

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD IN JOINT PUBLIC HEARING WITH THE NAPLES PLANNING ADVISORY BOARD IN PARKS & RECREATION DEPARTMENT, NAPLES, FLORIDA, WEDNESDAY, MARCH 15, 1978, AT 9:00 A.M.

## Present:

R. B. Anderson  
Mayor

C. C. Holland  
James F. McGrath  
Wade H. Schroeder  
Randolph I. Thornton  
Edward A. Twerdahl  
Kenneth A. Wood  
Councilmen

## Planning Advisory Board:

Lawson Adams  
Roger Billings, Vice-Chairman  
Donald Boyes

## Absent:

Clayton Bigg, Chairman

## Also Present:

George Patterson, City Manager  
John Fletcher, City Attorney  
Janet L. Davis, City Clerk  
Roger Barry, Planning Director  
Brad Estes, Assistant to the City Manager  
Randy Davis, Director of Parks & Recreation  
Anders Sandquist, Building & Zoning Official  
Mark Wiltsie, Purchasing  
Gary Young, Police Chief

Marie Mueller  
Arndt Mueller  
Mr. & Mrs. Richard Grant  
Reverend Berquist  
James D. Murphy  
Mr. & Mrs. John Procter  
Ed Oates  
William Shearston  
William Gracely  
Sam Aronoff  
Willie Anthony  
C. Finley Talbot  
David Work  
Gordon Dilno  
Stanley Billick  
Barbara Rouse  
Ed Grant  
Rev. Walter Lauster  
Louise Gates  
David Schrodtt

BBC637

## News Media:

David Swartzlander, Naples Daily News  
 Bob Fleischer, Naples Daily News  
 Allen Bartlett, Fort Myers News Press  
 Tom Martino, WBBH-TV  
 Kent Weissinger, WRGI  
 Elizabeth Bumiller, Miami Herald  
 Suzanne McGee, Naples Star  
 Ray McNally, TV-9

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon, the Reverend Berquist, pastor of the Assembly of God Church, gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of March 1, 1978. Change of Mayor Heineman's name to that of Mayor Anderson was noted on page 15 and Mr. Wood made a motion that the minutes be approved as amended, seconded by Mr. Twerdahl and unanimously carried on voice vote.

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

Vice-Chairman Billings organized the Planning Advisory Board. It was noted that Mr. Bigg was absent due to being ill with the flu.

AGENDA ITEM 4-a. Special Exception Petition No. 78-S2, permission for a 6' fence in required front yard. Petitioner: John and Pauline Procter.

Roger Barry, Planning Director, reviewed his memorandum of February 16, 1978 (Attachment #1) which showed the recommendation of the staff and board.

Mayor Anderson opened the Public Hearing at 9:10 a.m. and there being no one present wishing to speak either for or against this item he closed the Public Hearing at 9:12 a.m.

Mr. Boyes moved that Special Exception Petition No. 78-S2 be recommended to Council for approval, seconded by Mr. Adams and unanimously carried by the Planning Advisory Board.

Mr. Thornton moved that the recommendation of the Planning Advisory Board in regard to Petition No. 78-S2 be accepted, seconded by Mr. Wood and carried unanimously on Roll Call.



AGENDA ITEM 4-b. Rezone Petition No. 78-R1, requesting change of zone from C2, C3 and I to C2. Petitioner: Southwest Heritage, Inc.

AGENDA ITEM 4-c. Special Exception Petition No. 78-S3, request to use property for Civic and Cultural Facility. Petitioner: Southwest Heritage, Inc.

Mr. Barry, Planning Director, reviewed his memorandum of February 16, 1978 (Attachment #2). He further noted that the Planning staff recommended approval of both Items 4-b and 4-c. He also noted that the two items could be handled at the same time with just a separate vote on each to which the City Attorney agreed.

Mayor Anderson opened the Public Hearing at 9:15 a.m. and there being no one present wishing to speak either for or against this item he closed the Public Hearing at 9:16 a.m.

Mr. Adams made a motion that Rezone Petition No. 78-R1 be recommended to Council for approval and separately that Special Exception Petition No. 78-S3, be approved by the Planning Advisory Board and submitted to Council for approval, seconded by Mr. Boyes and unanimously carried by the Planning Advisory Board.

Mr. Thornton moved that Rezone Petition No. 78-R1 recommended by the Planning Advisory Board and Special Exception Petition No. 78-S3 be accepted by the Council, seconded by Mr. McGrath and unanimously carried on Roll Call Vote.

AGENDA ITEM 4-d. Nonconformity Petition No. 78-N1, request to expand a nonconforming use. Petitioner: Moorings Country Club of Naples.

Mr. Barry explained to Council that this matter before them today had nothing to do with the change of zone petition which is still pending.

Mr. Barry read the letters and petitions into the record (Attachments 3,4,5,6)

Mr. Barry explained in detail his memorandum of February 15 and his latest memorandum of March 9, 1978. (Attachment #7 )

Mayor Anderson opened the Public Hearing at 9:25 a.m. and asked if anyone present would like to speak on this item.

Mr. C. Finley Talbot, representing the Moorings Country Club, came forward and explained the purpose of requesting this change is for the use and expanded use of their present property in conformity with the requirements of the ordinance on parking.

Mayor Anderson noted that the petitions submitted stated this additional parking space is not needed and Mr. Talbot explained that during the season they do run out of space.

Mr. David Work, 550 Wedge Drive, spoke reiterating his comments in his letter. (Attachment #5)

Mr. Gordon Dilno, 595 Wedge Drive, spoke to Council opposing this petition as he outlined in his letter. (Attachment #3)

Mr. Stanley Billick, President of Moorings Country Club noted for Council that the parking lot is only a part of their over-all program.

Mr. Twerdahl asked if it was possible for the lot to be landscaped in such a way that the objections to the petition would find it acceptable. Mr. Barry replied that the PAB had asked the same question of the objectors and as he recalled he had received a negative answer.

Mr. Adams noted that the landscape plan should be given to the objecting property owners so they could see what was being proposed.

Mr. Ed Grant explained that the plans had never been brought to the membership for their approval. Mr. Talbot explained that they couldn't be presented to the membership until such time as zoning approval is obtained.

Mayor Anderson stated he agreed with Mr. Twerdahl that he would like to see the parties reach an agreement.

Mr. Adams said he would like to see the objectors look at the plan to see if it would meet their screening objections. Mr. Billings noted he supported Mr. Adams and he thought the new plans would be better than what they presently have.

Mr. Adams moved that the Public Hearing be continued until April 5, 1977, and an attempt made by the objectors and the Country Club to look at the plans and see if an agreement can be made with the present plan or an amended plan, seconded by Mr. Boyes and unanimously carried by the Planning Advisory Board.

Council accepted this recommendation of the Board; whereupon Mayor Anderson thanked the Board and excused them at 10:00 a.m. calling a five minute recess.

AGENDA ITEM 5. PUBLIC HEARINGS: Second readings of Ordinances.

AGENDA ITEM 5-a. An ordinance rezoning the north one-half of section 2, township 50 south, range 25 east and the south one-half of section 35, township 49 south, range 25 east, less right-of-way, from "R1-7.5"("E"), Single Family, to "C4", Airport Commercial, and approving the airport layout plan, a copy of which is attached hereto and made a part hereof, as the overall master development plan; and providing an effective date.

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

Mayor Anderson opened the Public Hearing at 10:10 a.m. and there being no one present wishing to speak either for or against, closed the Public Hearing at 10:11 a.m.

There being no discussion, Mr. Thornton made a motion that Ordinance 2913 be adopted on Second Reading, seconded by Mr. McGrath and carried unanimously by roll call vote.



AGENDA ITEM 5-b. An ordinance repealing Ordinance No. 1449 which established a pension and retirement system for firemen of the City of Naples, and substituting the within ordinance therefor, establishing a pension and retirement system for firemen of the City of Naples, to be known as the "City of Naples Firemen's Retirement Trust Fund", providing definitions for the words and phrases used herein, creating a Board of Trustees for the operation of said pension and retirement system, setting forth the powers and duties of said board; providing for the maintenance of said fund; providing for the keeping of records, accounts, disbursements, deposits, contributions and actions of said Board of Trustees; providing for normal retirement, early retirement and optional forms of retirement; providing death benefits, disability benefits and providing for benefits or refund of contributions in event of separation from municipal service; repealing all ordinances or parts thereof in conflict herewith to the extent of such conflict; providing a savings clause and an effective date.

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

Mayor Anderson opened the Public Hearing at 10:12 a.m. and there being no one present wishing to speak either for or against, closed the Public Hearing at 10:13 a.m.

Mr. Thornton moved that Ordinance 2914 be adopted on Second Reading, seconded by Mr. McGrath and carried unanimously by roll call vote.

AGENDA ITEM 6. An ordinance granting a Special Exception for construction of multi-family residential apartments on the second floor of a commercial building at the northeast corner of Twelfth Avenue South and Seventh Street South, Naples, more particularly described herein; and providing an effective date. (First Reading)

City Attorney 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. Twerdahl and motion carried unanimously on roll call vote.

AGENDA ITEM 7. An ordinance authorizing expansion of a nonconforming use to permit the Moorings Country Club to expand its present facilities to include additions to existing building and additional parking area, subject to the condition set forth herein, at 2500 Crayton Road, Naples, Florida, more particularly described herein; and providing an effective date. (First Reading) Requested by Planning Department pursuant to Public Hearing (Agenda Item 4-d) this date.

Motion made by Mr. Thornton to remove this item from the agenda, seconded by Mr. McGrath and carried unanimously on voice vote.

AGENDA ITEM 8. An ordinance amending Section 7-31 of Chapter 7, of the Code of Ordinances of the City of Naples, Florida, relating to the procedure for obtaining a permit for dredging or filling and for construction of bulkheads, seawalls, groins, and other coastal construction, amending Item (6) of Paragraph "C" thereof, providing exceptions from the provisions of said Paragraph "C"; and providing an effective date. (First Reading) Requested by City Attorney.

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

It was explained by Mr. Patterson that this amendment was requested to correct one of the recent procedures.

Mr. Thornton moved that this Ordinance be approved on First Reading, seconded by Mr. Holland and carried unanimously on roll call vote.

AGENDA ITEM 9. An ordinance amending the Charter of the City of Naples, Florida, by amending Subsection (b) of Section 15.4, Article 15, relating to penalties for violation of Section 15.4, by deleting therefrom any reference to penalties for violation of Paragraph (5) to Subsection (a), previously repealed therefrom; and providing an effective date. (First Reading) Requested by City Attorney.

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

There being no discussion, Mr. Holland moved that this Ordinance be approved on First Reading, seconded by Mr. Thornton. Motion carried unanimously on roll call vote.

AGENDA ITEM 10. A resolution authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Naples, Henry Sanders, Trustee, and the Barnett Bank of Naples, Trustee, relating to the relocation of a cul-de-sac in Oyster Bay, and to execute a declaration of easement relating thereto; further, accepting said easement, copies of which agreement and easement are attached hereto and made a part of this resolution; and providing an effective date. Requested by City Attorney.

City Attorney Fletcher read the above titled Resolution for Councils consideration.

Mr. Thornton moved that Resolution 2915 be approved, seconded by Mr. McGrath and carried unanimously on roll call vote.



AGENDA ITEM 11. A resolution authorizing the Mayor and City Clerk to execute a quit-claim deed to Collier County and the Collier County Water-Sewer District conveying all water lines, water transmission facilities, water meters and appurtenances lying within the geographical boundaries of the property set forth on Exhibit "A" attached thereto; and providing an effective date. Pursuant to agreement between City and County of October 16, 1977.

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

Mr. McGrath moved for approval of Resolution 2916, seconded by Mr. Holland and carried unanimously on roll call vote.

AGENDA ITEM 12. Action on partial purchase of Carver Site and option with Collier County School Board. Requested by City Manager

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT TO PURCHASE FROM THE COLLIER COUNTY SCHOOL BOARD A PORTION OF THE CARVER SITE FOR THE SUM OF \$150,000.00, TOGETHER WITH AN OPTION TO PURCHASE THE REMAINDER THEREOF FOR THE SUM OF \$240,000.000: AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved for approval of Resolution 2917, seconded by Mr. Wood and carried 5-2 on roll call vote with Councilmen Holland and Thornton voting against approval.

Miss Louise Gates spoke to Council saying she and her sister were very glad that Council was taking this action.

AGENDA ITEM 13. Report by Double Taxation Committee. Requested by Arndt Mueller, Chairman.

Arndt Mueller cited section 125.016A of the Florida statutes as the double taxation relief statute and also differing court decisions. He felt the City of Naples would have to pass a resolution identifying the double taxation areas and requesting the County to develop appropriate financing mechanisms under this act to rectify the situation. He submitted a suggested resolution.

Mayor Anderson stated that the resolution as written was a excellent piece of work and an marvelous "position paper"; however, he was still hopeful there would be early negotiations in good faith with the County and he wanted to try this before issuing anything that might indicate a deadline and jeopardize the good faith.

Mr. Mueller cited what he felt would be problems in negotiating and indicated a reluctance on his part to join in any negotiations unless the County had been given a resolution similar to the one he had presented.

City Attorney Fletcher suggested that the resolution be discussed at another meeting when it was properly on the Agenda because it could be the prelude to a law suit. He went on to point out the various ramifications that would result from one of the court cases upon which the resolution was based.

Mr. McGrath and Mr. Schroeder felt that some action should be taken to initiate negotiations and suggested that the resolution be on the April 5 agenda, if the Mayor could report no progress on instituting negotiations by that time.

Mr. Thornton concurred with the placing of the resolution on that Agenda and again commended Mr. Mueller for his efforts in preparing it.

It was the consensus of Council that the Mayor should name a negotiating team. Mr. Fletcher pointed out that any committee appointed with more than one member must meet in the sunshine as per a lower court case decision, Janet Reno vs. the City of Miami. Mayor Anderson named Richard Baker, City Manager Patterson and Finance Director Jones to this team pending their acceptance, with himself as an ex officio member.

AGENDA ITEM 14. A resolution granting an easement to Collier County for the purpose of erecting a security fence along Airport Road and the airport property. Requested by Airport Authority.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT TO COLLIER COUNTY FOR THE INSTALLATION AND MAINTENANCE OF A FENCE ABOVE GROUND ALONG THE AIRPORT PROPERTY, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved for approval of Resolution 2918, seconded by Mr. Wood and unanimously carried on roll call vote.

AGENDA ITEM 15. A resolution accepting playground equipment to be donated by the Naples Downtown Rotary Club for use at Fleischmann Park. Requested by Parks & Recreation Board.

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

A RESOLUTION GRATEFULLY ACCEPTING PLAYGROUND EQUIPMENT FROM THE ROTARY CLUB TO BE INSTALLED BY THE CITY OF NAPLES IN THE TOT LOT IN FLEISCHMANN PARK: AND PROVIDING AN EFFECTIVE DATE.

Rev. Walter Lauster, Chairman of the Community Service Committee of the Rotary Club showed a detailed drawing to Council.

Mr. Thornton moved for approval of Resolution 2919 with Thanks, seconded by Mr. Holland. Motion carried unanimously on roll call vote.



AGENDA ITEM 16. A resolution appointing a member to the Planning Advisory Board to fill the unexpired term of Edward A. Twerdahl. Requested by City Manager.

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

A RESOLUTION APPOINTING A MEMBER TO THE PLANNING ADVISORY BOARD TO FILL THE UNEXPIRED TERM OF EDWARD A. TWERDAHL; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Schroeder to remove this item from the agenda, as there was another applicant to be interviewed. Motion seconded by Mr. Holland and unanimously called on voice vote.

AGENDA ITEM 17. A resolution appointing a member of Council to serve on the Board of Trustees of the City of Naples Firemen's Retirement Trust Fund. Requested by City Manager.

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

A RESOLUTION APPOINTING A MEMBER OF COUNCIL TO SERVE ON THE BOARD OF TRUSTEES OF THE CITY OF NAPLES FIREMEN'S RETIREMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

It was suggested that Councilman McGrath be appointed to serve on this Board of Trustees.

Mr. Schroeder made a motion that Resolution 2920 appointing James McGrath to the Board of Trustees of the Naples Firemen's Retirement Trust Fund be approved, seconded by Mr. Twerdahl and carried unanimously on roll call vote.

AGENDA ITEM 18. Appointment of a consultant selection committee for Naples Landing project. Requested by City Manager.

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

A RESOLUTION APPOINTING A SELECTION COMMITTEE FOR THE PURPOSE OF EVALUATING VARIOUS ENGINEERING FIRMS REGARDING THEIR QUALIFICATIONS AND ABILITY TO FURNISH ENGINEERING SERVICES RELATIVE TO THE NAPLES LANDING PROJECT; AND PROVIDING AN EFFECTIVE DATE.

After a brief discussion among members of Council, City Manager Patterson explained the procedure that is required to be followed.

Mayor Anderson asked Councilmen Wood and Holland to volunteer for this committee, to which they agreed.

Mr. Thornton moved for approval of Resolution 2921, appointing Mr. Ken Wood and Mr. C.C. Holland, seconded by Mr. McGrath and carried unanimously on roll call vote.

AGENDA ITEM 19. Discussion of amendment to Paragraph 15 of Section 6 of Appendix "A" - Zoning, relating to the parking of mobile homes, travel trailers and travel campers, to provide that the Building & Zoning Official may grant temporary use permits for the parking thereof in lieu of the City Council. Requested by Councilman Thornton.

City Attorney Fletcher suggested that Council refer this matter to the Planning Advisory Board to prepare an amendment delegating the authority to issue special permits and setting guidelines for doing so.

Mr. Thornton moved that this matter be referred to the Planning Advisory Board as per the City Attorney's suggestion, seconded by Mr. McGrath and carried unanimously by voice vote.

AGENDA ITEM 20. Request by Eugene and Ilsa Lezgus for permit to park recreational vehicle.

City Manager Patterson stated that the petitioner had requested that this item be removed from the Agenda.

Mr. McGrath moved that this item be removed from the Agenda, seconded by Mr. Thornton and carried 6-0 by roll call vote, with Mr. Holland being temporarily absent.

AGENDA ITEM 21. A resolution responding to application filed with Public Service Commission by Leah's Terrific Tours to conduct tours in the Naples area. Requested by City Manager.

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

A RESOLUTION OBJECTING TO THE APPLICATION OF LEAH'S TERRIFIC TOURS OF NAPLES TO OPERATE A SIGHTSEEING SERVICE THROUGHOUT COLLIER COUNTY, INCLUDING THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.



Mr. Holland objected to opposing the tour buses; however, City Attorney Fletcher pointed out that it was in line with the City's local ordinance reflecting a closed-door policy.

Mr. Thornton moved that Resolution 2922 be approved, seconded by Mr. Schroeder and carried 6-1 by roll call vote with Mr. Holland voting "No".

AGENDA ITEM 22. A resolution accepting easement for utility purposes - Naples Bath and Tennis Club.

City Attorney Fletcher noted that the form of the easement and dedication was not legally sufficient and he requested that this matter be deferred.

Mr. Thornton moved that this item be removed from the Agenda in accordance with the request of the City Attorney, seconded by Mr. Schroeder and carried unanimously by roll call vote.

AGENDA ITEM 23. Bid award - police cruisers.

City Attorney read the below titled resolution for consideration by Council.

A RESOLUTION ACCEPTING AND AWARDING BID FOR THE FURNISHING OF SEVEN POLICE CRUISERS; AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Discussion centered on bidding by local automotive dealers. Mr. Holland's opinion was that the local dealers were at a disadvantage under present bidding procedures.

Mayor Anderson suggested a price differential to be put in the bid specs to offset additional cost of warranties; and stated his desire that there be further discussion with the City Attorney and the City Manager to revise bidding procedures.

Mr. McGrath moved that Resolution 2923 be approved, seconded by Mr. Twerdahl and carried unanimously on roll call vote.

AGENDA ITEM 24. Discussion and action on truck bid. Requested by City Manager.

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

A RESOLUTION RESCINDING SECTION 4 OF RESOLUTION NO. 2889, WHICH AWARDED BID FOR THE FURNISHING OF 1 ONE-TON PICK-UP TRUCK TO DICK COURTEAU'S TRUCK COMPANY; FURTHER, REJECTING ALL BIDS RECEIVED ON DECEMBER 28, 1977 FOR SAID VEHICLE; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

There being no discussion, Mr. Thornton moved that Resolution 2924 be approved, seconded by Mr. McGrath and carried unanimously on roll call vote.

AGENDA ITEM 25. Discussion of possible institution of Police Department canine patrol. Requested by City Manager.

City Manager pointed out that this had been deleted from the budget in error and therefore it was necessary to bring it before Council at this time. He referred to a memo to him from Chief Young (Attachment #8) and cited the basic reasons for this request; i.e. the safety of the officer and the fact that a dog can do a better job in building search.

Mr. Thornton moved to proceed with this program, seconded by Mr. McGrath and carried unanimously by voice vote.

AGENDA ITEM 26. Discussion of use of Fire Department facilities for meetings of Local 2174, International Association of Fire Fighters. Requested by David L. Schrodtt, President.

Council discussed City Manager's memo of March 9 (Attachment #9). David L. Schrodtt, president of 2174 Fire Fighter's Association, addressed Council, outlining reasons for their request: his principle reason being the fact that they have to have split meetings because of the three shifts.

Mr. Schroeder moved petition be denied and City Manager's decision to stand, seconded by Mr. Twerdahl and carried unanimously by voice vote.



There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:28 p.m.

*R. B. Anderson*

R. B. Anderson, Mayor

*Janet L. Davis*  
Janet L. Davis  
City Clerk

These minutes of Naples City Council approved on 4-5-78.

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ATTACHMENT #1

COUNCIL AGENDA ITEM #4-a  
JPH 3/15/78



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Advisory Board  
FROM: Roger J. Barry, Planning Director  
SUBJECT: Special Exception Petition #78-S2, request for fence in required front yard  
DATE: February 16, 1978

The subject site is a corner lot, bordered on the west by Gordon Drive, on the north by Kings Town Drive, and on the east by Fort Charles Drive. It is zoned "RI-15," Single Family Residential. The petitioner is requesting approval to build a 6 foot wooden fence in those portions of the required front yard in which, although it will be landscaped, the fence will be at least partially visible from the street. In those portions of the required front yard where the fence will be totally screened from view, the petitioner intends to use a 4 foot welded wire fence. Although the 6 foot wooden fence which fronts on Gordon Drive does require the approval of a special exception, it was constructed before the petitioner was informed of this requirement. There have, however, been no complaints from residents concerning this fence.

Staff Recommendation

We have reviewed the standards for special exceptions, visited the subject site and recommend approval of this petition.

PAB Action

If the Board finds the petition to be complete and in order, then it may set a joint public hearing for March 15, 1978.

*[Signature]*

RJB:DD

ATTACHMENT #2

COUNCIL AGENDA ITEMS #4-b & 4-c

JPH 3/15/78



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Advisory Board  
FROM: Roger J. Barry, Planning Director  
SUBJECT: Rezone Petition #78-R1 and Special Exception Petition #78-S3, Southwest Heritage, Petitioner  
DATE: February 16, 1978

The Naples Railroad Depot, which is the subject site of these two petitions, is located at the northeast corner of 5th Avenue South and 10th Street South. The property is divided into three zoning classifications: "C2," General Commercial; "C3," Heavy Business; and "I," Industrial. Southwest Heritage, Inc. has purchased the depot for the purpose of using it as a civic and cultural facility. Of the three zoning classifications relative to the property, only "C2" provides for such a facility and then only as a special exception. Southwest Heritage, Inc. has therefore submitted both a petition to rezone the entire property to "C2" and a request for a special exception under the "C2" designation.

Staff Recommendation

We recommend approval of both petitions as submitted. In our opinion, the "C2" zoning is a logical extension of the district boundaries and this facility, when completed, should be an asset to the redevelopment of the surrounding area. We have reviewed the standards for granting special exceptions and feel that this proposal complies with each one. We would, however, like to point out that the present plans do not include a landscaping plan or sidewalks as required by ordinance and that such plans will have to be presented to and approved by the Building and Zoning Department.

PAB Action

If the Board finds these petitions to be complete and in order, then it may set a joint public hearing for March 15, 1978.

*[Signature]*



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GORDON DIINO  
595 Wedge Drive  
Naples, Florida 33940

2/ Mr. Roger J. Barry

for sale as a residential lot. Under these conditions we decided to raise no objection and the exception was granted.

But, what has happened since? Only a half-hearted attempt has been made to provide the necessary shrubbery. And the promised security has not materialized. Further, the Club has proceeded to make a practice grounds for golfers with the rest of the property, and has, in fact, been in violation of the zoning ordinance for several months.

At a public hearing on February 1 the Moorings Country Club petitioned to have Lot 1 rezoned to PS "Public Service". When asked by the City Council what the Moorings Country Club intended to do with the property, its representative, Mr. Talbot stated that the club had no definite plans in mind, but that any activity in connection with the property would only serve to beautify the area.

Therefore, we were absolutely shocked when the Moorings Country Club revealed its plan at a meeting of the Naples Planning Advisory Board on Feb 23. The property in question was to be used as a parking lot, fronting on Wedge Drive immediately adjacent to our property on the East at 595 Wedge Drive.

If laying a hot slab of asphalt on this lot fronting on a quiet residential street is adding to its beauty then our sense of aesthetics has been greatly distorted.

The prospect of noxious fumes from automobiles entering your bedroom and family room windows at close range is not a pleasant one. Certainly, it seems we should be spared the attendant noise and air pollution which would emanate from a parking lot. And the summer time asphalt heat laid almost at your door step is hardly a desirable situation.

We hope the Planning Advisory Board and the City Council will take these factors into consideration when acting on the Moorings Country Club petition. And we hope you will especially keep in mind that the lot in question was purchased as a "Single Family" lot after my home had been built and long after the Country Club and Golf course had been in existence.

Sincerely yours,



March 5, 1978

GORDON DIINO  
595 Wedge Drive  
Naples, Florida 33940

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

Subject: Lot 1, Block 3, The Moorings

Dear Mr. Barry:

We live at 595 Wedge Drive in a home which is on Lot 2, Block 3, the Moorings directly adjacent to Lot 1 on its eastern boundary.

We strenuously object to the granting an expansion of the non-conformity zoning privilege for Lot 1 as requested by the Moorings Country Club. This property has been zoned "D/ R1-10 "Single Family" since the area was platted.

It seems to us that the central point of consideration here is that when we selected our home site in 1968 we determined that adjacent Lot 1 was zoned as "Single Family" residential. This property was then in the hands of a private owner. The Moorings Country Club had been in existence for some time and was not the owner. Subsequently, the Moorings Country Club purchased Lot 1 and at one time offered it for sale as a single family residence.

In 1976 the Moorings Country Club petitioned for a zoning exception to use a portion of the lot bordering Crayton Road for additional parking. It seems to us that the Moorings Country Club has indulged in a certain degree of flim-flam in pursuing this project. When the date for the public hearing was set in 1976 ICM we consulted Mr. John Keller, who was President of the Moorings Country Club, to learn its intentions.

He explained where the boundary line would be drawn and stated that shrubbery and bushes would be put in and maintained to obscure our view of the automobiles and particularly the shining lights at night. He further stated that the remainder of the property would be offered

Charles I. Lewis  
606 Wedge Drive  
Naples, Florida 33940

March 10, 1978

Naples Planning Advisory Board  
City Hall  
Naples, Florida 33940

ATTN: Mr. Roger Barry

Dear Sir:

I will be unable to attend the Joint Public Hearing of the City Council and the Planning Advisory Board on March 15th. at 9:00 AM. I object to the Moorings Country Club's request to be granted permission to build a parking lot on land now zoned for single family homes.

At present the Club has more parking space than it normally requires and has areas in front of the Club house which can be adapted to provide more parking. This is on the Crayton Road side of the Club.

At present we have an extremely bad traffic situation at the corner of Wedge Drive and Crayton Road, and any change resulting in additional traffic on either street will add more to the present un-safe condition. There are many young children in the neighborhood using these streets.

Further addition to the parking lot creates an eye-sore in a fine residential neighborhood, and tends to lower the values of homes near to it. In the best interests of this community, I request that the City Council and the Planning Advisory Board refuse the Moorings Country Club's request.

Sincerely,

*Charles I. Lewis*  
CHARLES LEWIS



CL/dc

600 Wedge Drive,  
Naples, Florida, 33940  
9th March, 1978

Mr. Roger Barry,  
Naples Planning Advisory Board,  
City Hall,  
Naples.

Dear Sir:

As I may be unable to attend the Joint Public Hearing of the City Council and the Planning Advisory Board on March 15th at 9 a.m. I am writing to express my strong objections to the Moorings Country Club being granted permission to build a Parking Lot on land now zoned for single-family houses.

My reasons are:

- 1) The Country Club has submitted no good reason why it should be permitted any variance in the zoning laws. On the contrary, it would appear that there is no need for more parking space at the Club which seems to have more space already than it normally requires.
  - 2) The intersection of Crayton Rd. and Wedge Drive is one of the busiest in the Moorings during the Winter, and an additional entrance to, or exit from, the Club at that corner would result in even more traffic delays than there are now.
  - 3) An enlarged Parking Lot on the location for which zoning variance is being asked would be an eyesore to the adjacent neighbors, and an objectionable inconvenience to all nearby homeowners.
- I sincerely trust that the Council, and the Planning Board, will refuse the Moorings Country Club's request, which has nothing to recommend it and much which seems to indicate that, in the best interests of the community, it should be unequivocally turned down.

Yours very truly,

*William Winter Hinton*  
(William Winter Hinton)





3/15/78

GORDON DILNO  
595 Wedge Drive  
Naples, Florida 33940

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

Dear Mr. Barry -

The signatures below  
the red line on this copy  
of one of our original  
petitions were brought  
to me in a letter last  
evening. The signers asked  
that their feelings be  
represented at today's  
public hearing.

They represent residents  
of an apartment on  
Wedge Drive who oppose  
reopening of Lot 1, Block 3,  
the Moorings. Because they  
feel it would threaten  
to disturb the beauty  
and serenity of a quiet  
residential street and  
was setting a dangerous  
precedent. Respectfully,  
D.D.

BBC637



550 Wedge Drive  
Naples, Fla 33940  
March 7, 1978

Naples City Council  
Naples, Fla 33940

Gentlemen:

At a Joint Public Hearing of the City Council and Naples Planning Advisory Board on February 1, 1978, Agenda Item #4-a "Petition #77-37 Moorings Country Club of Naples, Florida, from R1-10 Single to FS Public Service Zone." As we understand the action of Council, decision was delayed pending clarification of intent of some parts of the new Ordinance (Petition #77-117 dated November 1, 1977, New Section 5-21 Naples Zoning Code). Our letter of January 26, 1978 to the Moorings Property Owners Association, copy attached, summarizes arguments and presented our objections to including Lot 1, Block 3, Moorings Unit 3 in rezoning to FS (Public Service). In addition to aesthetics involved in construction of a parking lot in a residential zone, degradation of already borderline environmental conditions of excess noise, increased air pollution, increased traffic flow on narrow residential streets would most certainly result.

We think that there is in addition a matter of good faith involved. We, and other owners were assured when we purchased 550 Wedge Drive that as long as the Club owned Lot 1, Block 3, Moorings Unit 3, its use would not be incompatible with the existing residential zoning. (Lot 70, by-the-way, is the rest of the multi-acred Country Club and golf course.)

This was the case, until about a year ago, when the Moorings Country Club petitioned Council to permit use of part of Lot 1 to expand the existing parking facility. This, in effect, removed a pie-wedge portion of the lot, about the first 50 feet off of Crayton Road.

The Dilno's (Lot 2, adjacent) and we were again assured the proper set back and landscaping would be provided. Some attempt has been made, but to date the situation is unsatisfactory. See Polaroid pictures provided.

The final surprise came at a meeting of the Naples Planning Advisory Board on Thursday, February 23, 1978, when

Naples City Council

- 2 -

March 7, 1978

architect's plans for the proposed expansion were shown with maximum possible use of Lot 1, Block 3 for expansion of existing parking facility.

It is respectfully submitted that no matter how well screened or landscaped, such use of Lot 1, Block 3, Moorings Unit 3, is incompatible with existing neighborhood environment.

Sincerely,

David D. Work  
DAVID D. WORK

Nina M. Work  
NINA M. WORK

ATTACHMENT #6

On Thursday, February 23, 1978, representatives from the Moorings Country Club, 2500 Crayton Road, Naples, presented a plan for expansion of the Clubs Facilities to the Naples Planning Advisory Board at its meeting in the City Manager's Conference Room in Cambler Park.

As presented an essential part of the plan involves the use of the remainder of Lot 1, Block 3, Moorings Unit 3, facing Wedge Drive, for a parking lot. The Board asked the petitioner to make additional information available, and with that provision, without recommending approval or disapproval, voted to send the matter to public hearing before the City Council on March 15, 1978. One member abstained from voting.

The undersigned object to the expansion of the existing parking facility at the Moorings Country Club into the remainder of Lot 1, Block 3, Moorings Unit 3, or any similar use of the said Lot 1, Block 3.

SIGNATURE

ADDRESS

David A. Work  
 550 Wedge Dr.  
 550 Wedge Dr.  
 2485 Crayton Rd.  
 495 G.W. Rd.  
 2425 Country Rd.  
 2485 Crayton Rd.  
 600 Wedge Drive  
 606 Wedge Dr.  
 744 Wedge Dr.  
 744 Wedge Dr.  
 665 Wedge Dr.  
 485 Wedge Dr.  
 410 Wedge Dr.  
 " " " "  
 705 Wedge Drive  
 401 Wedge Drive  
 8100 Wedge Road W. Nap.

The undersigned object to the expansion of the existing parking facility at the Moorings Country Club into the remainder of Lot 1, Block 3, Moorings Unit 3, or any similar use of the said Lot 1, Block 3.

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COUNCIL AGENDA ITEM #4-d

JPH 3/15/78

City of Naples

726 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33948

DEPARTMENT

## MEMORANDUM

TO: Planning Advisory Board and City Council  
 FROM: Roger J. Barry, Planning Director  
 SUBJECT: Moorings Country Club/Nonconformity Petition  
 DATE: March 9, 1978

The PAB discussed a proposed expansion by the Moorings Country Club at their meeting of February 23, 1978 and at that meeting requested the applicant to submit revised exhibits (see the attached memo to the PAB dated February 15, 1978) to show, in particular, the landscaping that is proposed to be provided in conjunction with the expanded parking area. These revised exhibits are attached for your information.

The attached plans comply with ordinance requirements and, in our opinion, the request complies with the standards for permitting the expansion of nonconformities and should be approved subject to the improvements being made in substantial compliance with the Council approved plans.

We have also received letters and attachments from Mr. Dilno and Mr. Work and they are also attached.

Attachments

EJB:DD



AGENDA ITEM #6

PAB 2/23/78

City of Naples

726 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33948

DEPARTMENT

## MEMORANDUM

TO: Planning Advisory Board  
 FROM: Roger J. Barry, Planning Director  
 SUBJECT: Nonconformities Petition No. 78-N1, Moorings Country Club  
 DATE: February 15, 1978

The subject site is located on the northeast corner of Crayton Road and Wedge Drive and is presently zoned "R1-10," Single Family Residential. The Moorings Country Club was originally permitted in this zoning district as a special exception; but, since all special exception uses have been repealed from "R1-10," it is now a "nonconforming" use.

The Country Club wishes to expand the present facility to include additions to the existing building for restaurant, office and storage use and to improve an additional parking area.

Staff Recommendation

We have visited the subject site and reviewed the standards for permitting expansion of nonconformities. Section 4(c) of the Zoning Code states that "Prior to granting an expansion or change of nonconformity, the Board and the City Council shall insure that:

- (a) The expansion or change of the nonconformity will not damage the character or quality of the neighborhood in which it is located, or hinder the proper future development of the surrounding properties;
- (b) Any nuisance feature involved is not increased;

-1-

- (c) Excessive vehicular traffic is not generated on residential streets;
- (d) An automobile parking or traffic problem is not created;
- (e) Appropriate drives, walks and buffers are installed.

To insure compliance with items (d) and (e) above, we recommend approval of this petition subject to compliance with the following conditions:

- (1) that 15 copies of a landscaping plan, which includes the species, size, location of proposed plant materials, and a proposed irrigation system, for that area surrounding the new parking area which is proposed to be located at the southern end of the property be submitted by March 8, 1978, so that the staff may review the plan and include copies of it in the packets for approval at the joint public hearing which is proposed to be set for March 15, 1978.
- (2) that 15 copies of a plan (it may be on the same drawing as suggested in No. 1 above) which shows the details of the wall which is proposed to be located on the property line at the eastern end of the parking lot also be submitted, by March 8, 1978 for review, distribution and approval. (Note: Said wall may be no higher than five (5) feet nor closer to the front property line than thirty (30) feet without the separate approval of a special exception petition.);
- (3) that the existing, mature pine tree which is located at or near parking space number 85 be retained, even if it means the loss of a parking space; and
- (4) that the angle of the parking spaces and access aisle width to spaces numbered 106-124 be changed to conform with the minimum requirements of the Zoning Code.

PAB Action

We would suggest that the Board set this petition for a joint public hearing on March 15, 1978, subject to the submittal of the plans as set forth above.

EJB:DD

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Page Two  
MEMO to City Manager  
Canine Project

MAINTENANCE & OPERATION

- 34 Professional Services VET \$150.00
- 35 School & Training Expense K-9 School \$850.00

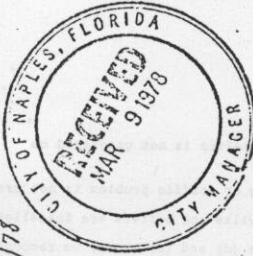
CAPITAL OUTLAY

- 96 Other Equipment Dog Handling Equipment \$150.00

TOTAL \$1,150.00

  
 Gary H. Young  
 Chief  
 GDY/st

ATTACHMENT #8  
AGENDA ITEM 25  
3/15/78



*City of Naples*

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA, 33940

M E M O

TO: City Manager  
 FROM: Chief Young  
 SUBJECT: Canine Project  
 DATE: March 9, 1978

The search of a building for a suspect burglar is a high hazard situation. This is of particular danger at night. The Officer must frame himself in the doorway and from that moment on usually be in a position where he can be seen and, in return, cannot see the subject inside. Also, it is difficult to search an entire building and discover every hiding place available. We have located burglars in duct work, cabinets, hollows in walls and every conceivable place. We have also missed several (according to partners taken into custody).

The proper, safe and expeditious method is to use a dog trained in building searches. The animal is released outside, enters the building and locates the suspect in seconds. Many times, a suspect will surrender when he becomes aware that a dog will be used in the search.

The dog, of course, does not rely on sight, but smell, and can locate even the most cleverly hidden suspect. They can also track suspects who have left the immediate scene.

We propose the use of a Canine/Police Officer team. Both would be trained to work together and the dog would live with the Officer. The City would provide the training expense, Veterinarian expenses and necessary handling equipment. The Officer would provide rations for the animal.

We have an Officer selected who wants to work under this arrangement.

The budget for this project is:



ATTACHMENT #9  
AGENDA ITEM #26  
3/15/78



*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: REQUEST BY FIREFIGHTER UNION TO USE STATION HOUSE FOR MEETING

DATE: MARCH 9, 1978

The president of the Firefighters Union has requested to appear before Council to request permission to hold meetings of that organization at one of our station houses. The Union has a problem holding a meeting at a time when all members can attend because of the shift assignment situation in the Fire Department. The Union would like to hold its meetings in a station house during the evening hours when all firefighters could attend, including those on duty at the time.

We have denied the request on two separate occasions, one having been last year and the other having been on March 3, 1978. Our reasons for denying the request, as stated in a letter to the Union, were based upon two considerations.

In the State's collective bargaining law, which we have also adopted as ordinance, the public employer is prohibited from "dominating, interfering with, or assisting in the formation, existence or administration of any employee organization, or contributing financial support to such organization." In another section of the State law and our ordinance, employee organizations, their members, agents, representatives or any other persons acting on their behalf are prohibited from "distributing literature during working hours in areas where the actual work of public employees is performed."

The other consideration was the fact that it would set a precedent of allowing union activities to be conducted on public property during working hours. This is not a practice that we

ATTACHMENT #9-page 2

Mayor and Council  
March 9, 1978  
Page 2

could grant to other City employees due to the nature of their duties and work assignments. In the pending police negotiations, the City also took the position that union business would be conducted on the employee's time, not the City's time.

Sincerely,

*George M. Patterson*

George M. Patterson  
City Manager

GMP/BCE/lao