetings were held on August 8th, August 22nd, Sept. 12th and October 31st.

Historically, it is of interest to note that such a review board is not unique in the City of Naples. Ordinance No. 346 $\frac{1}{2}$ approved in December of 1952 amended the Zoning Ordinance of the City to provide for a Board of Supervising Architects, whose duties were to assist the City Council in approval of building permits where "questions of design, type of construction or other features thereof which might materially affect the value of the adjoining property, whether in the immediate locality or reasonable distance therefrom". We have been informed by the City Attorney that this Board was subsequently eliminated by Ordinance No. 1319.

Much of the discussion in the meetings of the Task Force has been concerned with the manner or method by which design review had best be handled in the City of Naples. The basic question arose as to the merits of increasing the membership of the Planning Advisory Board by the addition of members with expertise in the field of design, as opposed to a separate Board to handle the specific function of Community Appearance in the area of building projects.

In response to a question regarding the type of Board that might be established, the City Attorney felt that Section 14.2 of the City Charter, which permits a Planning Advisory Board to be created to advise the City Council in the enumerated areas would not permit the establishment of a separate Board. This prompted a meeting with the City Attorney on September 6th attended by three members of the Task Force, the Planning Director, and the Building & Zoning Administrator.

Since the Charter provision appeared to be far from specific in the minds of some members of the Task Force, as those provisions relate to design review of structures and related appurtenances, Mr. Fletcher was asked for suggestions that would enable the Task Force to continue in their deliberations. He suggested for consideration of the Task Force three possibilities:

Page 2

1. Amend the present Charter in such a way as to establish two entities: one dealing with planning matters and one with community appearance.
2. Expand the present Planning Advisory Board in membership to include registered Architects.
3. Along with 2. above, to create a specific duty of community appearance regulation under the present Planning Advisory Board by Ordinance.

Discussion of the above suggestions at a subsequent meeting of the Task Force prompted a further communication to the City Attorney, questioning the validity of Ordinance No. 346 $\frac{1}{2}$. In his answer to this inquiry, the City Attorney offers one other possible avenue of solution to the problem as follows:

"If the City wishes to operate with a statutory rather than Charter Planning Advisory Board, and thus providing a basis for splitting off some of its functions, such may be accomplished by Ordinance."

At its last meeting on October 31st, the Task Force concerned itself with a discussion of three possible avenues to handle the problem of Community Appearance:

1. Enlarge the membership of the present Planning Advisory Board to add qualified professionals in the field of design, such as architects, and to broaden the activities of the Board.
2. To amend the Naples City Charter by a vote of the people of Naples to create a Community Appearance Board.
3. To create by Ordinance a Statutory rather than a Charter Planning Advisory Board, and provide a basis for creating a Community Appearance Board by Ordinance with each Board to be delegated respective functions.

The following motion was made and seconded:

"We recommend to the City Council that a Community Appearance Board be created as a separate design review board."

A roll call vote indicated 7 members voted aye, one member voted no, with one member absent.

The Task Force is requesting City Council for affirmative action on its recommendation and to indicate its preference between a referendum on the Charter or the creation of two Boards by Ordinance.

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During the discussion on the above action, the Vice Chairman suggested that the area to be served by the Planning Advisory Board can be made specific by the addition of a few words, as underlined, in Sections 14.1 and 14.2 of Article 14 Planning and Zoning - as follows:

Section 14.1 - 16th line:

"establishing, maintaining or preserving aesthetic values as they relate to the land planning and zoning; etc."

Section 14.2 - 13th line:

"the promotion of good civic design and arrangement as related to land planning and zoning and/or the comprehensive plan for the physical development of the City of Naples, etc."

This would, in effect, permit a clear-cut definition of the duties of a Community Appearance Board and eliminate any possible or potential overlapping of functions of the two Boards.

Although a vote was not taken, the consensus of those members of the Task Force favoring a separate design review board also appeared to favor the creation of two boards by Ordinance, rather than by referendum.

In any case, if we are to continue in our function as a "Task Force for the purpose of drafting a proposed Community Appearance Advisory Board Ordinance", we would appreciate having availability of the City Attorney's office in the review and final drafting of any Ordinance.

To assist the Task Force in its work, we would appreciate funds in the amount of \$100.00 for the purchase of sufficient copies of a publication entitled: "Design Review Boards: A Handbook for Communities". This is a publication of the American Institute of Architects Committee on Design, working in conjunction with legal counsel well-versed in the subject. This handbook was prompted by a survey conducted in 1968 of 221 then-existing design review boards, and will be of tremendous help to the task at hand.

CARL F. GUENTHER
ARC
322 HARBOUR DRIVE
NAPLES, FLORIDA 34104

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The Task Force is deeply indebted to the Planning Director and staff, and the Building and Zoning Administrator for their assistance to date.

Respectfully submitted,



Carl F. Guenther, Chairman
for the Task Force
Proposed Community Appearance Board

January 28, 1966

P L A N N I N G R E P O R T

TO: V. P. Wood, Jr.

FROM:

SUBJECT: The Importance of Community Appearance to the City of Naples; the Importance of U. S. 41 to Naples' Community Appearance

It's likely that most people think of community appearance, if they think of it at all, as a pleasant frill but not something which adds materially to community welfare. In the typical city, good community appearance performs its greatest service in uplifting the residents' civic pride, but in a resort-retirement area such as Naples, community appearance has a direct bearing on the community economy.

The basic economic activities of a community are those which cause money to flow into the local economy from elsewhere. In a city whose basic economic activity is manufacturing, the manufactured products are exported and cash payments for the products flow into the city economy. In Naples the majority of cash inflow stems from direct expenditure by vacationers, winter residents, and retirees, and from investments of non-local capital, the investors of which anticipate future expenditures by vacationers, winter residents, and retirees. Each of these groups put money into the Naples economy which they did not accumulate in Naples, and thus their expenditures are basic to the Naples economy. Because the Naples economy is so heavily geared to the resort-retirement industry, the city can factually be said to specialize in this field. Another speciality of the city is its relatively high quality of development, its physical attractiveness, its relative freedom from the garish commercialism which plagues so many of Florida's coastal resort cities.

As Naples increases in size, the economic base of the community may become more diversified. If the city wishes to continue to capitalize on and enjoy the economic advantages which accrue to it from the resort-retirement segment of its economy, it must insure that this segment is not jeopardized by conflicting economic activities. It must also be recognized that the city is too small to constitute a self-contained economic area. The city cannot help being directly affected by economic activities and physical development outside the city in the urban and urbanizing areas.

The fact that Naples is both a physically attractive city and a city selected by many persons of substance as a place of winter residence or retirement is no accident. Community appearance has a direct and heavy bearing on peoples' selection of a place to vacation, winter or retire. Especially important is the role that community appearance plays in attracting the more solvent, bigger spending visitors and retirees, for the wealthier a person is, the larger is his range of choices and the more discriminating will he be in his choice of a city to winter or vacation or retire in. Naples is in competition with many other resort areas for the particular visitors and retirees it wishes to attract. The most successful cities in this competition will be those which offer the pleasantest, most interesting, most attractive environment.

Historically, there have been many individuals and groups who have cared deeply about Naples' community appearance and who have spent substantial energy and money on behalf of it. City Government regularly demonstrates its recognition of the importance of community appearance. The fact that Naples is high on the list of attractive

U. S. cities is a result of these public and private efforts on behalf of community appearance. There are blemishes in Naples' appearance, however, and the current rapid growth and development of the city could result in diminished visual attractiveness if there is not positive and continuing support for city beautification programs. The specific appearance problem area which the remainder of this report deals with is U. S. 41 within the city limits.

Highway entrances to and main routes through any city are of particular visual importance. They strongly effect visitors' and residents' visual impressions of the city and thus are very significant factors in over-all community appearance. The problem in Naples is that U. S. 41, the city's principal and most heavily traveled street, is by far the most unattractive major street in the city.

The list of U. S. 41 appearance deficiencies is extensive:

1. Many off-street parking areas are unorganized, poorly constructed, ragged edged, potholed, devoid of landscaping.
2. Signs are disorganized, unattractive, often poorly related to the business they advertise. There are too many of them, and many are too big. Not only are they visually unpleasant, but they are visually confusing, which diminishes their advertising effectiveness.
3. Many businesses are too close to the street, cover too much of their lot, and have inadequate off-street parking.

4. There is a great assortment of clutter--poles, posters, pennants, banners, posts, concrete buttons, short curbs, meaningless unpaved areas.
5. Architecture is most notable for its absence. Very few buildings fronting on U. S. 41 in the city were designed by an architect.
6. Landscaping exists only in isolated spots. There is no landscape continuity from one business to another. Except for the landscaped median strips, the motorists' vista is primarily one of utility poles and overhead wires and lights, flanked by a profusion of unattractive signs and nondescript buildings.

Much can be done to improve the situation. At a minimum the city should consider adoption of an ordinance requiring that all commercial buildings be designed by an architect. Additionally, the city should upgrade its minimum standards regarding driveway widths and construction, off-street parking area and design, building setbacks, per cent of front yard which must be landscaped, and sign sizes, types, and number per business. Landscaping of the highway median strips should be continued in pace with additional four-lane construction. The problem with the regulatory approach to improved community appearance is that, while improvement can be secured through elimination of the worst development practices, truly high-quality appearance simply does not occur through the establishment of minimum developmental standards. If the city's goal is to achieve high-quality appearance along U. S. 41 rather than simply avoiding bad appearance, a more positive approach must be taken. The most

direct and logical approach to high-quality U. S. 41 appearance is through the creation of an imaginative and comprehensive U. S. 41 beautification plan. The plan elements would probably include:

1. Acquisition of landscape easements along the right-of-way to permit public participation in meaningful roadside plantings.
2. A professionally developed landscape plan, for both public right-of-way and adjacent private lands, which would assure continuity of design and plant materials along the entire length of U. S. 41 in the city, but would vary in accord with building setbacks, off-street parking locations, property depth, etc.
3. Creation of a high-quality design and construction plan for walks, planter boxes, drives, off-street parking areas, paving surfaces, curbs, marking devices, and interconnecting parking areas. Such a plan could provide for repetition of design elements, resulting in a design theme for the highway as a whole.
4. A plan for positive sign control, which would go much farther than controlling the number and size of signs but would take advantage of the best in sign design techniques and would further the highway design theme concept through repetition of sign color, lettering style, etc. Skillful handling of signs can not only make a fine contribution to highway appearance but can increase the advertising effectiveness of the signs.

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5. Selection or design of a unique and attractive street lighting, street sign, and traffic control device system.
6. Removal of utility poles and placement of power and telephone lines underground.

If such a comprehensive and positive approach to U. S. 41 beautification is to be successfully undertaken, it will require broad citizen support and will probably require that a U. S. 41 property owners' association be formed, in order that the city can have a channel for dealing with matters affecting private property.

If such an approach is followed, it is very likely that Federal highway beautification funds will be available to reduce public costs incurred.

MRS. JANET S. SHORT
3450 RUM FLOW
NAPLES, FLA. 33940

ATTACHMENT #5

Jan. 16, 1978

Dear Council Members:

As a last "good deed" before leaving office I feel strongly that you should create a Community Appearance Board. By doing such you will have the thanks of the present and future residents of Naples.

Yours truly,

Janet S. Short

June 10, 1977

The Community Appearance Bd. is a fine development. Among suggestions I would like to suggest:

- Tamiami Trail (41) thru Naples is the only street "boulevard" or direct access into Naples. It shld be kept manicured, tree'd and as attractive as Fifth Ave S. Otherwise it will look like 41 thru Ft. Myers. When Airport Rd, Goddette, 25, etc are opened & the by-pass, they can be the commercial roads. Tamiami Trail shoud be a lovely boulevard entrance to our city.

- The destruction or removal of the native cypress & pine trees shoud be discouraged. It seems when a business comes in to build, the land is laid out & cemented. Then the

other palms are put in (4 often mtr) and for too well afterwards. How much better to keep as many as possible of the original trees. The apt. The landscaping. Would be a good example of keeping the trees. Park Shore Shopping Center a good example of ~~business~~ business.

The lot above the Park Shore Shopping Center shoud not be a skate board park. Centrally located over on Goddette or Airport. The argument that bids can't get to it if it isn't put there, can be used by those who live in East Naples if it's placed on 41.

Also keep pluggings for the by-pass. The suggestion Naples be present U.S. 41 thru Business 41 is good. Designated Business 41 thru Naples. Further traffic on 41 thru Naples.

can be eased if citizens can be encouraged to use cross roads to Goodlette and Airport & thus avoid 4 corners. The stop-light at Pleechman & 41 and the cross route there has been a boon to give access to the east side & thus avoid 41. A lot of travelling on 41 is unnecessary, because drivers do not realize alternate & easier routes - (and this includes the By-Pass, of course)

I would appreciate your sharing this with the following who are involved in planning:

1. The County Commissioners:
 - The North Collier County on U.S. 41 is an eye sore. As commercial enterprises grow up, trees go down, some weeds come, and billboards. (Golden Gate entrance from Naples too)

2. City Manager Patterson
3. Traffic Engineer

MRS. V. PETER FAGAN

2150 GULF SHORE BOULEVARD NORTH NAPLES, FLORIDA 33940

May 18, 1977

Mrs. Virginia Corkran
Council Member
City of Naples
City Hall
735 - 8th Street
Naples, Florida

Dear Mrs. Corkran:

Referring to the write-up in the May 12th issue of Naples Daily News stating that City Manager George Patterson proposed an ordinance calling for a five member Community Appearance Advisory Board to protect the aesthetic beauty of Naples:

I am writing to say that both my husband and I heartily endorse such a proposal.

It is the only way to keep this, or any, city from having, like Topsy, that "jest growed look." Almost all cities and towns in the good old U. S. A. suffer from this -- and are drab and downright ugly. Due, in large measure, to lack of an overall-plan.

Sincerely yours,

(Mrs. V.P.) Dorothy G. Fagan

MRS. R. O. D. HOPKINS
370 WENDWARD WAY
NAPLES, FLORIDA 33940

19 May
1977

Mrs. S. H. Corbman Jr.
3300 Gulf Shore Blvd.
Naples, FL.

Dear Virginia,
Your proposal of a Community Appearance Advisory Board for the City of Naples, with professional advice in the subjects of architecture, landscaping, or mural & graphic design, and to maintain or improve the charm of Naples, is an excellent one. I had been excited to read that it had been enacted before the "foot-in-the-door" condemnation ruined our beautiful beach!

We are growing in all directions & we must each have a minimum of refinement in each, & every additional foot on our city. It is not enough to have

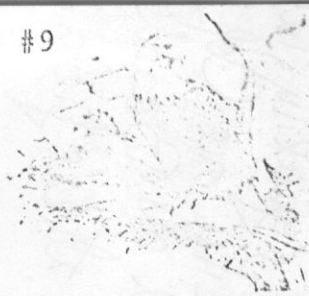
Artistic 8-page
just a law; it is the attention to detail of this law in space, quality, to a balance that makes a city one of beauty or mediocrity, and a Board of questionable talent in these fields should be in charge.

We need a Mr. Sample for Naples, in the form of the Board you propose.

Respectfully,

Rhence Hopkins

COLLIER COUNTY CONSERVANCY INC.



ENVIRONMENTAL PROTECTION - LAND ACQUISITION • ECOLOGICAL RESEARCH - NATURE EDUCATION

June 29, 1977

Miss Janet L. Davis
City Clerk
City Hall
735 8th Street South
Naples, Florida 33940

Dear Miss Davis:

The Board of Directors of the Collier County Conservancy, at its meeting on June 27, unanimously endorsed the concept of a Community Appearance Board now under study by a special citizens' task force appointed by the City Council.

This action is in keeping with the Conservancy's long-standing policy of supporting all sensible methods of enhancing and protecting the unique beauty and character of Naples. In 1973 the Conservancy recommended at its annual members' meeting that an Architectural Review Board be established by the City Council with the objective of presenting awards to individuals or businesses whose buildings best enhanced the image of Naples as one of the prettiest communities in Florida.

We compliment Councilwoman Virginia Corkran for her advocacy of the idea and the rest of the Council members for their endorsement.

We respectfully request that a copy of this letter be sent to Mayor Heineman and all other members of the City Council.

Yours most truly,

Willard V. Merrihue
Willard V. Merrihue
President* and Chairman of the Board

WVM:eh

*Rec'd 7-5-77 XC - Mayor
Council members*



SENATOR JIM GLISSON
11th District

THE FLORIDA SENATE

District 11 Address:
Post Office Box 290
Tavares, Florida 32778
904/343-5827



COMMITTEES:
Executive Business
Finance, Tax and Claims
Health and Rehabilitative Services

Dear City Official,

State-mandated programs, those programs which are adopted at state level but are administered and funded at local levels, increasingly, are irritating to state/local relations. While, most people must agree that many of these services provide essential community needs, they are, nonetheless, substituting state priorities for local priorities; a situation which must be altered if true "home rule" is to become reality.

The problem of state-mandates is squarely addressed by Senate Bill 231, prefiled for the 1978 Legislative Session. The Bill would require the state legislature to include a funding mechanism with any legislation which directs municipalities or counties to administer programs and services that would impose a burden upon their budgets. Otherwise, the local governments could reject implementation of any non-funded mandates, according to the bill.

Senate Bill 231 has already received the endorsements of the Florida League of Cities, the State Association of County Commissioners and many individual city and county groups. And, on the federal level, the U.S. Advisory Commission on Intergovernmental Relations has firmly supported this concept, calling it "one of the most significant issues facing local governments today."

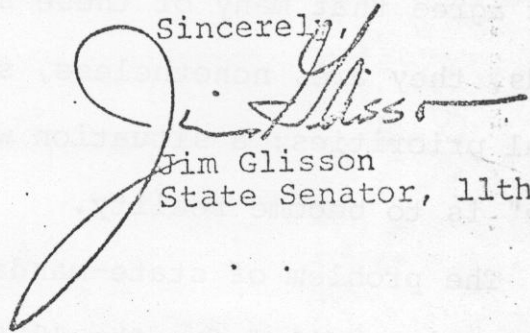
I am informing you of this Bill and its intent because a Bill of this nature must draw support, strong support, from the local

-2-

levels. If Senate Bill 231 is to survive the expected onslaught of opposition, it is important that each local government entity endorse this proposed law. Your position on this issue must be made clear.

Please give stern consideration to this matter. I will deeply appreciate your help. Your support could mean a return to local control and an end to ever-increasing big government.

Sincerely,



Jim Glisson
State Senator, 11th

Some Points to Consider:

*Over the past ten years the cost of local government has clearly doubled because of the increased financial responsibility imposed by the state-mandated programs.

*Local government is presently restricted by the state as to methods with which they can generate new revenue. (Ad valorem taxes are limited to ten mills; municipalities are limited to a 10 percent utility tax and, occupational license tax rates are frozen at their 1971 levels.)

*Cities and counties need to have a greater input into how much money is spent at the local levels, in order to operate within a realistic budget projection.

1 A bill to be entitled

2 An act relating to the financing of new local
3 government duties; providing that any law
4 requiring municipalities or counties to
5 administer any program or provide any service
6 or facility include a method of financing such
7 program or service; providing an exception to
8 certain legislation; providing an effective
9 date.

10 WHEREAS, Article VIII of the Constitution of this state
11 grants to local governments broad home rule powers of local
12 self-government, and

13 WHEREAS, the viability of local government is dependent
14 on a fiscally responsible state government, and

15 WHEREAS, each year the legislature mandates programs
16 that require local governments to either participate in new
17 governmental programs or increase their participation in
18 already existing programs, and

19 WHEREAS, state mandated programs force local governments
20 to incur added costs which fiscally strain local sources of
21 revenue which are often not flexible enough to absorb the
22 burden, and

23 WHEREAS, state mandated programs, by substituting state
24 priorities for local priorities, violate the spirit and intent
25 of the home rule philosophy embodied in the Constitution and
26 laws of the State of Florida, NOW, THEREFORE,

27 Be It Enacted by the Legislature of the State of Florida:

28 Section 1. Any law enacted by the legislature after
29 July 1, 1978, which requires a municipality or county to per-
30 form an activity or provide a service or facility which will
31 require the expenditure of additional funds must provide a
32 means to finance the activity, service or facility. The means
33 of financing such activity, service or facility may be through
34 remission of additional funds of the state to said municipality
35 or county, through specific authority granted the municipality
36 or county to levy a special tax therefor, or as otherwise pro-
37 vided by such law. If financing is provided by remission of
38 additional funds by the state, or as otherwise provided by such
39 law, such remission or other method of financing shall bear a
40 reasonable relationship to the actual costs of performing the
41 activity or providing the service or facility, and shall not
42 reduce, supplant or adversely affect other state revenues
43 shared with or granted to municipalities or counties. The
44 municipality or county may refuse to comply with, administer,
45 or enforce any law which does not comply with the requirements
46 of this section. No subsequent legislation shall be deemed to
47 supersede or modify any provision of this act, whether by impli-
48 cation or otherwise, except to the extent that such legislation
49 shall do so expressly; reasons for legislative noncompliance
50 with this section shall be stated with particularity.

51 Section 2. This act shall not apply to any law under
52 which the required expenditure of additional local funds is
53 incidental to the main purpose of the law.

54 Section 3. This act shall take effect upon becoming a
55 law.

DRAFT

Dear C.A.B. Member:

Contrary to what you might have heard or read - there is still a Community Appearance Task Force --- at this point, uncommitted as to what our ultimate recommendation to the Naples City Council will be.

Unfortunately for us all, as you no doubt know, Chairman Guenther has resigned his chairmanship and membership on the committee for health reasons and the task of chairing our meetings has been given to me.

I trust that you have all received the booklet on Community Appearance Boards, sent to you as requested by Mr. Guenther, and hopefully you have reviewed it in some detail and will be prepared to discuss the conclusions you may have drawn from it at our next meeting - to be called soon.

To review where we are, you will recall that prior to Mr. Guenther's resignation, a memo was sent to City Council - indicating three means of establishing a C.A.B. in Naples, with the separate board option as the choice of the majority of the members. In lieu of any specific written response from council - it is my position that they concur, and that we should proceed with the finalization of a recommendation as to the scope of duties such a board should or more importantly could have.

In my study of the booklet mentioned - it is my feeling that, based on the "scope" of the model ordinance therein, most - if not all - of the tangible areas for a C.A.B. review are now covered by various city ordinances, city department responsibility and/or review through administrative policy.

The only area not regulated in any form by restrictiveness is the aesthetic evaluation of the exterior building facade.

apologies to the chairman - ordinance - no doubt
held up in court lawsuit - but with it
- as a result - 42 - a cap to...

(2)

337

I am, by copy of this letter, requesting a legal opinion from the city attorney. First, can the requirements of regulations restricting the various areas of land use, planning and building construction be made more restrictive (or even less, perhaps) by the arbitrary vote of a board - when the applicant has met all the requirements - defined by law.

If such a board has the power - then can it be the same authority that originally made the rules (such as the C.P.A.B; City Council, etc) or must it be a separate board?

Or - would all the zoning and building ordinances have to be abolished as mandatory requirements; re-instituted in the category of recommendations - with the stipulation that all must be reviewed and approved by a board with the authority to demand more restrictive compliance? Would this be legal?

If the answer to (1) is No; (2) is No; then it would appear that there are only three other means of establishing a C.A.B.

- A. Establish a 5 or 7 member board - composed exclusively of professionals with expertise in the arts - i.e. - Architecture, Landscape, Interior Design - to review all projects proposed to be built in the City of Naples - evaluate^e the aesthetics of the exterior building facade - with the criteria of evaluation being the opinion of the individual based on his expertise and experience. Will this be a legal evaluation, defensible in court?
- B. Define, by ordinance, - certain areas of "critical concern" in the City of Naples - i.e. - 9th Street (US 41) from 5th Ave., S. to 26th Street; "Olde Naples" - South of 5th Ave., S. and West of 3rd Street and North of 13th Ave., S - in which a specific character has or could be developed in architectural

B. Cont.

design and therefore required to be continued & set up a Board to control the architectural character of the development (or redevelopment) of these areas.

C. Formulate, by ordinance, a Community Appearance Advisory Board whose duties would be to review all projects, but whose authority would extend only so far as to make recommendations to a project developer as to the ways he might enhance his project - encompassing the entire spectrum of the development - i.e. - building facade, height, location on site, vehicular ingress and egress, landscaping etc., but with no authority to require that its recommendation be mandatory for permit approval.

Board Members:

Although wordy, lengthy, and somewhat complicated, the above seems to me to be the evaluation of "where do we go from here". I am sure that you will have other thoughts and opinions and trust that you will express them at our next meeting.

I would also hope that, prior to that time, we will have a response from the attorney.

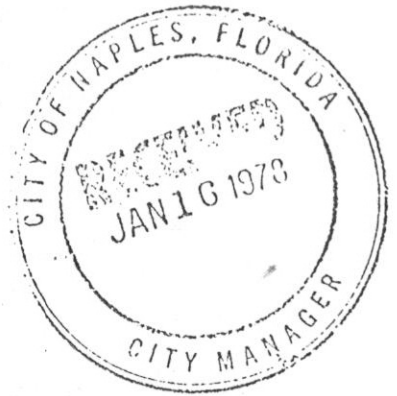


City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PUBLIC WORKS DEPARTMENT

Engineering Memo No. 78-9



TO: George M. Patterson, City Manager
FROM: Nat Hooper, Sr. Engineering Technician
DATE: January 16, 1978
RE: Sewer Rate Adjustment Request, Southeast National Bank
of Naples, 5th Avenue South Location

Southeast Bank has two (2) water meters at the subject location, account number 13-104 at the main building, and account number 13-103, which serves their drive-in window operation a block away. Both areas use a substantial amount of water for irrigation of landscaping, which is the basis for their request.

The drive-in window area has one (1) restroom, which is limited to employee use. Our investigation indicates a maximum non-sprinkling consumption of approximately 3,000 gallons per month. Their maximum monthly consumption during the dry season was 72,000 gallons. Allowing for a 25% increase in their non-sprinkling consumption, I recommend a flat monthly sewer charge of \$6.75 for account number 13-103.

The main building has two (2) restrooms, mens and ladies, and a drinking fountain on each floor (three (3) floors), plus an employees lounge with one (1) sink. This totals to six (6) restrooms, three (3) drinking fountains, and one (1) lounge. All these facilities are generally limited to employee use. Their maximum non-sprinkling consumption, to date, was 24,000 gallons per month. Their dry season maximum was 216,000 gallons per month.

Allowing for a 25% increase in their non-sprinkling consumption, I recommend a flat monthly sewer charge of \$19.50 for account number 13-104.

NH/bjs

NH

Attachment

Mr. Nat Hooper
Page 2
November 9, 1977

If you should have any questions or if we can be of further help, please call me. We certainly appreciated your fine cooperation in the past.

Very truly yours,


Larry P. Byrd
Senior Vice President

LPB:ls

Enclosures



Southeast National Bank of Naples

Larry P. Byrd
Senior Vice President

November 9, 1977

Naples City Hall
735 8th Street, South
Naples, Florida 33940

Att: Mr. Nat Hooper

Dear Mr. Hooper:

Some time ago we requested that you make application to the City Council for an adjustment in our water/sewage bill for the Southeast Bank, Moorings branch office. We have received that approval and I wish to take this opportunity to thank you for your time and help.

In reviewing the past months' bills for our Southeast Bank, Fifth Avenue, South office; we have realized that the same problem exists at this office. I am enclosing copies of our bills for May through October of this year. Please note that there are two water meters for the Fifth Avenue, South Banking Center. As you will see, during the months of May, June and July, our bill was much higher than August, September and October. We believe this is a direct result of our sprinkler systems which are on city water.

Accordingly, we kindly request that you submit an application to the City Council for considering an adjustment in the bill for our Fifth Avenue, South Banking Center, as a substantial portion of the water used does not flow through the sewage system.

continued . . .