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MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD IN JOINT PUBLIC HEARING
WITH THE NAPLES PLANNING ADVISORY BOARD IN THE PARKS & RECREATION BUILDING, NAPLES,
FLORIDA, WEDNESDAY, OCTOBER 4, 1978 AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland (arrived at 9:21 a.m.)
James F. McGrath
Randolph I. Thornton
Kenneth A. Wood
Councilmen

Absent: Wade H. Schroeder
Edward A. Twerdahl
Councilmen

Planning Advisory Board

Present: Lawson Adams
Roger Billings
Donald Boyes
Eugene Pratt
Clayton Bigg, Chairman

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Bradley Estes, Assistant to the City Manager
Roger Barry, Planning Director
James Pilkey, Personnel
Mark Wiltsie, Purchasing
William Savidge, Director of Public Works

Reverend Richard Lambert
Clarence Perry
Charles Andrews
Claude Haynes
Arndt Mueller
Stella Rogers
William Wolfrom
Robert Russell
William Shearston
Mr. & Mrs. Grant
Dale Chlumsky
Mr. Cox
Mrs. Jean Moore
Lyle Richards
Michael Stephen
Sam Aronoff
George Diehlman
William McCreary
Egon Hill

News Media: Jay Bird, TV-9
Frank Rinella, Naples Daily News
Allen Bartlett, Fort Myers News Press
Kent Weissinger, WRGI
Bella English, Miami Herald
Lloyd Dove, WINK-TV

Other interested citizens and visitors.

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Mayor Anderson called the meeting to order; whereupon Reverend Richard Lambert of the Trinity-By-The Cove Episcopal 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 Workshop Meetings of August 1, 1978, August 14, 1978, August 15, 1978, August 16, 1978, August 29, 1978, September 5, 1978 and September 19, 1978. There being no correction or additions, Mayor Anderson declared minutes approved as submitted.

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of September 20, 1978. There being no corrections or additions, Mayor Anderson declared minutes approved.

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

Mr. Roger Barry assembled the Planning Advisory Board and noted that all members were present.

AGENDA ITEM 4-a. Special Exception Petition #78-S11, request to add three more drive-up windows to financial institution, located at 3055 Tamiami Trail North. Petitioner: Citizens National Bank.

Mayor Anderson opened the Public Hearing at 9:09 a.m.; whereupon Mr. Claude Haynes of the Citizens National Bank presented himself to answer any questions Council may have had. Mr. Charles Andrews pointed out that the addition of these windows might contribute to a possible traffic problem. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:19 a.m. Mr. Boyes moved that Special Exception Petition #78-S11 be recommended to Council for approval, seconded by Mr. P. and carried unanimously. Mr. McGrath moved to accept the recommendation of the Planning Advisory Board to approve Special Exception Petition #78-S11, seconded by Mr. Wood and carried on roll call vote, 4-0.

AGENDA ITEM 4-b. Special Exception Petition #78-S12, permission to rebuild existing full-service gasoline station to be a self-service gasoline station. Location: Southwest corner U.S. 41 and 7th Avenue North; petitioner: Amerada Hess Corporation.

Mayor Anderson opened the Public Hearing at 9:20 a.m.; whereupon Mr. William Wolfrom, representing Hess Corporation, addressed Council acknowledging the conditions of the approval recommended by the Planning Advisory Board.

Let the record show that Mr. Holland arrived at 9:21 a.m.

There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:22 a.m. Mr. Adams moved to recommend approval of Special Exception Petition #78-S12 seconded by Mr. Billings and carried unanimously. Mr. Thornton moved to accept the Planning Advisory Boards recommendation to approve Special Exception Petition #78-S12, seconded by Mr. Wood and carried on roll call vote, 5-0.

AGENDA ITEM 4-c. Special Exception Petition #78-S13, permission for 42-inch high masonry wall in required front yard. Petitioner: Dale E. and Katherine K. Chlumsky 3345 Fort Charles Drive.

Mayor Anderson opened the Public Hearing at 9:24 a.m.; whereupon Dale Chlumsky addressed Council in support of his petition. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:25 a.m. Mr. Billings moved to recommend approval to the Council of Special Exception Petition #78-S13, seconded by Mr. Pratt and carried unanimously. Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to approve Special Exception Petition #78-S13, seconded by Mr. Wood and carried on roll call vote, 5-0.

AGENDA ITEM 4-d. Rezone Petition #78-R3, request for change of zone from "R1-10" to "HC". Lot 3, Block N, Coquina Sands Unit #2, located just south of the Moorings Shopping Plaza, and 50 feet west of U.S. 41; petitioner: Elizabeth Kyrzakos.

Mayor Anderson opened the Public Hearing at 9:26 a.m.; whereupon Mr. Clarence Perry, representing the petitioner, addressed Council in support of this petition. He noted that Mr. Cox, representing the Moorings Shopping Plaza, was present and had consented to provide the document requested as a condition of the approval. Mr. Adams moved to recommend to the Council approval of Rezone Petition #78-R3 subject to the conditions in the staff report, seconded by Mr. Boyes and carried unanimously. Mr. Wood moved to accept the recommendation of the Planning Advisory to approve Rezone Petition #78-R3 subject to the conditions in the staff report, seconded by Mr. McGrath and carried on roll call vote, 5-0.

Let the record show that Mr. Wood temporarily left the Council Chambers at 9:35 a.m.

AGENDA ITEM 5. Recommendation by Planning Advisory Board with reference to Variance Petition No. 78-V6, request to permit a storage shed in required side yard setback area.

Mayor Anderson noted that the Planning Advisory Board recommended that this not be approved. Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny this variance, seconded by Mr. McGrath.

Mrs. Moore, petitioner's wife, spoke saying there are others violating this also. She was assured that the City Manager would check into this.

Let the record show that Mr. Wood returned to Council Chambers at 9:40 a.m.

Motion was then voted on, and carried on roll call vote, 5-0.

AGENDA ITEM 6. Recommendation by Planning Advisory Board with reference to Variance Petition No. 78-V7, reference Pevely Dairy Property on Gordon Drive; a request to reduce the required front yard setback from 40 feet to 25 feet.

City Attorney Rynders explained the reasoning behind this action which would allow the property owner a more reasonable use of the land by building closer to Gordon Drive than to the beach. Mr. Holland moved to accept the recommendation of the Planning Advisory Board and the City Attorney to approve Variance Petition #78-V7, seconded by Mr. Thornton and carried on roll call vote, 5-0. City Attorney Rynders then read the below titled resolution for consideration by Council.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2 F (1) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, TO PERMIT A REDUCTION IN THE REQUIRED FRONT YARD SETBACK FROM 40 FEET TO 25 FEET ON PROPERTY LOCATED ON THE WEST SIDE OF GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved to approve Resolution 3100, seconded by Mr. Thornton and carried on roll call vote, 5-0.

AGENDA ITEM 7. PUBLIC HEARING: Consideration of application for proposed private dock construction, to allow dredging on Lot 10, Block 4, Unit 1, Royal Harbor (Dolphin Lane). Owner: Eric Walter - Agent: Coastal Engineering Consultants, Inc., Michael Green, P.E.

Mayor Anderson opened the Public Hearing at 9:45 a.m.; whereupon City Attorney Rynders read the below titled resolution for Council's consideration.

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT FOR CONSTRUCTION OF A PRIVATE DOCK AND FOR DREDGING ON LOT 10; BLOCK 4, DOLPHIN LANE, ROYAL HARBOR, UNIT #1, SUBJECT TO THE APPROVAL OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, THE BEACHES AND SHORES DIVISION OF THE FLORIDA BOARD OF CONSERVATION, IF APPLICABLE, AND THE U.S. ARMY CORPS OF ENGINEERS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Michael Stephen of Coastal Engineering Consultants, Inc. presented himself to Council to answer any questions they may have. There being no questions and no one else to speak for or against, the Mayor closed the Public Hearing at 9:48 a.m. Mr. Thornton moved approval of Resolution 3101, seconded by Mr. Holland and carried on roll call vote, 5-0.

Let the record show that Mayor Anderson recessed Council at 9:50 a.m. and reconvened at 10:04 a.m. with the same members present.

AGENDA ITEM 8. PUBLIC HEARING: Second reading of ordinances.

AGENDA ITEM 8-a. An ordinance amending Section 8-3 of the Code of Ordinances of the City of Naples, Florida, relating to amendments to the Standard Building Code, to provide for an amendment to Chapter I, Section 107.4 of the Standard Building Code, as adopted by the City of Naples, increasing the schedule of building permit fees; repealing all ordinances or parts thereof in conflict herewith; and providing an effective date. Purpose: To provide for an increase in building permit fees.

Mayor Anderson opened the Public Hearing at 10:05 a.m.; whereupon City Attorney Rynders read the above titled 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 10:06 a.m. Mr. Thornton moved adoption of Ordinance 3102, on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 5-0.

AGENDA ITEM 8-b. An ordinance amending Section 8-32 of the Code of Ordinances of the City of Naples, Florida, relating to plumbing fees, by increasing the fees for plumbing installation; repealing all ordinances or parts thereof in conflict herewith to the extent of such conflict; and providing an effective date. Purpose: To provide an increase in plumbing permit fees.

Mayor Anderson opened the Public Hearing at 10:07 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. There being on one to speak for or against, the Mayor closed the Public Hearing at 10:08 a.m. Mr. Thornton moved adoption of Ordinance 3103, on Second Reading, seconded by Mr. Wood and carried on roll call vote, 5-0.

AGENDA ITEM 9. First Reading of Ordinances

AGENDA ITEM 9-a. An ordinance granting a Special Exception to construct a 42" high masonry wall in the required front yard at 3345 Fort Charles Drive, Naples, Florida, more particularly described herein; and providing an effective date. Purpose: To permit construction of a wall in the required front yard of the property described herein, which may be permitted by Special Exception only. (Pursuant to Public Hearing this date)

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 5-0.

AGENDA ITEM 9-b. An ordinance granting a Special Exception to rebuild an existing gasoline service station at the southwest corner of 7th Avenue North and 9th Street North, Naples, Florida, more particularly described herein; and providing an effective date. Purpose: To permit reconstruction of an existing gasoline service station on property described herein, which under current zoning classification may be permitted by Special Exception only. (Pursuant to Public Hearing this date)

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 5-0.

AGENDA ITEM 9-c. An ordinance granting a Special Exception for construction of three additional drive-up units at Citizens National Bank, 3055 Tamiami Trail North, Florida, more particularly described herein; and providing an effective date. Purpose: To permit a use by Special Exception, pursuant to Section 6 (24) of the Zoning Code, which would not generally be a permitted use under the existing zoning classification of said property. (Pursuant to Public Hearing this date)

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Holland moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 5-0.

AGENDA ITEM 10. 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. Purpose: To require a time schedule prior to the issuance of a building permit for construction which will exceed eighteen months and to provide a time limitation on building permits. (Action continued from Regular Meeting of August 2, 1978)

City Attorney Rynders explained that he had talked to the attorneys for the Towers Condominium and he noted the problems they had.

Mr. Holland moved to remove this from the agenda until the first meeting in November, seconded by Mr. Thornton and carried on roll call vote, 5-0.

AGENDA ITEM 11. Presentation relative to workmen's compensation self-insurance program and request for waiver of bidding procedure for workmen's compensation excess insurance. Requested by Arthur J. Gallagher & Company, insurance consultants.

Mr. William McCreary made a presentation on the self-insurance program and passed out materials on this, copy of which is on file in the City Clerk's office. City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE PURCHASE OF A TWO-YEAR WORKMEN'S COMPENSATION INSURANCE POLICY THROUGH EMPLOYERS REINSURANCE CORPORATION, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved adoption of Resolution 3104, seconded by Mr. Holland and motion carried on roll call vote, 5-0.

AGENDA ITEM 12. Authorization to enter into a contract with Arthur J. Gallagher & Company for administration of workmen's compensation self-insurance program. Requested by City Manager.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A WORKMEN'S COMPENSATION SERVICE AGREEMENT, DATED OCTOBER 1, 1978, BETWEEN THE CITY OF NAPLES AND ARTHUR J. GALLAGHER & CO. - MIAMI, WHEREBY SAID FIRM WILL PROVIDE PROFESSIONAL SERVICES IN ADMINISTERING THE CITY'S COMPENSATION SELF-INSURANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved adoption of Resolution 3105, seconded by Mr. Holland and motion carried on roll call vote, 5-0.

AGENDA ITEM 13. Authorization for Mayor and City Clerk to execute an agreement with the State of Florida, Department of Community Affairs, with reference to the Local Government Comprehensive Planning Act Assistance Fund. Requested by Planning Department.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMPREHENSIVE PLANNING ACT ASSISTANCE FUND AGREEMENT BETWEEN THE CITY OF NAPLES AND THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS FOR THE PURPOSE OF OBTAINING A GRANT UNDER THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT ASSISTANCE FUND PROGRAM FOR DEVELOPMENT OF SPECIFIC PORTIONS OF THE CITY'S COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3106, seconded by Mr. Holland and motion carried on roll call vote, 5-0.

AGENDA ITEM 14. Purchasing:

AGENDA ITEM 14-a. Award bid - tennis court resurfacing.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARDED BID FOR THE RESURFACING OF TWO TENNIS COURTS AT CAMBIER PARK; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR.

Mr. Holland stated that he felt that the lack of reasonable bids was the fault of the bidding procedure. Mr. McGrath moved approval of Resolution 3107, seconded by Mr. Wood and carried on roll call vote, 4-1 with Mr. Holland voting no.

AGENDA ITEM 14-b. Reject bids - racquetball courts.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION REJECTING THE BID OF VENETIAN BAY CONSTRUCTORS, INC. FOR CONSTRUCTION OF FOUR LIGHTED RACQUETBALL COURTS AT FLEISCHMANN PARK; AWARDING THE BID FOR THE CHAIN LINK FENCING (PHASE IV OF SAID PROJECT) TO REEVES SOUTHEASTERN CORPORATION AND AUTHORIZING THE CITY MANAGER TO INFORMALLY CONTRACT THE REMAINDER OF THE WORK ON SAID PROJECT: AUTHORIZING EXECUTION OF PURCHASE ORDERS AND CONTRACTS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland again stated that he felt the lack of reasonable bids was the fault of the bidding procedure. Mr. McGrath moved to approve Resolution 3108, seconded by Mr. Thornton and carried on roll call vote, 4-1 with Mr. Holland voting no.

AGENDA ITEM 14-c. Waive bidding procedure and approve lease/purchase agreement for duplicating equipment.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH I.B.M. CORPORATION FOR THE PURCHASE OF AN I.B.M. COPIER II COPYING MACHINE, AND WITH XEROX CORPORATION FOR THE PURCHASE OF A XEROX 7000 COPYING MACHINE, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved approval of Resolution 3109, seconded by Mr. McGrath and carried on roll call vote, 5-0.

AGENDA ITEM 14-d. Approval of payment for garbage truck repair.

Let the record show that Mr. Wood left the Council Chamber at 11:13 a.m.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING PAYMENT OF \$4865.43 TO KELLY TRACTOR CO., FORT MYERS, FLORIDA, FOR REPAIRS TO GARBAGE TRUCK #913, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Let the record show that Mr. Wood returned to the Council Chambers at 11:16 a.m.

Mr. Savidge explained to Council what the circumstances were behind this repair bill. Mr. Wood moved approval of Resolution 3110, seconded by Mr. McGrath and carried on roll call vote, 5-0.

City Manager Patterson noted that he would be scheduling meetings to review the proposed changes to the Zoning ordinances. Consensus of Council was to begin the review the day before the first November meeting following the Workshop session. The City Manager also noted that the Planning Advisory Board had suggested that it be a joint meeting so they would be available to answer any questions.

Mr. Wood ascertained from City Manager Patterson that the Maintenance Study was under-way and would hopefully help avoid negligence in the operation and maintenance of City property.

City Manager Patterson answered Mr. McGrath's inquiry about the status of McDonald's Quarters by outlining the steps being taken towards the completion of this project. He noted that approval from HUD of a developer's plan was expected to take some time. He also stated that one hold up would be the formal approval of the second half of the money in the grant from HUD.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:30 a.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Davis Cason

Janet Davis Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council approved on 10-18-78