

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD IN JOINT
PUBLIC HEARING WITH THE NAPLES PLANNING BOARD IN THE PARKS &
RECREATION DEPARTMENT, NAPLES, FLORIDA, WEDNESDAY, APRIL 5, 1978,
AT 9:00 A.M.

Present: R. B. Anderson
Mayor

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

Absent: James F. McGrath
Councilman

Planning Advisory Board: Clayton Bigg, Chairman
Lawson Adams
Roger Billings
Donald Boyes

Also Present: George Patterson, City Manager
John Fletcher, City Attorney
Roger Barry, Planning Director
Bradley Estes, Assistant to the City Manager
Anders Sandquist, Building & Zoning Official
Norris Ijams, Fire Chief
Mark Wiltsie, Purchasing
Nathaniel Hooper, Sr. Engineering Technician

Father Thomas Goggin
Mrs. Freschel
Marie Mueller
Arndt Mueller
Sam Aronoff
Bob Russell
William Shearston
Lloyd Sarty
Miles Scofield
William Barton
Bob Jackson
Harry Rothchild
Robert Blank
Dr. Jacques Van de Kreeke
Raymond Miller
Phillip Wilson
Gary Brooks
Ted Brousseau
Ted Smallwood
Mark R. Butson
Linda Cullen

News Media: John Robinson, TV-9
Allen Bartlett, Ft. Myers News Press
Tim Smart, Miami Herald
Dave Swartzlander, Naples Daily News
Tom Martino, WBBH-TV
Suzanne McGee, Naples Star
Kent Weissinger, WRGI

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon, Father Thomas Goggin, of St. Ann's Catholic 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 15, 1978. Motion to accept the minutes as presented made by Mr. Thornton, seconded by Mr. Wood and unanimously carried on voice vote.

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Mr. Schroeder made a motion to add Agenda Item 16 from the March 15th meeting as AGENDA ITEM 16-a to today's Agenda on an emergency basis, seconded by Mr. Thornton and carried on a roll call vote 5-1, with Mr. Holland voting against.

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Mayor Anderson opened the Public Hearing at 9:12 a.m.

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

Chairman Bigg organized the Planning Advisory Board. It is noted that all members were present.

AGENDA ITEM 4-a. Nonconformity Petition No. 78-N1-Moorings Country Club. Request to expand a nonconforming use. (Continued from Joint Public Hearing of March 15, 1978)

Mr. Bigg stated that petitioner had asked that the petition be withdrawn.

There being no one present to speak for or against, Mayor Anderson closed the Public Hearing at 9:15 a.m.

Mr. Adams moved that Nonconformity Petition No. 78-N1 be withdrawn from the Agenda, seconded by Mr. Billings and carried by unanimous voice vote.

There being no discussion, Mr. Thornton moved that the recommendation of the Planning Advisory Board in regard to Nonconformity Petition No. 78-N1 be accepted, seconded by Mr. Twerdahl and carried 6-0 on roll call vote.

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AGENDA ITEM 4-b. Vacation of Alley request from Dr. Eugene Carr; northeast of 8th Street South and 3rd Avenue South. (Deferred from Regular Meeting of March 1, 1978)

Mr. Bigg stated that petitioner had asked that request be withdrawn.

Mayor Anderson opened the Public Hearing at 9:16 a.m.; there being no one present to speak for or against, he closed the Public Hearing at 9:17 a.m.

Mr. Billings moved that Vacation for Alley request be withdrawn from the Agenda, seconded by Mr. Boyes and carried unanimously on voice vote.

There being no discussion, Mr. Thornton moved to accept the Planning Advisory Board's recommendation regarding the Vacation for Alley request, seconded by Mr. Twerdahl and carried 6-0 on roll call vote.

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

AGENDA ITEM 5. Recommendation of Planning Advisory Board with reference to newspaper vending machines. Requested by City Council.

Council agreed with the steps outlined in Mr. Bigg's memo of February 28 (Attachment #1) and referred the matter to Mr. Barry to see what arrangements could be made with vendors and/or newspapers regarding location of machines in multi-family areas, and removing machines from single family areas. Mr. Barry is to report back at the first meeting in May.

AGENDA ITEM 6. PUBLIC HEARINGS: Second reading of ordinances.

AGENDA ITEM 6-a. 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 and other coastal construction, by amending Item (6) of paragraph "C" thereof, providing exceptions from the provisions of said Paragraph "C"; and providing an effective date.

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

Mayor Anderson opened the Public Hearing at 9:30 a.m.; whereupon Bob Jackson of Collier Marine spoke against the 15 foot limitation for docks in the original ordinance. Miles Scofield commended the amendment before Council but stated that it only aided about 80% of the problems created by the existing ordinance, maintaining that state and Corps of Engineers regulations were sufficient for the larger projects of this nature.

Mr. Bill Barton objected to the wording in the existing ordinance in that it required him as an engineer to "guarantee" his work which his liability insurance would not allow him to do. Discussion on changing the wording in paragraph E at a later date ensued.

Mayor Anderson closed the Public Hearing at 10:06 a.m. at which time the City Attorney stated that he would prepare an amendment to clarify paragraph E. Mayor Anderson stated that further review of the existing ordinance could be done at a later date.

Mr. Thornton moved adoption of Ordinance 2925 on Second Reading seconded by Mr. Schroeder and carried 6-0 on roll call vote.

AGENDA ITEM 6-b. 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.

Mayor Anderson opened the Public Hearing at 10:12 a.m.; whereupon City Attorney Fletcher read the above captioned ordinance for Council's consideration on Second Reading.

There being no one to speak for or against this matter, Mayor Anderson closed the Public Hearing at 10:13 a.m.

There being no discussion, Mr. Holland moved adoption of Ordinance 2926 on Second Reading, seconded by Mr. Schroeder and carried 6-0 on roll call vote.

AGENDA ITEM 6-c. 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) of Subsection (a), previously repealed therefrom; and providing an effective date.

Mayor Anderson opened the Public Hearing at 10:14 a.m.; whereupon City Attorney Fletcher read the above titled Ordinance by title for consideration by Council on Second Reading. There being no one present to speak for or against, the Mayor closed the Public Hearing at 10:15 a.m.

Mr. Thornton moved adoption of Ordinance 2927 upon Second Reading, seconded by Mr. Wood and carried 6-0 on roll call vote.

AGENDA ITEM 7. PUBLIC HEARING: To consider Petition of Pevely Dairy Company for variance from the coastal construction setback line established by Ordinance No. 2247.

Mayor Anderson opened the Public Hearing at 10:16 a.m.; whereupon Mr. Robert Blank, representing Pevely Dairy, and Dr. Jacques Van de Kreeke of the University of Miami, and Raymond Miller of Miller, Barton, Soll & Peek, spoke on behalf of the petitioner and presented beach maps and aerial photographs to support petition. They contended that the seawall in the proposed variance would not be detrimental to the beach and that the property was useless under the existing coastal construction set back lines.

Marie and Arndt Mueller, Phillip Wilson and Harry Rothchild spoke against Council voting favorably on this petition.

Mayor Anderson closed the Public Hearing at 11:10 a.m.; whereupon Mr. Schroeder moved that this petition be denied, seconded by Mr. Twerdahl and carried 5-1 on a roll call vote with Mr. Holland voting no.

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Let the record show that Mr. Holland left the room temporarily.

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At the suggestion of Mayor Anderson, Mr. Twerdahl moved that Council take up Agenda Item 15 and 13 at this time, seconded by Mr. Wood and carried 5-0 on voice vote.

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AGENDA ITEM 15. Request by Gary S. Brooks, attorney for Venetian Bayview Condominium project, for permission to be exempted from Ordinance 2274.

Mayor Anderson asked Mr. Brooks to present his request. Mr. Brooks noted that his request was for relief from Ordinance 2057, not 2274. He outlined the background of the situation, asking for at least a compromise in the number of units to be allowed that would be greater than the 12 units per acre allowed under a new building permit issued in accordance with existing zoning regulations. He presented a packet of materials which he requested be made part of the record. These are attached to the original minutes as Attachment #6 and made part of the record.

Mr. Schroeder moved to deny this request, seconded by Mr. Twerdahl and carried 6-0 on roll call vote.

AGENDA ITEM 13. 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 a time schedule prior to the issuance of a building permit for construction which will exceed eighteen months; further, by amending Section 8.5 thereof, providing a time limitation on building permits; and providing an effective date. (First Reading) Previously considered and deferred from Regular Meeting of February 15, 1978.

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

After discussion it was the consensus of Council to amend the language in this to clarify it.

Mr. Lloyd Sarty came forward to inform Council that the Mooring Gulf Shore Association has employed Attorney Ted Brousseau in an attempt to expedite the application of any ordinance passed that will help them in the disposition of the problems with The Towers. Attorney Brousseau added suggestions for defining the words "abandonment and suspension".

Mr. Thornton moved to approve this ordinance, as amended, on First Reading, seconded by Mr. Schroeder and motion carried 6-0 on roll call vote.

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Let the record show that Council recessed for a lunch break at 12:55 p.m.; reconvening at 2:05 p.m. with Mr. McGrath, Mr. Holland and Mr. Thornton absent.

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Mr. Schroeder moved that Agenda Items 20 and 21 be taken up at this time, seconded by Mr. Wood and carried 4-0 on roll call vote.

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Let the record show that Mr. Thornton arrived at 2:10 p.m.

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AGENDA ITEM 20. A resolution adopting the Coastal Collier County 201 Facilities Plan as it affects the City of Naples and as amended herein. Requested by Consulting Engineer.

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

A RESOLUTION OF THE CITY COUNCIL ADOPTING THE COASTAL COLLIER COUNTY 201 FACILITIES PLAN, AS AMENDED HEREIN, AS IT AFFECTS THE CITY OF NAPLES.

Mr. Twerdahl asked for more information about the 201 Plan and Mr. Ted Smallwood outlined the history of it for Council back as far as March 1977. He read Resolution 2742 that the past Council passed and explained spray irrigation and injection wells for recharge program, citing that there will be no discharge of effluent into the river and noting the re-use component, i.e. the irrigation of golf courses. He went on to read Ordinance 2775 and explained the relationship of the 201 Plan to the City's 180 district.

City Attorney noted that the City and the County would have to enter into a contractual arrangement for the County to be the collector in the East Naples area and the City to do the treatment. Cost and funding were further discussed.

Mr. Thornton moved for adoption of Resolution 2928, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 21. A resolution authorizing the Consulting Engineers, Black, Crow & Eidsness, Inc. to prepare an application for a Step II Grant under Public Law 92-500 in accordance with the amended Coastal Collier County 201 Facilities Plan and authorizing the City Manager to execute same and submit to the State of Florida Department of Environmental Regulation for processing. Requested by Consulting Engineer.

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

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A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY'S CONSULTING ENGINEER, BLACK, CROW AND EIDSNESS, INC., TO PREPARE AN APPLICATION FOR A STEP II GRANT UNDER PUBLIC LAW NO. 92-500, IN ACCORDANCE WITH THE AMENDED COASTAL COLLIER COUNTY 201 FACILITIES PLAN AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE SAME AND TO SUBMIT TO THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION FOR PROCESSING; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Thornton moved to adopt Resolution 2929, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 8. An ordinance rezoning the Southwest Heritage Railroad Depot, located at 1023 Fifth Avenue South, Naples, Florida, more particularly described herein, from "C2", General Commercial; "C3", Heavy Business; and "I", Industrial to "C2", General Commercial; and providing an effective date. (First Reading)

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

After a discussion on the relationship of the taxable status of Southwest Heritage and the zoning, Mr. Twerdahl moved adoption of this ordinance on First Reading, seconded by Mr. Schroeder and motion carried 5-0 on roll call vote.

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Let the record show that Mr. Fletcher left at 2:40 p.m.

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AGENDA ITEM 9. An ordinance granting a Special Exception to use the Naples Railroad Depot, located at 1023 Fifth Avenue South, as a civic and cultural facility; and providing an effective date. (First Reading)

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

Mr. Thornton moved adoption of this ordinance on First Reading, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 10. An ordinance granting a Special Exception to erect a six foot high fence in the required front yard at 2900 Fort Charles Drive, Naples, Florida, more particularly described herein; and providing an effective date. (First Reading)

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

A brief discussion followed regarding the desirability of a hedge to hide this fence; whereupon Mr. Thornton made a motion to adopt this ordinance on First Reading, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 11. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new section to Chapter 9, relating to fire protection, providing regulations for the delivery and unloading of liquified petroleum gas from tank cars; and providing an effective date. (First Reading) Requested by Fire Chief.

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

Fire Chief Ijams reported that the situation at Tropigas had improved considerably since it has been under a new manager; however, some of the problem was with the railroad. The proposed ordinance states that a tank car not be permitted to remain on the railroad siding for more than 24 hours; however, there is only train service to Naples on Monday, Wednesday and Friday and out of Naples on Tuesday, Thursday and Saturday mornings.

Mr. Thornton moved that this Item be removed from the agenda and brought back on April 19th, seconded by Mr. Twerdahl and carried 5-0 on voice vote.

AGENDA ITEM 12. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new Section 8-46 to Article V of Chapter 8, relating to contractors, sub-contractors, specialty contractors, masters and journeymen; providing that any person holding a current Certificate of Competency issued by Collier County may obtain a Certificate of Competency from the City of Naples by presenting a copy of said county certificate to the City and paying the fees applicable thereto; and providing an effective date. (First Reading) Requested by Councilman Holland.

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

Mr. Patterson stated that the County's standards for Certification are now as high or higher than the City's and he thought that the County was planning to reciprocate by accepting our Certificates to obtain a County Certificate.

Mr. Twerdahl moved to adopt this ordinance on First Reading, seconded by Mr. Wood and carried 5-0 on roll call vote.

AGENDA ITEM 14. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new Section 16-27 to Chapter 16, relating to Parks and Recreation, establishing a light meter charge at City shuffleboard courts and racquetball courts; and providing an effective date. (First Reading) Requested by Parks & Recreation Board.

County Manager Patterson read the above captioned ordinance in its entirety for Council's consideration on First Reading and pointed out the memo from the Parks & Recreation Board (Attachment #2).

Mr. Twerdahl moved adoption of this ordinance on First Reading, seconded by Mr. Wood and carried 5-0 on roll call vote.

AGENDA ITEM 16. A resolution authorizing the Mayor and City Clerk to execute a deed conveying Bayview Park to Collier County, subject to certain conditions set forth therein, a copy of which is attached hereto and made a part hereof; and providing an effective date. Requested by City Manager.

As per discussion at Workshop meeting, Mr. Thornton moved to remove this Item from the Agenda, seconded by Mr. Twerdahl and carried 5-0 on voice vote.

EMERGENCY AGENDA ITEM 16-a. Appointing a member to the Planning Advisory Board.

City Manager 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.

Mr. Thornton moved approval Resolution 2930 appointing Eugene Pratt to the Planning Advisory Board, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

Mayor Anderson directed the City Manager to write letters to thank the other candidates for their applications.

AGENDA ITEM 17. A resolution authorizing the Mayor and City Clerk to execute an agreement between the Department of Natural Resources, Division of Recreation and Parks and the City of Naples for construction of recreational facilities at Naples Landing and to further execute an agreement between the Department of Natural Resources, Division of Recreation and Parks, the City of Naples and Collier County for development of recreational boating facilities at Naples Landing, copies of which are attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Manager Patterson read the above titled resolution for Council's consideration. After a brief discussion regarding the fact that since the site plan was completed, all that will be presented for approval will be engineering specs with some minor changes, Mr. Wood moved to adopt Resolution 2931, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 18. A resolution amending previous purchase agreement with Collier County School Board for Carver Site. Requested by City Manager.

City Manager Patterson explained that the resolution had not been prepared as yet, but he stated it only involved more delineation of the legal description and use of the warehouse by the School Board until the first of the year. He asked that action be deferred until the April 19th meeting. Consensus of Council was to defer action until then.

AGENDA ITEM 19. A resolution authorizing the Mayor and City Clerk to execute a Water Distribution Maintenance Agreement between the City of Naples, Collier County and the Collier County Water-Sewer District, relative to certain maintenance services to be provided by the City to the County's distribution system, a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Manager Patterson read the above titled resolution for Council's consideration. He referred to his memo of March 31, 1978 (Attachment #

After brief discussion, Mr. Twerdahl made a motion to adopt Resolution 2932, seconded by Mr. Thornton and carried 5-0 by roll call vote.

AGENDA ITEM 22. A resolution petitioning the Board of County Commissioners of Collier County, Florida, to develop an appropriate mechanism to finance facilities and services that are financed from county-wide revenues but which are rendered by Collier County specially or exclusively for the benefit of property and residents in the unincorporated areas of Collier County or from which the property or residents located in the City of Naples, Florida, receive no real and substantial benefit. Requested by Double Taxation Committee.

City Manager Patterson stated that this had been placed on the Agenda in case there was no progress to report on the City-County meetings. Since there had been one meeting and another one planned, Mr. Thornton moved that this matter be removed from the Agenda, seconded by Mr. Schroeder.

Mr. Patterson then outlined the progress made at the City-County meeting and the steps taken at the City's Double Taxation Negotiation Team's meeting. Consensus of Council was that this item be included on the Agenda of the April 19th meeting under Correspondence.

Motion to remove this item from the Agenda was carried 5-0 on roll call vote.

AGENDA ITEM 23. A resolution of the City Council requesting the Florida Department of Transportation to conduct a new study and evaluation of State Project No. 03631-1606, New Gordon River Bridge Corridor, encompassing the projection for a new east-wide arterial route; and providing an effective date. Requested by Chamber of Commerce Aviation Committee.

City Manager Patterson read the above titled resolution for Council's consideration. He stated that Mr. Tiseo had requested this item. Discussion on this concerned the possibility of this request clouding other priorities and Mr. Thornton moved the it be removed from the Agenda, seconded by Mr. Schroeder and carried 5-0 by roll call vote.

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It was the consensus of Council that the City Manager should contact somebody in the County to do something right away about a complete traffic study done together with the City.

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AGENDA ITEM 24. A resolution authorizing the City Attorney to enter into a stipulation for reduction of the sewer assessment on the south 402.3 feet of block C, Sangamore Beach, from \$11,653.55 to \$8,600.00, and dismissal of the cause of action filed by Lloyd S. Taylor and Marijo Taylor against the City of Naples; and providing an effective date. Requested by City Attorney.

BBC637

City Manager Patterson read the above titled resolution for Council's consideration; whereupon Mr. Thornton moved to adopt Resolution 2933, seconded by Mr. Schroeder and carried 5-0 on roll call vote.

AGENDA ITEM 25. Discussion of City Attorney's recommendation that no appeal be filed relative to peremptory writ of mandamus issued by Circuit Court regarding Sambo's v. City of Naples. Requested by City Attorney.

Consensus of Council by voice vote to agree with City Attorney Fletcher's recommendation that there be no appeal in this suit.

AGENDA ITEM 26. A resolution accepting an easement from Fidelity Service Corporation for utility purposes over and across the property described therein, a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by Engineering Department.

City Manager Patterson read the above titled resolution for Council's consideration; whereupon Mr. Thornton moved adoption of Resolution 2934, seconded by Mr. Wood and carried by roll call vote, 5-0.

AGENDA ITEM 27. Discussion of installation of parking meters on Fourth Avenue South. Requested by City of Naples Parking Authority.

City Manager Patterson reported that the Parking Authority had changed their request to only put meters on the south side of Fourth Avenue South, but they had not responded to his letter of March 16 (Attachment #4)

Mr. Thornton moved that this Item be removed from the Agenda, seconded by Mr. Twerdahl and carried 5-0 on roll call vote.

AGENDA ITEM 28. Selection of City Attorney. Requested by City Attorney.

Because there were more applicants to be interviewed, Mr. Twerdahl moved to defer action on this Item until the April 19th meeting, seconded by Mr. Schroeder and carried 5-0 on voice vote.

AGENDA ITEM 29. A resolution appointing a resident of the City of Naples as a member of the Board of Trustees of the City of Naples Firemen's Retirement Trust Fund to fill the unexpired term of Harry Rothchild; and providing an effective date. Requested by City Mayor Anderson.

City Manager Patterson read the above titled resolution for Council's consideration.

Mayor Anderson stated that Harry Heineman had consented to serve on this Board; whereupon Mr. Thornton moved approval of Resolution 2935 appointing Harry Heineman to the Board of Trustees of the City of Naples Firemen's Retirement Trust Fund, seconded Mr. Schroeder and carried 5-0 on voice vote.

AGENDA ITEM 30. A resolution authorizing the Director of Finance to transmit funds to the State Board of Administration for investment pursuant to the Local Government Surplus Funds Act and to withdraw such funds upon timely notice; and providing an effective date. Requested by Director of Finance.

City Manager Patterson read the above captioned resolution for consideration by Council and outlined information presented in a memo from Finance Director Jones dated March 28, 1978. (Attachment #5)

Mr. Thornton moved to adopt Resolution 2936, seconded by Mr. Schroeder and carried 5-0 by roll call vote.

AGENDA ITEM 31. Authorization to bid Fleischmann Park racquetball courts. Requested by City Manager.

There being no discussion, Mr. Thornton moved that the City Manager be authorized to put out for bids for racquetball courts at Fleischmann Park, seconded by Mr. Schroeder and carried 5-0 by voice vote.

AGENDA ITEM 32. Bid Award - Concrete street and traffic light poles and luminaries.

City Manager Patterson read the below titled resolution for Council's consideration.

A RESOLUTION ACCEPTING AND AWARDING BID FOR FURNISHING CONCRETE STREET LIGHT POLES, TRAFFIC LIGHT POLES AND STREET LUMINARIES; AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR.

He explained that the City stocks these to be put in and Florida Power & Light reimburses the City for these when they are installed.

Mr. Thornton moved adoption of Resolution 2937, seconded by Mr. Wood and carried 5-0 by roll call vote.

CORRESPONDENCE & COMMUNICATIONS

Mr. Schroeder brought up letter from the Moorings Property Owners about speeding on Crayton Road. City Manager Patterson advised that there will be an ordinance covering "No Through Truck Traffic" shortly.

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Mr. Schroeder also brought up a letter from the Civic Association requesting a resolution to Congress against the exclusion of Personal Property taxes as a deduction on Personal Income Tax.

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Discussion on travel expenses for the applicants coming to Naples for interviews for position of City Attorney. Mr. Twerdahl was instructed to have Mr. Rynders and Mr. Gimmell submit their expenses and to make arrangements for Mr. Davis and Mr. Galbraith to do the same.

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There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 5:05 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet L. Davis
Janet L. Davis
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy City Clerk

These minutes of Naples City Council approved on 4-19-78



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940



PARKS AND RECREATION DEPARTMENT

M E M O

TO: George M. Patterson, City Manager
 FROM: Randy Davis
 SUBJECT: LIGHT METERS - RACQUETBALL & SHUFFLEBOARD COURTS
 DATE: March 28, 1978

At the Parks and Recreation Board meeting held March 28, 1978, a discussion came up about the utilization of coin meters for our existing four racquetball courts as well as the four proposed additional courts. Also included in this discussion was the use of coin operated meters for our shuffleboard courts. I explained to the board that this type operation would only offset our costs as far as night lighting for these facilities and would only help defray the nightly cost of utilities. I explained also that this would help keep our yearly budget at a stable point.

A motion was made by Mrs. Van Arsdale that such coin operated meters be installed at both facilities. The motion was seconded by Ruth Brashear and received a unanimous vote of approval.

Also relating to charges of facilities, the subject came up as to a charge being implemented for the launching facility that will soon be developed at the Naples Landing project. The concensus vote of the board was that there should be some way to implement a charge for launching boats to help offset the day to day cost of operation of the park. This concensus, along with the recommendation of the board may be found on tapes, as well as in the minutes of the Parks and Recreation Board meeting of March 28, 1978.

4/5/78

ATTACHMENT #1



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: City Council

FROM: Clayton E. Bigg, Chairman Planning Advisory Board

SUBJECT: Newspaper Vending Machines

DATE: February 28, 1978

The City Council referred the above matter to the Planning Advisory Board on January 31 and the PAB reviewed the attached material and discussed the matter with representatives of the Naples Daily News and the Miami Herald at the Board meeting on February 23, 1978.

It is the Board's recommendation to the Council that this matter be dealt with as follows:

1. That an effort be made to deal with the situation on a voluntary basis and that a regulatory ordinance not be adopted at this time.
2. That the newspaper representatives and the Planning Department staff jointly work out a mutually acceptable location plan for the placement of the vending machines based on the prohibition of such machines in the single family residential areas; limited placement in the multi-family residential areas and unlimited placement in the commercial and industrial areas.
3. That the newspaper representatives and the Planning Department staff mutually agree on a repainting program that will, over a reasonable period of time, result in all of the machines being painted the same acceptable color.
4. The Planning Department staff is to return to the PAB for their approval of arrangements that are made under items #2 and #3 above.

Please also find attached the draft minutes of the February 23, 1978 PAB meeting relative to this matter for your information.

Clayton E. Bigg
 Clayton E. Bigg

Enc.
 CEB:DD

George M. Patterson

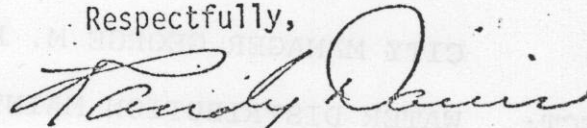
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March 28, 1978

If possible, I would like for this letter of information to be put in the Council packet for their approval of the coin operated meters at both the racquetball facilities and the shuffleboard facilities, due to the fact that I know that at the April 5th meeting the subject of the racquetball facilities will be on the agenda.

No mention of a specific charge was brought up during the meeting, but it would be my recommendation that we charge the same as we do at the tennis facilities, that being 50¢ per half-hour.

Respectfully,



Randy Davis, Director
Parks & Recreation

RD/pj

BBC637



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: WATER DISTRIBUTION MAINTENANCE AGREEMENT

DATE: MARCH 31, 1978

Attached you will find a Water Distribution Maintenance Agreement that is proposed between the City and County. As a result of the City/County water agreement, the County will shortly be providing water service to residents in the unincorporated area that were previously served from the City water system.

The County is prepared to handle the utility billing, meter reading, customer complaints, etc., but feels it would be very advantageous if the City would continue to handle the actual maintenance of that water distribution system until the end of this fiscal year. In an effort to cooperate with the County and due to the fact that since we have been serving that area, we have both the manpower and equipment to handle this work. Per the agreement, we would be reimbursed by the County for any of this work undertaken.

The termination date of this agreement of September 30, 1978, which I think should be the final date, was recommended due to the fact that it would be the end of the present fiscal year and beginning of the new fiscal year for both the City and the County. This would also give the County a very comfortable period of time in which to gear up from the manpower and equipment standpoint to be in a position to assume the function.

Respectfully submitted,
George M. Patterson
 George M. Patterson
 City Manager

GMP/tan
 enc.

4/5/78

99

ATTACHMENT #4



City of Naples

735 EIGHTH STREET, SOUTH · NAPLES, FLORIDA 33940

OFFICE OF THE CITY MANAGER

March 16, 1978

Mr. Robert C. Gulley, President
Naples Parking Authority
c/o 507 Palm Drive
Naples, Florida 33940

Dear Mr. Gulley:

Please forgive my delay in getting back to you in regard to your latest recommendation for the placing of parking meters on Fourth Avenue South.

Even though I am certain that your latest suggestion of placing the meters only on the south side of the street would be far more acceptable to the apartment house owners and residents, I would like to make a suggestion. Since there is the possibility that many of the all-day users of the south side parking might tend to move to the north side of the street as soon as meters are installed, I would suggest some contact between the Parking Authority and the owners of the apartment houses in reference to this proposal. If, in fact, they are not disturbed by the proposal, this would expedite the process and avoid the possibility of conflict at the Council meeting.

This is only a suggestion, as whatever procedure you wish to follow is naturally your decision to make. At any rate, I will plan to put the matter on the Council agenda for April 5.

Thank you for your cooperation.

Sincerely,

George M. Patterson
City Manager

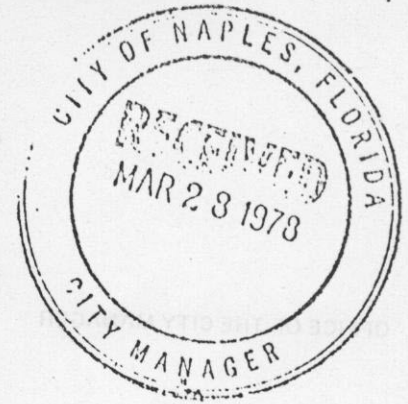
GMP/tan

BBC637



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940



FINANCE DEPARTMENT

MEMORANDUM

TO: George M. Patterson, City Manager
 FROM: Franklin C. Jones, Finance Director
 DATE: March 28, 1978
 SUBJECT: State Board of Administration Investment Program

On Thursday, March 23, 1978, I attended an investment seminar presented by the State Board of Administration (SBA). The main topic was the "Investment of Local Government Surplus Funds Act" and the assistance available to local governments from the SBA.

The SBA can provide both advisory service and active management of funds. In order to invest funds through the SBA, the local government must pass a resolution authorizing the finance director to deposit and withdraw funds with the SBA.

I believe that the City of Naples can benefit by participating in the SBA program when investment rates available in the local area are substantially less than those available from the SBA program. Investment rates vary from day to day and institution to institution based on the money needs in the area. By maintaining the option to participate we will not be limited by the investment conditions in South Florida.

I have attached some background material and a sample resolution. If you have any questions concerning this, please contact me.

Franklin C. Jones
 Franklin C. Jones
 Finance Director

FCJ:vhw

Attachments

INVESTMENT OF LOCAL GOVERNMENT FUNDS

The 1977 Florida legislature enacted Chapter 218, Part IV, Florida Statutes, which provides for the investment of surplus funds held by local governmental bodies. To facilitate the investment of these funds, the Act further provides for the assistance of the Department of Community Affairs and the State Board of Administration if so requested by the local governmental bodies. The Statute known as the "Investment of Local Government Surplus Funds Act" became effective October 1, 1977. The goal of this legislation is to assist local governmental bodies in achieving the highest possible returns commensurate with a very low degree of risk.

The available assistance is broad and divided into two major categories:

(1) Those bodies wishing to manage their own surplus funds will have available to them on a regular and formal basis the consulting and advisory services of the two above-named departments. This service could take many forms and can be tailored to meet the needs of the local body.

The State Board of Administration will be available to advise any interested local body as to the types of investment vehicles available, current interest rates and prices for various investment media, risk levels of possible investments, and methods for investing in these areas.

(2) Active Management - Local bodies may elect to have their surplus funds invested by the State Board of Administration.

SBA INVESTMENT INFORMATIONAL SERVICES

Cost to Users. None

Available Hours. Normal State Board of Administration hours are 7:30 a.m. to 4:30 p.m.

Procedures. A special number has been established for the receipt of your calls; simply identify yourself upon calling as a local governing body. This number is (904) 488-7311 or 488-7312. Written inquiries should be addressed to the State Board of Administration, P.O. Drawer 5318, Tallahassee, Florida 32301, Attention Mr. Carmen G. Hiers.

Applicable Areas of Interest. Available types of short and intermediate investments, current interest rates for different investment media, procedures for availing yourself of these, etc.

FEATURES OF ACTIVE MANAGEMENT BY THE SBA

(1) Voluntary participation. Participation in this service is elective. Funds can be remitted and withdrawn at the complete discretion of the local governing body on short notice.

(2) Potential for higher investment returns. It will often be possible for the State Board of Administration to achieve higher investment return than those available to the local governing body. This is possible because the State Board of Administration maintains constant and instantaneous access to nationwide credit markets and frequently purchases its investments in large denominations, which are often available at more attractive prices. Investments are limited to those authorized by Section 215.47, F. S.

(3) Enhanced liquidity. Because of the large dollar amount of short term investments under the management of the State Board of Administration, and the number of accounts which it services unexpected demands for cash by participants in this program will frequently be able to be met without incurring penalties for early or unexpected withdrawals.

(4) Investment expertise. The State Board of Administration maintains a highly qualified staff of investment specialists, whose sole function is money management. This expertise is available to local governmental bodies at a fraction of the cost it would take to duplicate it.

(5) Lower investment costs. The service charge levied against a participant in this program is intended to cover basic costs only. We are aware of no service available in the private market which is anywhere competitive with the State Board of Administration's fees. For the fiscal year ending June 30, 1978, fees for this service are anticipated to be .36% of realized earnings. At current interest rates the fee on \$1 million managed for a full year would be between \$180 and \$220.

GUIDELINES FOR PARTICIPATING IN PROGRAM

(1) A local governmental body becomes eligible for participation in this program upon receipt by the State Board of Administration of a resolution authorizing a fiscal officer to deposit and withdraw funds.

(2) Funds will be transmitted to and from the State Board of Administration by wire transfer in a minimum amount of \$10,000.

(3) Twenty-four hours notice is requested for the receipt and disbursement of funds. A shorter period is possible under special circumstances.

(4) Financial statements will be submitted to the participating governmental bodies semi-annually or as requested by the participants.

(5) All deposits with the State Board of Administration should be accompanied by a statement as to the intended duration of the investment or the anticipated date of need for the funds.

Notice by telephone of the deposit of or request to withdraw funds will expedite the investment and withdrawal of funds. The telephone advice must be confirmed by letter.

BBC637

WILLIAMS, SALOMON, KANNER, DAMIAN, WEISSLER & BROOKS

AGENDA ITEM 15
4/5/78

ATTORNEYS AT LAW

1003 DUPONT BUILDING

MIAMI, FLORIDA 33131

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ
MARCUS S. AMBROSE

TELEPHONE (305) 379-1681

March 6, 1978



Mr. George Patterson
City Manager
City of Naples
735 Eighth Street, South
Naples FL 33940

Re: Request to be placed on
City Council Agenda regarding
Venetian Bayview Condominium Project

Dear Mr. Patterson:

This lawfirm representes Venetian Bayview of Naples, Inc. which is the owner of a condominium project by the same name. This letter constitutes a request to be placed upon the City Council Agenda as soon as is reasonably possible in order to request a Declaration that Ordinance No. 2274 §1, 7-16-75, is not binding upon the subject condominium development.

I am enclosing prior correspondence directed to the city and various officials with respect to this matter in the past. The documents speak for themselves. The last time we appeared before the City Council, the city attorney was directed to make an investigation as to the appropriate legal avenues which could be pursued in order that this matter could be properly considered. Since that time, there has been somewhat of a change, both in the city government and its legal staff and the matter was never pursued. We would like to renew our efforts in this respect inasmuch as the City Council tabled it upon our last appearance.

Please give me a call collect if there is any further information or documents which you need or if you wish to discuss this matter.

Yours truly,

Gary S. Brooks
Gary S. Brooks

GSB/alc

Enclosures

cc: Mr. Roger Barry

Mr. J. O'Connell - 21 -

LEGAL DESCRIPTION

Lot 37, Block 19, Park Shore Unit Number 3 according to the Plat thereof recorded in Plat Book 8, at Pages 59 and 60 of the Public Records of Collier County, Florida, less the following portions thereof:

BEGINNING at the Northwest corner of Lot 37, Block 19, of Park Shore Unit Number 3 according to the Plat thereof as recorded in Plat Book 8, pages 59 and 60; Collier County Public Records, Collier County, Florida; thence along the North line of said Lot 37, North 84 degrees 51' 00" East 480.00 feet; thence south 5 degrees 09'00" East 230.00 feet; thence south 84 degrees 51'00" West 480.00 feet; thence along the East line of Crayton Road, North 5 degrees 09'00" West 230.00 feet to the place of beginning; being a part of said Lot 37, Block 19, Park Shore Unit Number 3, Collier County, Florida.

SITE IMPROVEMENTS

Asphalt parking and drives
Landscaping
Swimming Pool/Patio area
Two Tennis Courts

TRI-COUNTY ENGINEERING, INC.

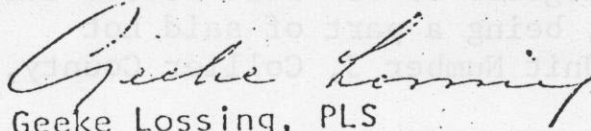
Mr. J. O'Hara Smith
Page Two
October 30, 1975

fixed fee of \$3,500.00. If you prefer to engage us on a "Rate" basis, we will charge our customary rates (you have a schedule) and an estimate based on these rates, barring unforeseen contingencies, is approximately \$3,000.00.

Should you have any questions regarding the quotation or any of the aforementioned, please call me (813 261-3537). I look forward to hearing from you in the near future.

Sincerely,

TRI-COUNTY ENGINEERING, INC.


Geeke Lossing, PLS
Chief, Office Survey

GL/ca

encs: Sketches labeled "Proposal A" and "Proposal B"

TRI-COUNTY ENGINEERING, INC.

CIVIL & STRUCTURAL ENGINEERS - PLANNERS & SURVEYORS
COASTAL HYDROGRAPHIC SURVEYS & TIDAL PLANE DETERMINATION

ATTACHMENT #6 - page 3
NAPLES RECEIVED 105
PUNTA GORDA, FLORIDA
SEVEN 31 - L. J. B. BLDG. 75 FLORIDA
SARASOTA, FLORIDA
HOUSING INVESTMENT
CORPORATION OF
FLORIDA

October 30, 1975

Mr. J. O'Hara Smith, Director
Property Management Division
Housing Investment Corporation of Florida
1110 Brickell Avenue
Miami, Florida 33131

Reference: TCE Project No. 1-3606
Venetian Bayview Condominium

Dear Mr. Smith:

I have discussed the status of Venetian Bayview Condominium with Mr. Sandquist, head of the Building Department for the City of Naples, and can report the following:

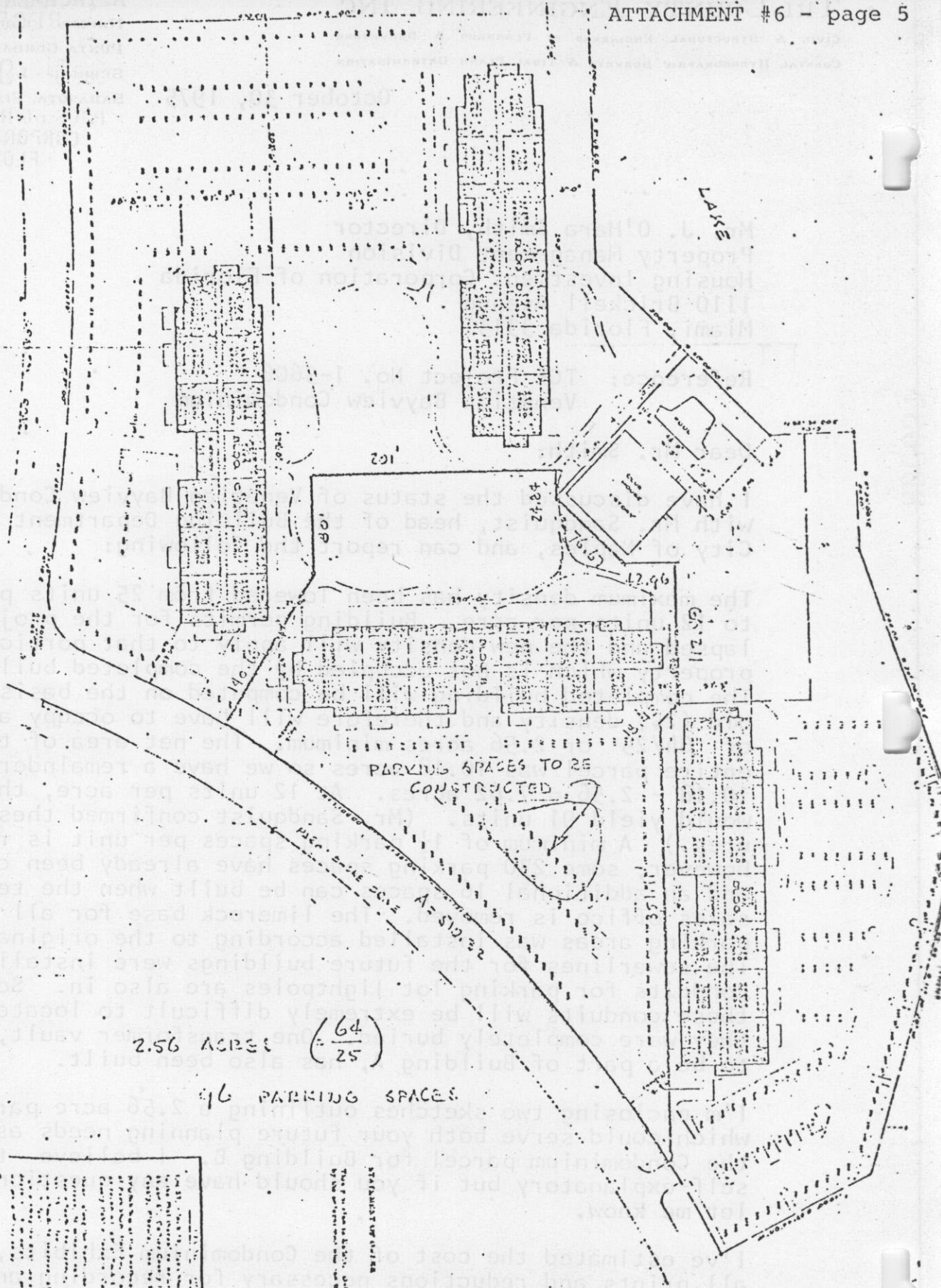
The maximum density has been lowered from 25 units per acre to 12 units per acre. Building permits for the project have lapsed and the new density will apply to that portion of the property which is not occupied by the completed building. The completed building will be computed on the basis of the old (25) density and therefore will have to occupy a total of $64/25$ or 2.56 acres minimum. The net area of the entire parcel was 10.18 acres so we have a remainder of $10.18 - 2.56 = 7.62$ acres. At 12 units per acre, this would yield 91 units. (Mr. Sandquist confirmed these figures.) A minimum of $1\frac{1}{2}$ parking spaces per unit is required; however, some 230 parking spaces have already been completed, and an additional 16 spaces can be built when the temporary sales office is removed. The limerock base for all other parking areas was installed according to the original plans. The sewerlines for the future buildings were installed and conduits for parking lot lightpoles are also in. Some of these conduits will be extremely difficult to locate since they were completely buried. One transformer vault, meant to be a part of Building A, has also been built.

I'm enclosing two sketches outlining a 2.56 acre parcel which could serve both your future planning needs as well as the Condominium parcel for Building B. I believe they are self-explanatory but if you should have any questions, please let me know.

I've estimated the cost of the Condominium Exhibits, including all prints and reductions necessary for recording and an as-built survey of the entire project, and have come up with a

BBC687

26/-3537



2.56 ACRES $(\frac{64}{25})$

96 PARKING SPACES

PARKING SPACES TO BE CONSTRUCTED

STATEMENT OF WORK
 This is a statement of work for the construction of the proposed development. The work includes the construction of the buildings, parking spaces, and other infrastructure. The work is to be completed within the specified time frame and budget.

APPROVED BY
 [Signature]

PROPOSAL A

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ

ATTORNEYS AT LAW

1003 DUPONT BUILDING

MIAMI, FLORIDA 33131

June 11, 1976

TELEPHONE (305) 379-1681

Mr. Anders B. Sandquist
Zoning Administrator
City of Naples
735 8th Street, South
Naples, Florida 33940

Re: Venetian Bayview Condominium

Dear Mr. Sandquist:

This law firm represents Venetian Bayview of Naples, Inc., the current owner and developer of the Venetian Bayview Condominium development.

The purpose of this letter is to obtain an administrative determination that Venetian is not bound by the terms of Ordinance Number 2274, §1, 7-16-75, which purports to reduce the maximum units permitted in Venetian's development from 24 to 12.

Prior to the passage of the above Ordinance, Venetian had complied fully with the City of Naples, Zoning Code: obtaining approval of its detailed plans to construct a condominium community consisting of 256 units, green space and recreation facilities suitable for a luxury development of this type. Venetian complied with the Florida Condominium Law and printed a detailed brochure describing the development. It printed condominium documents. It employed architects and had detailed plans drawn. It constructed one residence building and the recreation facilities; it cleared and laid out all parking areas and put in all underground utility systems, according to the plans approved by the City of Naples.

It was only after all the above was accomplished that the City passed the subject resolution. Informal discussions left Venetian in doubt as to whether the ordinances would be applied to it in light of the extensive construction and expenses already incurred under the approved plans.

Mr. Anders B. Sandquist
June 11, 1976
Page Two

Recent Court decisions have universally held that a governmental entity (city, county or state) is estopped from applying zoning changes to property once significant expense has been incurred or work performed in reliance on government action. The factual circumstances of the cases applying this "promissory estoppel doctrine" are not nearly as compelling as the factual circumstances of our matter. I urge you to obtain a legal opinion from the City Attorney on this point and am enclosing copies of some recent cases on issue (including one in which this firm represented the land owner).

In the event that you decide you cannot administratively approve this request, could you please specify what administrative avenues may be pursued. I have reviewed the Zoning Code in detail and, quite frankly, did not see any administrative remedy which permits an exemption from a zoning ordinance on grounds of "equitable estoppel". This is also to request that you provide us with suitable forms if an application is deemed appropriate.

Naturally, our client would prefer to avoid litigation and continue its heretofore harmonious relationship with the City of Naples, its officials and residents. However, as Venetian's attorney, I feel compelled to advise our client that invocation of the new ordinance against Venetian is illegal and inequitable. I hope you will agree and grant this request.

Yours truly,

Gary S. Brooks
Gary S. Brooks

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO <i>Anders B. Sandquist</i>		POSTMARK OR DATE <i>Gail</i>
STREET AND NO. <i>735 8th St., South</i>		
CITY, STATE AND ZIP CODE <i>Naples, FL 33940</i>		<i>6-11-76</i>
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered	15¢
	With delivery to addressee only	65¢
	2. Shows to whom, date and where delivered ..	35¢
	With delivery to addressee only	85¢
	DELIVER TO ADDRESSEE ONLY	50¢
SPECIAL DELIVERY (extra fee required)		
NO INSURANCE COVERAGE PROVIDED—		(See other side)

10. 31554



City of Naples

735 EIGHTH STREET, SOUTH · STATE OF FLORIDA 33940

BUILDING AND ZONING DEPARTMENT

July 1, 1976

Mr. Gary S. Brooks
Williams, Salomon, Kanner & Damian
Attorneys at Law
1003 Dupont Building
Miami, Florida 33131

Re: Venetian Bayview Condominium

Dear Sir:

Please excuse the delay in responding to your letter of the 11th of June 1976. The City Attorney was out of town, and I was not able to discuss the situation with him immediately.

Permit Number 306 was taken out on January 15, 1974 based on plans for four buildings designated as A, B, C, & D. Building B was completed and a Certificate of Occupancy was issued for it on August 26, 1975.

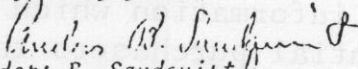
No further construction has taken place at the site since the completion of Building B, nor has there been any communications regarding the project for approximately ten months. Your letter of June 11, 1976 is the first communication this office has had since completion of Building B.

By operation of law, permit No. 306 is null and void, and you are required to apply for a new permit. All new zoning laws would apply to the new permit.

If you wish to exercise your right under Paragraph D of Section 1 of Ordinance No. 2219, which is enclosed, you may request the right to appear before the City Council to show good cause for suspension or abandonment of the project.

Under the provisions of Ordinance No. 2219, if good cause has been shown for suspension or abandonment of the project, you may be allowed to continue said construction under the original permit.

Very truly yours,


Anders B. Sandquist
Building & Zoning Administrator
City of Naples

ABS:dg

cc: William Savidge, Assistant City Manager
Charles Allan, City Attorney

Enclosure

WILLIAMS, SALOMON, KANNER & DAMIAN

ATTORNEYS AT LAW

ATTACHMENT #6 - page 9

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ

1003 DUPONT BUILDING
MIAMI, FLORIDA 33131
July 9, 1976

TELEPHONE (305) 379-1681

Mr. Anders B. Sandquist
Building & Zoning Administrator
City of Naples
735 Eighth Street, South
Naples, Florida 33940

Re: Venetian Bayview Condominium

Dear Mr. Sandquist:

Thank you for your letter of July 1, 1976. There seems to be some misunderstanding, however, as to the purpose of our request of June 11, 1976. Venetian Bayview of Naples, Inc. is not requesting a building permit in order to complete its condominium development, rather, it is seeking a declaration that Ordinance No. 2274, §1, 7-16-75, which purports to reduce the maximum units permitted in Venetian's development from 24 to 12 is not binding upon Venetian for the reasons stated in that letter.

A finding by the City of Naples that Venetian would be entitled to a building permit under the old ordinance would not effectively help Venetian, inasmuch as Venetian is not ready at this point in time to construct the remaining units. However, Venetian is engaged in a sales campaign with respect to the units in the first building, which has been constructed. According to the brochures and other information which Venetian has prepared, it is advising potential purchasers that the maintenance and recreation costs will be shared according to a formula based upon the construction of 24 units per acre. We are not able to utilize such information in our sales program at the present inasmuch as the Ordinance cited above purports to reduce the density to 12 units per acre. This means that the cost of maintenance and recreation facilities will be doubled if the Ordinance is applied. Therefore, it is extremely important that Venetian obtain a declaration that it will be permitted to construct 24 units per acre.

Mr. Anders B. Sandquist
July 9, 1976
Page Two.

Please consider this letter coupled with our prior letter of June 11, 1976 to be a formal request to be placed upon the Agenda of the City of Naples for the purpose of receiving such declaration.

Actually, I hope you will reconsider your letter of July 1, 1976, based upon the information I have just provided you and conclude that we are not bound by said Ordinance. If you cannot reach such decision unilaterally, please place this matter on the Agenda of the City of Naples or send us the appropriate form so that we may properly exhaust our administrative remedies.

Yours truly,

Gary S. Brooks
Gary S. Brooks

GSB/gw

cc: Mr. J. O'Hara Smith

BBC637



City of Naples

735 EIGHTH STREET, SOUTH · STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

August 25, 1976

Gary S. Brooks, Esq.
Williams, Salomon, Kanner & Damian
Attorneys at Law
1003 Dupont Building
Miami, Florida 33131

Re: Venetian Bayview Condominium

Dear Mr. Brooks:

I am in receipt of correspondence between you and Mr. Sandquist regarding Venetian Bayview Condominium.

I am unable to ascertain exactly what your position is in the matter and at this point I am not sure if this is a matter which should be considered by the City Council or if it should be handled administratively.

I would appreciate a meeting with you at your earliest convenience regarding this matter in my office.

Sincerely yours,

Charles K. Allan,
City Attorney

CKA:bh



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

September 1, 1976

Gary S. Brooks, Esq.
Williams, Salomon, Kanner & Damian
1003 Dupont Building
Miami, Florida 33131

Re: Venetian Bayview Condominium

Dear Mr. Brooks:

Please be advised, pursuant to your request dated July 9, 1976, you will be placed on the agenda of the next regular meeting of the City Council of the City of Naples on September 15, 1976.

The time for each agenda item will not be set until September 9; we will forward a copy to you at that time. You will be required to appear on behalf of your client at the time specified.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

W. F. Savidge
W. F. Savidge
Assistant City Manager

WFS:jg

10'00111.



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

September 10, 1976

Gary S. Brooks, Esq.
1003 Dupont Building
Miami, Florida 33131

Dear Mr. Brooks:

Please be advised that the Venetian Bayview is scheduled for 10:00 a.m. on September 15, 1976 in Council chambers.

Sincerely,

Jo Gilman
Secretary to the City Manager

/jg

Enc.

George Patterson, City Manager

WILLIAMS, SALOMON, KANNER & DAMIAN

ATTORNEYS AT LAW

1003 DUPONT BUILDING

MIAMI, FLORIDA 33131

September 10, 1976

TELEPHONE (305) 379-1681

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ

Mr. W. F. Savidge
Assistant City Manager
735 Eighth Street, South
Naples, Florida 33940

Re: Venetian Bayview Condominium

Dear Mr. Savidge:

I received your letter of September 1, 1976 and plan to attend the City of Naples' City Council meeting of September 15, 1976. You have advised me on the telephone that our item will come up on the Agenda at some point after 10:00 in the morning. The earliest plane from Miami to Naples arrives at 9:45, and I expect to arrive at the City Council chambers by 10:00 A.M. A representative of Venetian Bayview Condominium will already be in Naples and will be at the meeting at 10:00 A.M. I hope you will temporarily skip our item in the event that I am a few moments late due to vagaries of the aviation industry.

Yours truly,

Gary S. Brooks
Gary S. Brooks

GSB/gw

BBC637

COUNCIL AGENDA

September 15, 1976

9:00 A. M.

1. INVOCATION
2. ROLL CALL
3. APPROVAL OF MINUTES
- 9:00 a.m. 4. JOINT PUBLIC HEARING: City Council and Planning Advisory Board.
 - 4-a. Rezone Petition No. 76-R3, to rezone from "Fa" to "K" the Carver Complex, Collier County School Board, petitioner. This property is located between 3rd and 5th Avenue North and 10th and 11th Street North.
 - 4-b. Review of preliminary plat of proposed subdivision of parts of Blocks 24 and 25, Tier 11 and vacated portions of 4th Avenue North and E-W alley, Collier County School Board, petitioner.
 - 4-c. Change in Text Petition No. 76-T10 pertaining to the "O" District.
- 9:30 a.m. 5. Accept resignation of C. Frank Nelson from the City of Naples Financial Planning Advisory Board.
- 9:35 a.m. 6. A resolution providing that no further applications for water main extensions shall be accepted in the area lying south of S.R. 84 and east of Airport Road and the area lying south of U.S. 41, south of Halderman Creek, until such time as the proposed water main extensions are complete on Kelly Road, Donna Street, Lunar Avenue, Thomasson Drive and Outer Drive, and until the water capacity has increased to adequately service the area; excepting from the provisions hereof those applications for water main extensions which would serve properties for which a building permit has been issued prior to the date hereof. Requested by Council.
- 9:45 a.m. 7. An ordinance amending the Code of Ordinances of the City of Naples, Florida, as amended, by repealing section 9-1, entitled "Adoption of Fire Prevention Code" from chapter 9, entitled "Fire Protection" and substituting a new section 9-1 therefor, providing for the adoption by reference of the 1976 edition of the Fire Prevention Code recommended by the American Insurance Association; and providing an effective date. (First Reading) Recommended by Fire Chief.
- 9:50 a.m. 8. A resolution of the City Council accepting the recommendation of the committee appointed to negotiate a new contract with the City Attorney, and authorizing the Mayor and City Clerk to execute the attached contract of employment between the City of Naples and Charles K. Allan, City Attorney. Requested by Councilman McGregor.
- 10:00 a.m. 9. A request by Gary S. Brooks, Esq., representing Venetian Bayview of Naples, to appear before Council to seek a declaration that ordinance No. 2274 B1, 7-16-75, is not binding upon Venetian Bayview Condominium Development.
- 10:10 a.m. 10. A resolution vacating and abandoning that certain utility easement located on the northwesterly six feet of lot 1, block 23, Park Shore, unit #3, according to plat thereof recorded in plat book 8, page 60, public records of Collier County, Florida. Requested by B. Clarke Nichols, Attorney.

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ

ATTORNEYS AT LAW

1003 DUPONT BUILDING

MIAMI, FLORIDA 33131

October 1, 1976

TELEPHONE (305) 379-1681

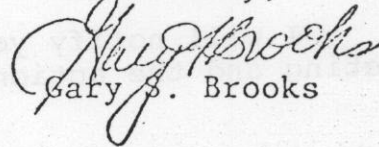
Charles K. Allan, Esq.
735 Eighth Street, South
Naples, Florida 33940

Re: Venetian Bayview Condominium

Dear Mr. Allan:

On Wednesday, September 15, 1976 we attended a meeting of the City of Naples' City Council at which time we requested information as to the procedure which we could follow to obtain an exemption from a zoning ordinance of the City. At that time you stated that you would prescribe such procedure to the City Council and advise us. To date we have not heard from you on this matter. Would you please let us know whether or not you have determined what such procedure should be.

Yours truly,


Gary S. Brooks

GSB/gw

cc: Mr. Mike Svaldi



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

October 6, 1976

Gary S. Brooks, Esq.
Attorney at Law
1003 DuPont Building
Miami, Florida

Re: Venetian Bayview Condominium

Dear Mr. Brooks:

In response to your letter of October 1, regarding the above matter, this will be placed on the Agenda for the Council meeting of October 20.

I will notify you by letter the results of the meeting and the action taken by Council.

Sincerely yours,

Charles K. Allan
City Attorney

CKA:bh



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

October 20, 1976

BBC637

Gary S. Brooks, Esq.
Williams, Salomon, Kanner & Damian
Attorneys at Law
1003 Dupont Building
Miami, Florida 33131

Re: Venetian Bayview Condominium

Dear Mr. Brooks:

The request of Venetian Bayview to continue under the previous density ordinance, permitting construction of 24 units per acre, was determined by the City Council at its meeting this date to be a matter which should be taken care of administratively and not a proper subject matter for consideration by the Council.

Sincerely yours,
Charles K. Allan

Charles K. Allan
City Attorney

CKA:bh

WILLIAMS, SALOMON, KANNER & DAMIAN

ATTORNEYS AT LAW

1003 DUPONT BUILDING

MIAMI, FLORIDA 33131

October 26, 1976

TELEPHONE (305) 379-1611

HENRY D. WILLIAMS
MORRIS S. SALOMON
LEWIS M. KANNER
VINCENT E. DAMIAN, JR.
ROBERT I. WEISSLER
GARY S. BROOKS
ALAN H. LUBITZ

Charles K. Allan, Esq.
City of Naples' City Attorney
735 Eighth Street, South
Naples, Florida 33940

Re: Venetian Bayview Condominium

Dear Mr. Allan:

Thank you for your letter of October 20, 1976. As I indicated to you previously, I have examined the Code of the City of Naples and can find no appropriate administrative procedure when one seeks relief from a zoning ordinance on grounds of equitable estoppel. Could you please advise me as to the administrative procedure I should follow to accomplish the relief which I seek.

Yours truly,

Gary S. Brooks
Gary S. Brooks

GSB/gw
cc: Mr. Mike Syvaldi



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

November 2, 1976

Gary S. Brooks, Esq.
Williams, Salomon, Kanner & Damian
Attorneys at Law
1003 DuPont Building
Miami, Florida 33131

Re: Venetian Bayview Condominium

Dear Mr. Brooks:

In reply to your letter of October 26, 1976, the ordinances of the City of Naples do not provide any administrative procedure to accomplish the relief which you are seeking to my knowledge.

Sincerely yours,

Charles K. Allan
Charles K. Allan
City Attorney

CKA:bh

*This is original received by me
5 November 1976.*

Henry Brooks

ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, ENTITLED "BUILDINGS" BY DELETING THEREFROM SECTION 8.5 AND SUBSTITUTING A NEW SECTION 8.5 THEREFOR, PROVIDING A TIME LIMITATION ON BUILDING PERMITS, PROVIDING EXCEPTIONS TO; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT OR INCONSISTENT HERewith AND PROVIDING A SAVINGS CLAUSE.

THEREFORE, BE IT ORDAINED by the Council of the City of Naples, Florida:

SECTION 1. That Chapter 8 of the Code of Ordinances of the City of Naples, Florida, as amended, entitled "Buildings" is hereby amended by deleting therefrom Section 8.5 and substituting a new Section 8.5 therefor, as follows:

8.5. TIME LIMITATION OF BUILDING PERMITS:

(a) Building permits shall expire and become null and void if work, as defined in Paragraph (c) hereof, authorized by such permit is not commenced within 90 days from the date of the issuance of the permit or if such work when commenced is suspended at any time, unless the contractor furnishes the Building and Zoning Administrator satisfactory evidence in writing that the delay is occasioned due to unavailability of construction supplies or materials and every effort has been made to obtain substitute materials equal to those called for in the specifications, or delay in delivery of construction supplies or materials, or due to fire, weather conditions, civil commotion or strike. Increased costs of building materials or supplies or financial hardship shall not be considered by the Building and Zoning Administrator as cause for continuation of the permit.

(b) If the work covered by the permit has commenced, is in progress, has not been completed and is being carried on progressively in a substantial manner in accordance with Paragraph (c) hereof, the permit shall be in effect until completion of the job.

(c) Work shall be considered to have commenced and be in active progress when, in the opinion of the Building and Zoning Administrator, a full complement of workmen and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting.

(d) If construction has commenced within 90 days from the date of the issuance of the permit and is subsequently abandoned or suspended for reasons other than those enumerated in Paragraph (a) hereof, the permit shall expire and become null and void unless good cause is shown at a hearing before the City Council as to the reasons for the suspension or abandonment of said project. If the Council finds that good cause has been shown for the suspension or abandonment of said project, the contractor shall be allowed to continue said construction under the original permit.

(e) If construction has not commenced and the permit becomes null and void or expires, a new permit covering the proposed construction shall be obtained before proceeding with said construction in accordance with the building and zoning regulations in existence at the time application is made for a new permit.

SECTION 2. All ordinances, sections, sub-sections or parts thereof in conflict or inconsistent herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. If any section, sub-section, paragraph or other provision of this ordinance or its application to any person or circumstance shall be held invalid or unconstitutional, such holding shall not affect the validity of any other section, sub-section, paragraph or other provision or its application to other persons or circumstances.

SECTION 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 2 DAY OF APRIL, 1975.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 1 DAY OF APRIL, 1975.

ATTEST:

Janet L. Davis
Janet L. Davis
City Clerk

Harry E.O. Heineman
Harry E.O. Heineman
Mayor

APPROVED AS TO FORM AND LEGALITY BY

Charles K. Allan
Charles K. Allan, City Attorney

Notice of Public Hearing and Second Reading
Published in Naples Daily News on April 11, 1975.