

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, MAY 3, 1978, AT 9:00 A.M.

Present: R. B. Anderson, Mayor

C. C. Holland (arrived at 9:07 a.m.)
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

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

Also Present: George Patterson, City Manager
John Fletcher, City Attorney
Bradley Estes, Assistant to the City Manager
Anders Sandquist, Building & Zoning Official
Leann McElroy, Planner II
John McCord, City Engineer
Roger Barry, Planning Director

Reverend Donald Ziegler
Harry E. O. Heineman
Marie Mueller
Marjorie Harris
William Shearston
John Holmes
Egon Hill
Wes Downing
Harry Rothchild
Robert Russell
Sam Aronoff
Richard Woodruff

News Media: David Swartzlander, Naples Daily News
Allen Bartlett, Ft. Myers News Press
Tom Martino, WBBH-TV
Elisabeth Bumiller, Miami Herald
Kent Weissinger, WRGI
Susanne McGee, Naples Star
John Robinson, TV-9
John Runde, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon Reverend Donald Zeigler, Grace Lutheran 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 Special Meetings of April 11, 1978, April 18, 1978 and April 19, 1978 and it was the consensus of Council that they be approved as submitted.

Mayor Anderson then called Council's attention to the minutes of the Regular Meeting of April 19, 1978. Motion to accept the minutes as presented made by Mr. Schroeder, seconded by Mr. Wood and carried on roll call vote, 6-0, Mr. Holland being absent.

AGENDA ITEM 4. PUBLIC HEARING: Consideration of filing a preapplication for a community development block grant with the U.S. Department of Housing and Urban Development. Information will be provided concerning such things as the range of activities which may be undertaken with block grant funds, and the views and proposals of citizens with regard to the determination of priorities and community development and housing needs will be solicited.

Mayor Anderson opened the Public Hearing at 9:05 a.m. at which time City Manager Patterson explained that this was the second Public Hearing, as required, to receive any input that citizens may have concerning this matter. There being no one to speak, the Mayor closed the Public Hearing at 9:07 a.m. There was no further discussion by Council.

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Let the record show that Mr. Holland arrived at 9:07 a.m.

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AGENDA ITEM 5. JOINT PUBLIC HEARING: City Council and Naples Planning Advisory Board.

Chairman Bigg organized the Planning Advisory Board and it is noted that all were present.

AGENDA ITEM 5-a. Special Exception Petition No. 78-S5, permission to construct an 8-foot 4-inch high masonry wall in required front yard. Petitioner: City of Naples (Port Royal Water Plant property).

Roger Barry explained this request and pointed out the plan on the display board. Mayor Anderson opened the Public Hearing at 9:09 a.m. at which time Mrs. Marjorie Harris made an inquiry about painting the tanks. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:12 a.m. Mr. Lawson moved that Special Exception Petition No. 78-S5 be recommended to Council for approval as submitted, seconded by Mr. Billings and unanimously carried by the Planning Advisory Board. Mr. Twerdahl moved to accept the recommendation of the Planning Advisory Board, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Mayor Anderson excused the Planning Advisory Board at 9:15 a.m.

AGENDA ITEM 6. Recommendation from Planning Advisory Board regarding Special Exception Petition No. 78-S4, permission to construct a 4-foot fence in required front yard. Petitioner: William N. Lane.

Mayor Anderson called Council's attention to this recommendation from the Planning Advisory Board and noted that the Public Hearing had already been held. Mr. Barry noted that Agenda Item 13 contained more specific wording concerning the hedge referred to in this petition and he felt that the Planning Advisory Board had intended the wording to be understood in their recommendation on this matter. Mr. John Holmes of the Port Royal Property Owners Association and Mr. Bigg concurred with this. Consensus of Council was to accept the recommendation of the Planning Advisory Board.

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AGENDA ITEM 7. Recommendation from Planning Advisory Board regarding Variance Petition No. 78-V3, appeal from Section 5.3(F) requesting reduction of side and rear yard setbacks for utility shed. Petitioner: Rosine F. Robinson.

Roger Barry presented the Planning Advisory Board's recommendation to deny Variance Petition No. 78-V3. Mayor Anderson noted that the Public Hearing had been held and also asked if anyone in attendance had any comment. There being no one, City Manager Patterson read the below titled resolution in its entirety for Council's consideration.

A RESOLUTION DENYING A VARIANCE FROM THE PROVISIONS OF SECTION 5.3 (F) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, TO REDUCE THE REQUIRED 25 FOOT REAR YARD AND 7.5 FOOT SIDE YARD SETBACKS TO 3 FEET FOR A UTILITY SHED AT 505 FIFTH AVENUE SOUTH, NAPLES, FLORIDA.

Mr. Schroeder moved to adopt Resolution 2953 denying Variance Petition 78-V3, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 8. Recommendation from Planning Advisory Board regarding proposed ordinance amendment reference mobile homes, travel trailers, etc.

Mayor Anderson noted the Planning Advisory Board's recommendation that the existing ordinance not be changed and stated that Council would take it under consideration.

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Mr. McGrath moved that Council take up Agenda Item 11 and continue until the time set for the Public Hearing Agenda Items, seconded by Mr. Schroeder and carried on voice vote, 7-0.

AGENDA ITEM 11. Action concerning the filing of a pre-application for Community Development Block Grant with the U.S. Department of Housing & Urban Development. Pursuant to Public Hearing this date (Agenda Item #4).

City Attorney Fletcher read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A PRE-APPLICATION WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT, TO BE USED TO ACQUIRE THE NORTHERN PORTION OF THE CARVER SITE ON WHICH LOW-INCOME HOUSING WILL BE CONSTRUCTED; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved to adopt Resolution 2954, seconded by Mr. Twerdahl and carried on roll call vote, 6-1 with Mr. Thornton voting no.

AGENDA ITEM 12. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending the introductory paragraph of Paragraph (2) of Subsection (B) of Section 10-9, relating to garbage and refuse container service rates, by deleting therefrom the provision that garbage and Type I refuse container service will not be provided if the number of apartments served is less than twelve living units; and providing an effective date. (First Reading) Requested by Director of Public Works.

City Attorney Fletcher read the above captioned ordinance in its entirety for Council's consideration on First Reading. Mr. Holland questioned the various categories of trash and garbage pickup. Mr. Twerdahl suggest that Council invite Mr. Savidge to the next Workshop Meeting to explain these services and it was the consensus of Council to do this. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 13. An ordinance authorizing expansion of a previously approved Special Exception for extension of a four foot high chain link fence in the required front yard at 3131 Fort Charles Drive, Naples, Florida, more particularly described herein, subject to the condition set forth herein; and providing an effective date. (First Reading) Requested by Planning Director pursuant to Public Hearing this date.

City Attorney Fletcher read the above captioned ordinance in its entirety for consideration by Council on First Reading. Mr. Twerdahl moved to adopt the ordinance on First Reading, seconded by Mr. McGrath. Mr. Holland and Mr. Schroeder agreed that the wording in this ordinance was not clear enough to be meaningful. Mr. Twerdahl suggested that this be placed on the agenda of the Planning Advisory Board for more specific guidelines. Motion carried on roll call vote, 4-3 with Mr. Holland, Mr. Schroeder and Mr. Thornton voting no.

AGENDA ITEM 14. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Section 8-22 thereof, relating to adoption of the National Electrical Code, providing for the adoption of the National Electrical Code, 1978 edition; and providing an effective date. (First Reading) Requested by Building & Zoning Administrator.

City Attorney Fletcher read the above titled ordinance in its entirety for Council's consideration on First Reading. Mr. Schroeder moved adoption of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 15. An ordinance amending the Charter of the City of Naples, Florida, as amended, by repealing Section 2.7, entitled "Ordinances; Effective Date" of Article 2; further, amending the Code of Ordinances of the City of Naples, by repealing Section 1-7.1, entitled "Methods of Enacting Certain Legislation"; and repealing all ordinances and laws or parts thereof, in conflict with the provisions of Section 166.041, Florida Statutes, to the extent of such conflict; and providing an effective date. (First Reading) Requested by City Manager.

City Attorney Fletcher read the above titled ordinance in its entirety for Council's consideration on First Reading. Mayor Anderson asked Mr. Fletcher to further explain the meaning to which he responded that in accordance with State statute usual ordinances and resolution would not have to be read in their entirety, but it did not preclude doing it if Council so desired. He pointed out that copies of ordinances and resolutions were available in the City Clerk's office prior to Council meetings. Mr. Thornton moved adoption of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 6-1 with Mr. Holland voting no. Marie Mueller addressed Council stating that she felt this item should have been brought before Council at the time advertised.

RETURN TO AGENDA ITEM 9.

AGENDA ITEM 9. PUBLIC HEARINGS: Second Readings of ordinances.

AGENDA ITEM 9-a. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Section 8-46 of Article V, Chapter 8, relating to the creation of the Contractor's Examining Board, to provide for an increase in the membership of said Board from seven members to nine members; providing for the addition of a specialty contractor and a mechanical contractor to said Board; providing that five members of the Board shall constitute a quorum; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:54 a.m.; whereupon City Attorney Fletcher read the above titled ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:55 a.m. Mr. Twerdahl moved approval of Ordinance 2955, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

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AGENDA ITEM 9-b. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Paragraph (2) of Subsection "I" of Section 5.9, "H Highway Commercial District", which provides that where there is a choice, property fronting upon U.S. 41 shall provide the driveways/accessways from parking or loading areas by way of a secondary street or alley rather than by way of U.S. 41; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:56 a.m.; whereupon City Attorney Fletcher read the above captioned ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:57 a.m. Mr. Thornton moved to adopt Ordinance 2956, seconded by Mr. Holland and carried on roll call vote, 5-2 with Mr. McGrath and Mr. Schroeder voting no.

AGENDA ITEM 9-c. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Item (e) of Paragraph (1), Subsection B, and Item (e) of Paragraph (2), Subsection C of Section 7-31, relating to the procedure for obtaining dredge and fill permits and permits for other coastal construction; requiring a certification from a registered engineer experienced in coastal construction, certifying to the best of his knowledge as to certain matters set forth herein; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:58 a.m.; whereupon City Attorney Fletcher read the above titled ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:59 a.m. Mr. Thornton moved approval of Ordinance 2957, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

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Let the record show it was the consensus of Council to go on to Agenda Item 16.

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AGENDA ITEM 16. An ordinance amending the budget for the fiscal year 1977-78 to provide an appropriation for capital improvements to the City's water system to be funded from proceeds of the sale of water-sewer revenue bonds and from revenues derived from the water system and the water system development charge; and providing an effective date. (First Reading) Requested by City Manager.

City Attorney Fletcher read the above captioned ordinance in its entirety for consideration by Council on First Reading. City Manager Patterson explained that the money from the sale of bonds was not included in the budget and had to be added into the budget so it could be used for the purpose for which the bonds were sold. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 17. A resolution accepting a quit-claim deed from the County Water-Sewer District and Collier County, conveying to the City of Naples all water lines, water transmission facilities, water meters and appurtenances of said District, together with all easements for installation and maintenance thereof, lying within the geographical boundaries of the property described in Exhibit "A" attached thereto; and providing an effective date. Pursuant to City/County Agreement.

City Attorney Fletcher read the above captioned resolution in its entirety for Council's consideration. Mr. Fletcher requested that once this was accepted, that the document be recorded in Public Records. Mr. Thornton moved acceptance of Resolution 2958, seconded by Mr. McGrath and carried on roll call vote, 6-0, with Mr. Holland being absent.

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Let the record show that Council was recessed for a 5 minute break at this time. RETURN TO AGENDA ITEM 10.

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AGENDA ITEM 10. Discussion and action on recommendation by the joint City-County Task Force that the Seaboard Coast Line Railroad facilities be removed from the downtown Naples area and relocated to northern Collier County. Requested by Richard L. Woodruff, Collier County Planning Department on behalf of City-County Task Force.

Chairman Wes Downing presented the 40-page Report of the Joint City-County Seaboard Coastline Task Force, dated May 1978, which is on file in the City Clerk's office. Mr. Thornton moved to accept the report as presented, seconded by Mr. Schroeder and carried on roll call vote, 7-0. City Attorney Fletcher read the below titled resolution in its entirety for Council's consideration.

A RESOLUTION SUPPORTING THE REMOVAL OF THE SEABOARD COASTLINE RAILROAD FACILITIES FROM THE DOWNTOWN NAPLES AREA AND RELOCATION OF THE SAME TO NORTHERN COLLIER COUNTY AND OPPOSING THE TOTAL REMOVAL THEREOF FROM COLLIER COUNTY: AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved approval of Resolution 2959, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

RETURN TO ITEM 18.

AGENDA ITEM 18. A resolution reappointing six members and appointing three new members to the Contractors' Examining Board for a term of one year each; and providing an effective date. Requested by Building & Zoning Administrator.

City Attorney Fletcher read the above titled resolution in its entirety for consideration by Council. Mayor Anderson noted that the Council had interviewed Mr. Baviello, Mr. Brisson and Mr. Pettit at the Workshop Meeting the day before and Mr. Twerdahl moved approval of Resolution 2960 with the inclusion of the names of Mr. Baviello, Mr. Brisson and Mr. Pettit, seconded by Mr. Wood and carried on roll call vote 7-0.

AGENDA ITEM 19. A resolution supporting proposed legislative bills relating to average prevailing wages for public works, changes in county budgeting to assist local government in identifying services, and amendments to the Home Rule Act authorizing certain amendments to a city or county charter without amendments to a city or county charter without referendum; directing the City Clerk to forward copies of this resolution to the Collier County Legislative Delegation and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution in its entirety for Council's consideration. Mr. McGrath moved to adopt Resolution 2961, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 20. A resolution rescinding Resolution No. 2943, relating to the execution of an agreement to purchase a portion of the Carver Site, with an option to purchase the remainder thereof, and substituting the within resolution therefor, authorizing the Mayor and City Clerk to execute an amended agreement to purchase from the Collier County School Board a portion of the Carver Site, together with an option to purchase the remainder thereof, a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above captioned resolution in its entirety for Council's consideration. Mr. Schroeder moved adoption of Resolution 2962, seconded by Mr. Twerdahl and carried on roll call vote, 6-1 with Mr. Thornton voting no.

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AGENDA ITEM 21. A resolution authorizing the City Manager and City Clerk to execute a labor relations and negotiating services contract between the City of Naples and Cody and Associates, Inc., a copy of which is attached hereto and made a part of this resolution; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution in its entirety for consideration by Council. Mr. Twerdahl suggested hiring the labor relations legal firm of Seyfarth, Shaw, Fairweather & Geraldson to be used as back-up to the contract with which this resolution is concerned, and on that basis he would approve this resolution. Mr. Thornton moved approval of Resolution 2963, seconded by Mr. McGrath and carried on roll call vote, 6-1 with Mr. Wood voting no.

AGENDA ITEM 22. A resolution commending Janet Davis, City Clerk, on her election as president of the Florida Association of City Clerks. Requested by Councilman Wood.

City Attorney Fletcher read the above titled resolution in its entirety for Council's consideration. Mr. Twerdahl moved approval of Resolution 2964, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 23. Discussion and action on waiving bidding procedure for the furnishing of water meters for the Public Safety Building and new City Hall. Requested by City Manager.

City Attorney Fletcher read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE WATER METERS FOR THE PUBLIC SAFETY BUILDING AND THE NEW CITY HALL COMPLEX, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved approval of Resolution 2965, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 24. Authorization of submission of an application under the Inter-governmental Personnel Act for position classification study and drafting of affirmative action program. Requested by City Manager.

City Attorney Fletcher read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AN INTER-GOVERNMENTAL PERSONNEL ACT GRANT FOR THE PURPOSE OF HIRING A CONSULTANT TO UPDATE THE CITY'S POSITION EVALUATION AND CLASSIFICATION PLAN AND TO PREPARE AN AFFIRMATIVE ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson explained the need for this phase of the personnel program and that it would involve work in job description validation and proper testing for various jobs. Discussion continued concerning the need for a strong personnel department and the importance of establishing job requirements that are not arbitrary. Mr. McGrath moved approval of Resolution 2966, seconded by Mr. Schroeder and carried on roll call vote, 4-3 with Mr. Holland, Mr. Thornton and Mr. Wood voting no.

CORRESPONDENCE & COMMUNICATIONS

Mr. Twerdahl inquired about the Federal investigation from the Federal Revenue Sharing but the representative had given the City Manager no particulars. Results of his investigation will be sent to the City Manager in about six weeks

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Mayor Anderson reported on a discussion held with the Naples Star regarding the newspaper vending machines and their indication of cooperation. He felt there would be progress with the other newspapers through negotiations.

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Mr. Schroeder asked City Attorney Fletcher about the pending litigation, to which Mr. Fletcher responded with a brief summary.
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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 11:40 a.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet L. Davis

Janet L. Davis
City Clerk

These minutes of the Naples City Council approved on 5-17-79.

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