

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS &  
RECREATION BUILDING, NAPLES, FLORIDA, ON WEDNESDAY, JUNE 20, 1979, AT 9:05 A.M.

Present: R. B. Anderson  
Mayor

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

Absent: Randolph I. Thornton  
Councilman

Also Present: George M. Patterson, City Manager  
David W. Rynders, City Attorney  
Roger Barry, Community Development Director  
Franklin Jones, Finance Director  
William Savidge, Public Works Director  
John McCord, City Engineer  
Barry Wershaw, Planner

Reverend Carlton Mills  
James Canty  
Maggie Coney  
Debra Mitchell  
Alma Cambridge  
Jerry Primus  
Janis Keith  
Paul Radtke  
M/M Saul Gottlieb  
Mary Meade  
Marion Waterfall  
Harry Boyce  
M/M Leon Murray  
Charles Andrews  
Harold Yegge  
Harry Rothchild  
Clayton Bigg  
M/M Arnold Lamm  
Mrs. Gene Azure  
Sam Aronoff  
Larry Basik  
Reverend Hugus  
Robert Russell  
Scott Foster  
William Shearston  
Gilbert Weil  
Vernon McKenzie  
William Barton

News Media: Gary Baranik, Naples Daily News  
 Frank Rinella, Naples Star  
 Allen Bartlett, Fort Myers News Press  
 Jerry Arnold, WRGI  
 Tom Lowe, WBBH-TV  
 Jerry Pugh, TV-9  
 Paul Stanford, TV-9  
 Joseph Starita, Miami Herald

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon Reverend Carlton Mills of the Church of the Nazarene gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes

Mayor Anderson called the Council's attention to the minutes of the Regular Meeting of June 6, 1979; whereupon Mr. McGrath moved to approve the minutes as presented, seconded by Mr. Schroeder and carried by consensus of Council.

Mayor Anderson then called the Council's attention to the minutes of the Special Meeting of June 6, 1979; whereupon Mr. Schroeder noted that Jack Conroy was referred to as "Attorney Conroy". Deputy Clerk Marshall noted that it should be "Realtor" and Mr. Schroeder moved approval of the minutes as amended, seconded by Mr. Wood and carried on voice vote.

AGENDA ITEM 4. Planning Advisory Board

AGENDA ITEM 4a. Variance Petition No. 79-V7, Appeal from Section 6(8) of the Zoning Ordinance, pertaining to "Fences, Walls, & Hedges", to permit a fence in excess of 5 feet; Petitioners: Gene F. and Marie L. Azure; Location of Property: 2225 13th Street North.

Mayor Anderson opened the Public Hearing at 9:10 a.m.; whereupon the petitioner, Mrs. Gene F. Azure, addressed Council in support of her petition. Clayton Bigg, Chairman of the Planning Advisory Board, spoke against the petition even though the Planning Advisory Board voted to recommend the petition. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:25 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6(8) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT A 5'2" HIGH FENCE IN THE REQUIRED SIDE YARD AT 2225 13TH STREET NORTH, NAPLES, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3280, seconded by Mr. Schroeder and carried on roll call vote, 6-0.



AGENDA ITEM 4b. Variance Petition No. 79-V6, Appeal from Section 12(A) of the Zoning Ordinance, pertaining to Change of Zone Petition Limitations, to permit a property of less than 40,000 sq. ft. to be re-zoned to a Designation Other Than a Contiguous One. Petitioners: Leon B. & Zena G. Murray; Location of Property: North 100 feet of Lots 1, 2, 3, 4 and part of Lot 5 (southwest corner of 9th Street and 7th Avenue South).

Mayor Anderson opened the Public Hearing at 9:26 p.m.; whereupon Arnold Lamm addressed Council in opposition to this petition because of the incursion into residentially zoned areas. Leon Murray spoke in support of his petition. Harry Rothchild spoke in opposition to the petition. Clayton Bigg, Chairman of the Planning Advisory Board spoke against this petition even though the Planning Advisory Board had recommended approval. James Canty spoke briefly on housing. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:41 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 12(A) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT REZONING OF PROPERTY CONSISTING OF LESS THAN 40,000 SQ. FT., LOCATED AT THE SOUTHWEST CORNER OF 9TH STREET AND 7TH AVENUE SOUTH, TO A DESIGNATION OTHER THAN A CONTIGUOUS ONE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved not to accept the recommendation of the Planning Advisory Board to approve this petition, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 4c. Rezone Petition No. 79-R4; Change of Zone from "R3T-12", Multi-family Residential to "O" Office. Petitioners Leon B. and Zena G. Murray. Location of Property: North 100 feet of Lots 1, 2, 3, 4 and part of Lot 5 (southwest corner of 9th Street South and 7th Avenue South).

Inasmuch as Council did not approve Variance Petition 79-V6, there was no need to consider this Rezone Petition.

AGENDA ITEM 4d. Reconsideration of Variance Petition 79-V4 - relative to the Expansion of a Non-Conforming Building at 888 1st Avenue South. (Previously considered by City Council on May 16, 1979.)

Mayor Anderson opened the Public Hearing at 9:43 a.m.; whereupon petitioner Larry Basik presented himself to Council to request reconsideration of Variance Petition 79-V4. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:56 a.m. Council had taken action on this petition on May 16, 1979 and voted to deny it. After discussion, it was the consensus of Council members present not to take any further action on this petition at this time.

AGENDA ITEM 5. PUBLIC HEARING: Second Reading of ordinances.

AGENDA ITEM 5. An ordinance amending Section 8-9 of the Code of Ordinances of the City of Naples, Florida, relating to the issuance of building permits, by adding thereto a new paragraph (c), requiring a separate Power of Attorney for each specific project or permit request whenever a licensed builder or contractor designates an agent to apply for and receive a building permit; and providing an effective date. PURPOSE: To require a separate Power of Attorney for each specific permit request made by a designated agent.





AGENDA ITEM 6b. An ordinance amending Section 19-34 of the Code of Ordinances of the City of Naples, Florida, by increasing the fees charged for the issuance of permits for excavation of any public street, sidewalk, or other public property dedicated to public use; and providing an effective date. PURPOSE: To provide for an increase in fees for excavation permits. Requested by City Manager.

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. Mr. Holland questioned the need for this added expense for improvement of property. In answer to Mr. Schroeder's question, City Engineer John McCord noted that the charges included an average hourly rate including salaries and operating and maintenance costs so they did cover overhead of Department. Council members further questioned the difference in cost for a single permit and a blanket permit. After further discussion, City Manager Patterson suggested removing this item for further study and Mr. Twerdahl moved to remove this Item from the Agenda for further study, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 6c. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new Section 7-32 thereto, establishing a fee for obtaining a permit for dredge and fill and other coastal construction; and providing an effective date. PURPOSE: To establish a permit fee for dredge and fill and other coastal construction. Requested by City Manager.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. After a discussion of how the cost of the permit was decided, Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 6d. An ordinance amending Section 19-7.2 of the Code of Ordinances of the City of Naples, Florida, by increasing the fee for obtaining a permit for construction of driveways, curbs, gutters, sidewalks or changes in existing grades on city owned or controlled property; and providing an effective date. PURPOSE: To provide for an increase in the permit fee for such construction. Requested by City Manager.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mr. Holland noted that in his opinion this penalized someone who wished to improve their property. Mr. McGrath moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-1 with Mr. Holland voting no.

AGENDA ITEM 6e. An ordinance amending Section 8.15(c) of the Charter of the City of Naples, Florida, relating to the transfer of funds from one department to another by providing that the City Council may by resolution authorize an expenditure from the contingency fund; and providing an effective date. PURPOSE: To provide for approval of expenditures from the contingency fund by resolution of Council in lieu of ordinance. Requested by City Manager...

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. City Attorney Rynders also read the amended Section 8.15(c) into the record; whereupon Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 7. Discussion/action - McDonald Quarters. Requested by City Manager.

Mayor Anderson outlined the events leading up to this discussion in order to up-date Council members on the situation. He noted the formation of the Re-location Committee and the other alternatives that had been forsaken, such as the use of trailers, and the idea that the City did not wish to become a landlord. He further noted that the idea had been proposed that the City invite the County Housing Authority to take over the management of the remaining shacks that could be made habitable because the City had no facilities to operate a Housing Authority. He referred to a position paper from City Attorney Rynders directed to him and the Council members dated June 20, 1979 (Attachment #1). City Attorney Rynders answered Mr. Twerdahl's question about what the County Housing Authority could do, by noting that the Relocation Committee's suggestion was that they raise \$70,000 mainly by donations and turn that money over to an agency to improve the existing houses. Mayor Anderson noted that the action to be considered today was an invitation to the County Housing Authority to take over the management of the Quarters until 1980 and that the matter would come before Council again for approval of an inter-local agreement when it was reached. Alma Cambridge, Vernon McKenzie, Jerry Primus, president of the local NAACP, Ernestine Miller and Jerry Canty spoke in support of taking action to protect the housing for the people in the Quarters. Harry Rothchild indicated his doubts about the wisdom of inviting the County Housing Authority to manage the Quarters. Mr. Wood asked if the contractor who was to build the new housing could manage the present Quarters to which Mayor Anderson responded that he had asked the man that question and they are not equipped to do that. Mr. McGrath moved that Council direct the Mayor to write a letter to the Collier County Housing Authority inviting them to take over the management of the Quarters in accordance with an inter-local agreement to be developed, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 8. Two additional master meters (Lakewood Unit 7 and Kings Lake). Requested by Collier County.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ADDENDUM NO. 1 TO AGREEMENT DATED OCTOBER 16, 1977 BETWEEN THE CITY OF NAPLES, COLLIER COUNTY AND THE COLLIER COUNTY WATER/SEWER DISTRICT, PROVIDING FOR THE SALE OF WATER TO THE COUNTY BY THE CITY AT TWO ADDITIONAL LOCATIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Patterson answered Mr. Twerdahl's question about the water supply by explaining the problem with the water is in the pipelines the water has to go through after it is treated. Mayor Anderson noted that there was a sufficient supply of water and that this request was in accordance with the City's agreement with the County. Mr. Holland moved adoption of Resolution 3284, seconded by Mr. Schroeder. Bill Barton of Wilson, Miller, Barton, Soll and Peek, Inc. noted the reasons for the request for these meters at this time, one of which would be that they would reduce the burden on the City's pumping capacity because of location. He also noted that the third meter had not been before the County Commission for approval as yet but when it was approved, a request would be forthcoming for it. Mr. Schroeder moved that the resolution be amended to provide three meters, seconded by Mr. Twerdahl. City Attorney Rynders suggested that Council wait until the County officially requested the third meter. Mr. Schroeder withdrew his motion to amend the original motion and Mr. Twerdahl withdrew his second to that motion. Original motion carried on roll call vote, 6-0



AGENDA ITEM 9. Purchasing:AGENDA ITEM 9a. Bid Award - submersible sewage pump

City Attorney Rynders read the below titled resolution by title for Council's consideration including the price of \$3689.70.

A RESOLUTION AWARDED BID TO ELLIS K. PHELPS & COMPANY, WINTER PARK, FLORIDA, FOR ONE (1) SUBMERSIBLE SEWAGE PUMP; AND AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3285, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 9b. Request to waive bidding on Lantern Lane pumping station

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH LOCAL CONTRACTORS FOR CONSTRUCTION OF A STORM WATER PUMPING STATION ON LANTERN LANE; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3286, seconded by Mr. Twerdahl and carried on roll call vote, 6-0

## CORRESPONDENCE AND COMMUNICATIONS

Mr. McGrath made a statement about the bureaucracy involved in the review of the Comprehensive Plan and noted all the agencies that were to review and comment on it.

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Mr. Schroeder noted that he had attended a Board of County Commissioners meeting on May 29. He further noted that they had cancelled their last two meetings in June and the first one in July.

He added that he had attended a June 14 meeting of the Airport Authority at which time \$2,000,000 or \$2,500,000 worth of improvements were discussed and he felt there should be formal representation at these meetings so each body would know what is going on. Mr. Twerdahl noted that he also attended this meeting, but that for the last two meetings, no one from Council had been there. Mayor Anderson asked Council members to check with his secretary for the schedule.

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Discussion was held on the Regular meeting of the Naples City Council scheduled for July 4, 1979. Mr. McGrath moved that Council dispense with the regularly scheduled meeting of July 4, 1979 and that the next regular meeting will be July 18, 1979, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

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

*R. B. Anderson*

R. B. Anderson, Mayor

*Janet Cason*  
Janet Cason  
City Clerk

*Ellen P. Marshall*  
Ellen P. Marshall  
Deputy City Clerk

These minutes of the Naples City Council were approved on 07-18-79





# City of Naples

735 EIGHTH STREET, SOUTH NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

June 20, 1979

## M E M O

TO: Hon. Mayor and Members of Council  
FROM: David W. Rynders, City Attorney  
SUBJECT: McDonald's Quarters

At a recent meeting of the McDonald's Quarter's Relocation Committee it was unanimously voted to ask the Collier County Housing Authority to assume management of the Quarters if a contract could be agreed upon for such a program between the Authority and Mr. McDonald and if the City Council would invite the Authority to act within the corporate limits. In connection with this proposal, several factors should be considered:

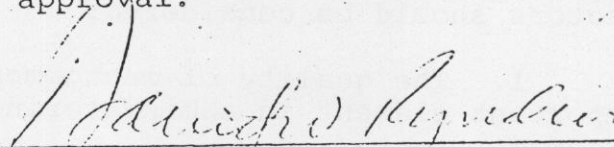
1. The quality of management is the single-most important element in administering a low-rent housing program.
2. A vast improvement in management is needed in order to weather the next eighteen months without more health and sanitation complaints.
3. Continued management of the project by McDonald, on either a willing or unwilling basis, seems to promise little, if any, improvement in the quality of management.
4. The Collier County Housing Authority is the only public body in the county with an existing staff trained in administering such programs and with a track record of successful management of such programs. Undoubtedly, the Collier County Housing Authority could provide the professional management and attention to problems that the present absentee landlord has not provided.

5. The Authority should be able to operate such a program without financial loss if they can negotiate a completely satisfactory financial arrangement with McDonald.

6. A suitable interlocal agreement can be drafted by the City limiting the Authority's operation to McDonald's Quarters and limiting the duration of the program to the period between now and December, 1980.

7. The Attorney General in past years has posed objections to such an arrangement, but these objections are no longer valid in view of the 1973 Home Rule Act broadening the powers of cities. It is therefore believed that the Attorney General could be persuaded to approve the proposed interlocal agreement.

It is therefore recommended that the City Council extend its invitation to the Collier County Housing Authority to provide management at the McDonald's Quarters area from now until December, 1980, and that the Council direct that an appropriate interlocal agreement be drafted and presented to the Attorney General for approval.



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David W. Rynders  
City Attorney