

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, WEDNESDAY, DECEMBER 19, 1979 AT 9:05 A.M.

Present: R. B. Anderson  
Mayor

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

Also present: George M. Patterson, City Manager  
David W. Rynders, City Attorney  
Edward C. Smith, Assistant to the City Manager  
Roger Barry, Community Development Director  
David Dampier, Acting Police Chief  
Garry Lester, City Traffic Engineer  
John McCord, City Engineer  
Norris Ijams, Fire Chief  
Mark Wiltsie, Purchasing Supervisor  
Franklin Jones, Finance Director

Reverend Irvin Northcutt  
Reverend Walter Lauster  
Clayton Bigg  
Harold Yegge  
William Vines  
Doug Avery  
Charles Andrews  
Roger Plock  
Rick Waggoner  
Ben Anderson  
Mr. & Mrs. Fred Ganter  
John Hocker  
Philip Morse  
Dorothy Sams  
Mary Hardin  
Henrietta Plamondon  
Mrs. Aubrey Cooper  
Bruce Kelsey  
Steve LeJeune  
Harold Monier  
Stewart MacFarlane  
Sam Aronoff  
Nelson Faerber, Sr.  
Mr. Cruz  
John Turner  
Gilbert Weil  
Ed Oates  
Pete Marr  
Sid Jackson  
Corbin Wyant  
Tom Gross  
Bill Root  
M. W. Fleter  
Lodge McKee

News Media: Gary Baranik, Naples Daily News  
 Paul Stanford, TV-9  
 Steve Fishman, Miami Herald  
 Jerry Arnold, WRGI  
 Allen Bartlett, Fort Myers News Press  
 Tom Lowe, WBBH-TV  
 Mark Johnson, WBBH-TV  
 John Warner, TV-9

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Reverend Irvin Northcutt 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 December 5, 1979; whereupon Mr. Wood moved approval of the minutes as presented, seconded by Mr. Holland and carried by consensus.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. PUBLIC HEARING and recommendation of Naples Planning Advisory Board to approve Special Exception Petition No. 79-S15 to permit a 49-space off-site parking lot described as Lots 1, 33 and 34, Block A, Lake Forest Lots 1-6, Block D, Lake Forest, located at 10th Street North, between 10th Avenue North and 12th Avenue North. Requested by Naples Church of God, Pastor Walter Lauster.

Mayor Anderson opened the Public Hearing at 9:07 a.m. and noted that Roger Barry Community Development Director, wanted to speak on this. Mr. Barry suggested that the Public Hearing be continued until January 2, 1980. Reverend Walter Lauster, petitioner, spoke in support of the request. There being no one else to speak for or against, the Mayor closed this portion of the Public Hearing at 9:10 a.m. Mr. Thornton moved that the Public Hearing be continued until January 2, 1980, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA 4-b. PUBLIC HEARING and recommendation of Naples Planning Advisory Board to approve Special Exception Petition 79-S16 to permit construction of a 99-space off-site parking lot in an "I" Industrial zone district located on the south side of Central Avenue between railroad and 12th Street directly across from Naples Daily News facility. Requested by Naples Daily News.

Mayor Anderson opened the Public Hearing at 9:12 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT OFF-SITE PARKING FOR THE NAPLES DAILY NEWS' FACILITIES, LOCATED ON CENTRAL AVENUE: AND PROVIDING AN EFFECTIVE DATE.

William Vines, representing the Naples Daily News, and Corbin Wyant, General Manager of the Naples Daily News, spoke in support of the request. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:15 a.m.; whereupon Mr. Thornton moved adoption of Resolution 3408, seconded by Mr. McGrath and carried on roll call vote, 7-0.



AGENDA ITEM 4-c. Recommendation of the Naples Planning Advisory Board to approve Variance Petition No. 79-V16 - an appeal from Section 6.10(B) of the Zoning Ordinance, which requires that gasoline service station sites shall be a minimum of 125 feet in width and 15,000 square feet in area; for a service station site with a width of 100 feet and land area of 14,800 square feet, located a north side of 1st Avenue South, between railroad and 12th Street. Requested by Oleum Corporation.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6(10)(B) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO REDUCE THE REQUIRED LOT WIDTH AND LOT AREA TO PERMIT CONSTRUCTION OF AN AUTOMATED CARD-LOCK GASOLINE FACILITY ON THE NORTH SIDE OF 1ST AVENUE SOUTH, BETWEEN THE RAILROAD TRACK AND 12TH STREET; AND PROVIDING AN EFFECTIVE DATE.

Stewart MacFarlane, representing the Allied Gasoline Retailers Association, West Coast of Florida, spoke in opposition to this petition. He noted that no dealers had been notified regarding this. Roger Barry, Community Development Director, explained that this was not a Public Hearing; but that the Planning Advisory Board had held a Public Hearing and the property owners within 500 feet of the subject site had been notified and a Notice of Public Hearing had been published for that hearing. He also noted that a service station was a permitted use in this area and the variance was only pertaining to the square footage and dimensions. Doug Avery, representing the Oleum Corporation, and William Vines, also representing Oleum, spoke in favor of the petition and responded to the points raised by Mr. MacFarlane. The question of the traffic that would be generated was brought up by Mr. McGrath and he referred to Planning Advisory Board member Adams' questions about the traffic referred to in the minutes of the Planning Advisory Board's Public Hearing. Mr. Holland questioned the size of the entrance and exit and the flow of traffic. During lengthy discussion Harry Rothchild, citizen, suggested verifying the allocation of gasoline for this new installation. Duval Evans and Mr. MacFarlane spoke in opposition to the new competition in view of the present shortage of gasoline. City Attorney Rynders reminded Council that they could take action after considering only the items germane to the variance request. Mr. Bigg, Chairman of the Planning Advisory Board, responded to Mayor Anderson's question about these new considerations, that he did not believe that he would come to the same conclusions. Mr. McGrath moved that the matter be referred back to the Planning Advisory Board for further consideration, seconded by Mr. Twerdahl and carried on roll call vote, 6-1, with Mr. Wood voting no.

AGENDA ITEM 4-d. Recommendation of the Naples Planning Advisory Board to approve Variance Petition No. 79-V17 - appeal from Section 6.8 of the Zoning Ordinance, which prohibits chainlink fences in the required front yard area and limits fences in the required rear yard to 5 feet in height; in order to construct a chainlink and barb-wire security fence, a total of 7 feet in height, in the required front and rear yard areas, located at 1484 5th Avenue South. Requested by Philip C. Morse, Jr. (Boat Haven, Inc.)

City Attorney Rynders read the below referenced 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 CONSTRUCTION OF A 7' HIGH CHAIN LINK AND BARBWIRE SECURITY FENCE IN THE REQUIRED FRONT AND REAR YARDS AT BOAT HAVEN, INC., 1484 FIFTH AVENUE SOUTH, NAPLES, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Philip Morse, petitioner, spoke in support of his request. Mr. Wood moved adoption of Resolution 3409, seconded by Mr. McGrath and carried on roll call vote, 6-1 with Mr. Schroeder voting no. Mr. Schroeder went on record that he believed the ordinance should be changed rather than having to grant so many variances. Roger Barry, Community Development Director, stated that the staff had been reviewing this and other parts of the zoning ordinance with the Planning Advisory Board and would bring their recommendations to the Council at the January meeting.

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 In view of the number of people present who were interested in Agenda Item 7, Mayor Anderson suggested moving to Agenda Item 7.  
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AGENDA ITEM 7. PUBLIC HEARING Second reading of ordinance.

An ordinance relating to and regulating the use of privately-owned burglar alarm systems; providing procedures for deactivating alarm systems; defining terms used herein; providing for the filing of reports requiring corrective action; prescribing fees for responses to false alarms; prohibiting the use of telephone alarm devices connected to the Naples Police Department without consent thereof; providing a lien for unpaid fees; and providing an effective date. Purpose: To reduce the incidents of false alarms.

Mayor Anderson opened the Public Hearing at 10:13 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. He further noted that he had drafted certain suggested changes and distributed an annotated revision (Attachment #1) and stated that to include these changes, Council would have to adopt an amendment. Harry Rothchild asked if these changes would nullify the First Reading to which the City Attorney replied in the negative. Ed Oates, Executive Vice-president of Southeast National Bank addressed Council representing the Financial Institutions Security Officers Association of Collier County and noted the presence of Pete Marr, Vice-president of Citizens National Bank, Sid Jackson, Vice-president and Cashier of First National Bank, Bill Root of Southeast National Bank, Daryl Melkey and Susan Byington of Coast Federal Savings & Loan, Steve LeJeune of First City Federal Savings & Loan, M. W. Fleter, First Vice-president of the Savings & Loan of Ft. Myers, Rick Waggoner, Vice-president of Gulf Federal Savings & Loan, Roger Plock, Senior Vice-president of Naples Federal Savings & Loan, and Bruce Kelsey, Assistant Vice-president of United Federal Savings & Loan. Mr. Oates and Mr. Jackson spoke in opposition to including the banking institutions in this ordinance. Mr. Twerdahl moved that this Public Hearing be continued until the second meeting in February in order to gain more input from people in the community, seconded by Mr. McGrath. Lodge McKee of the Old Naples Association also spoke against the ordinance as written. Motion carried on roll call vote, 7-0.

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 Let the record show that Mayor Anderson recessed the meeting at 10:38 a.m. and reconvened it at 10:48 a.m. with all members of Council present.  
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RETURN TO REGULAR AGENDA

AGENDA ITEM 5. Request by The Mental Health Foundation, Inc., for a temporary use permit to stage benefit - sailing race at a site located on Gordon Pass at the end of Gordon Drive.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.



A RESOLUTION GRANTING A TEMPORARY USE PERMIT TO THE MENTAL HEALTH FOUNDATION, INC. TO ALLOW THE USE OF PROPERTY LOCATED AT THE SOUTH END OF GORDON DRIVE, OWNED BY KEY ISLAND, INC. FOR THE PURPOSE OF STAGING THE 1980 FORCE 5 WORLD CHAMPIONSHIP RACES; AND PROVIDING AN EFFECTIVE DATE.

Tom Gross, Fleet Captain of the Naples Force 5 Fleet, spoke in support of this request. Roger Barry, Community Development Director, confirmed that the adjacent property owners had been contacted by telephone and there had been no objections. Mr. Twerdahl moved adoption of Resolution 3410, seconded by Mr. Holland and carried on roll call vote, 7-0.

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Mayor Anderson suggested moving down to Agenda Item 11; however, Mr. Faerber had stepped out of Council Chambers. City Attorney Rynders noted that the people who were present for Agenda Item 9 had been waiting. Mayor Anderson suggested taking up Agenda Item 9 and it was the consensus of Council to do so.  
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AGENDA ITEM 9. Operational agreement to lease trolley from The Trolley Line of Florida, Inc. for twenty-six weeks with option to purchase. Requested by Parking Authority.

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 FRANCHISE AGREEMENT BETWEEN THE CITY OF NAPLES AND THE FIFTH AVENUE PARKING TAX DISTRICT, PERTAINING TO THE OPERATION OF A TROLLEY ALONG CERTAIN STREETS IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

He noted that under this franchise agreement the trolley could be operated without obtaining a certificate of public convenience and necessity from the State of Florida and that proper insurances had been provided for. Mr. Edward Verdesca spoke in favor of this franchise agreement. Mr. Thornton noted that the vehicle was actually a bus and he felt the ordinance should so state. Harry Rothchild, citizen, asked if the City would surely be covered against any liability to which the City Attorney responded in the affirmative.

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Let the record show that Mr. Holland left the Council Chambers at 11:03 a.m.  
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Mr. McGrath moved adoption of Resolution 3411, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

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At this time Mayor Anderson noted the presence of Mr. Faerber in the Council Chambers and asked that Agenda Item 11 be taken up next.  
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AGENDA ITEM 11. Authorization for Mayor to execute an agreement with Code 3 Electronics for a one-year lease of emergency vehicle pre-empt system. Requested by Engineering Department.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH CODE 3 ELECTRONICS, INC., PERTAINING TO AN EMERGENCY VEHICLE TRAFFIC CONTROL SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Nelson Faerber, Sr. made a detailed explanation of the system and gave a demonstration, aided by his engineer, Mr. Cruz.

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Let the record show that Mr. Twerdahl left the Council Chambers at 11:22 a.m.

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Garry Lester, City Traffic Engineer, spoke in support of the system. Harry Rothchild, citizen, asked Mr. Faerber for further details regarding the operation of the system which Mr. Faerber supplied, adding that he would check out one detail regarding the possible failure of the system to release a signal light if the vehicle involved could not pass through the intersection involved. Mr. Rothchild also ascertained from the Mayor and City Attorney that the lessor would pay for the insurance to cover any liabilities incurred through the use of this system. Mr. Thornton moved adoption of Resolution 3412, seconded by Mr. McGrath and carried on roll call vote, 5-0 with Mr. Holland and Mr. Twerdahl absent.

#### RETURN TO REGULAR AGENDA

AGENDA ITEM 6. Request by St. John's Episcopal Church for waiver of building permit fees with reference to remodeling project.

Mr. Thornton felt there was more information needed before action could be taken. Mr. Thornton moved that this item be put off two weeks until the January 2, 1980 meeting, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Holland and Mr. Twerdahl being absent.

AGENDA ITEM 8. First reading of ordinances.

AGENDA ITEM 8-a. An ordinance rezoning Lots 1 through 6, Block D, and Lots 1, 33 and 34, Block A, Lake Forest Subdivision from "R1-7.5", single-family residential and "R-3-12", Multi-family residential to "PS", Public Service District; directing that the Zoning Atlas be revised to reflect said rezoning; and providing an effective date. Purpose: To rezone the above-described property at the request of owner, the Naples Church of God. (Pursuant to Agenda Item 4-a.)

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

AGENDA ITEM 8-b. An ordinance establishing a fee to be charged for certain fingerprints taken by the Police Department; and providing an effective date. Purpose: To require the payment of a fee for fingerprints taken by the Police Department for non-criminal purposes. Requested by Assistant to City Manager.

City Attorney Rynders read the above titled ordinance by title for consideration by Council on First Reading. City Manager Patterson answered Council members' questions regarding the requests for this service and the length of time it involves. Harry Rothchild, citizen, offered his opinion that the fee was not sufficient. Ed Smith, Assistant to the City Manager, answered Council's questions about the reasons for these requests and how the amount of the fee was determined. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 4-1 with Mr. McGrath voting no and Mr. Holland and Mr. Twerdahl being absent.



AGENDA ITEM 10. Appointment of alternate for 208 Sub-Committee - Southwest Florida Regional Planning Council. Requested by City Manager.

Mr. Schroeder amended his request to have the alternate able to attend all matters taken up by the Southwest Florida Regional Planning Council rather than limiting it to just the 208 Sub-Committee. Mr. Schroeder moved that Edward Twerdahl be recommended as the alternate and his name submitted to the Board of County Commissioners for the appointment, seconded by Mr. McGrath and carried on roll call vote, 5-0 with Mr. Holland and Mr. Twerdahl being absent.

AGENDA ITEM 12. A request by The League of Women Voters of Collier County, Florida to use City Hall Council Chambers for the candidates forum in connection with the February City elections.

Mayor Anderson reviewed City Manager Patterson's memorandum of December 14, 1979 (Attachment #2) and noted that the representatives of the League of Women Voters had indicated that they had exhausted all other possibilities. Mr. Wood moved to deny the request, seconded by Mr. Schroeder. Harry Rothchild, citizen, spoke in favor of this request. Mr. Thornton moved to amend the motion that use of the Council Chambers for this purpose be denied as an on-going practice, but to permit this one-time use, seconded by Mr. McGrath and carried on roll call vote, 3-2, with Mr. Schroeder and Mr. Wood voting no and Mr. Holland and Mr. Twerdahl being absent. Amended motion carried on roll call vote, 3-2, with Mr. Schroeder and Mr. Wood voting no and Mr. Holland and Mr. Twerdahl being absent.

AGENDA ITEM 13. A resolution rescinding Resolution to revise the mileage allowance for use of privately owned vehicles for City travel. Requested by City Manager.

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

A RESOLUTION RELATING TO MILEAGE ALLOWANCE FOR THE USE OF PRIVATELY-OWNED VEHICLES FOR OFFICIAL TRAVEL; RESCINDING RESOLUTION 2693 RELATIVE THERETO; PROVIDING A REVISED MILEAGE ALLOWANCE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3413; seconded by Mr. McGrath and carried on roll call vote, 5-0 with Mr. Holland and Mr. Twerdahl being absent.

AGENDA ITEM 14. A resolution - ICMA Deferred Compensation Plan - Ray McGhee and management employees. Requested by City Manager.

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

A RESOLUTION AUTHORIZING CERTAIN DEPARTMENT HEADS TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT THEY SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY ESTABLISHED BY ORDINANCE 1890, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson noted that those people to be included in this would be Ray McGhee, Franklin Jones, and Brad Estes. Mr. Wood moved adoption of Resolution 3414, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Holland and Mr. Twerdahl being absent.





CORRESPONDENCE AND COMMUNICATIONS

Mr. Schroeder noted that the Collier County Board of Commissioners adopted a municipal taxing district in the area covering the East Naples Sewer District.

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Council members held a brief discussion regarding ambulance service and Vice-Mayor McGrath suggested that the City Manager include this item for discussion at an up-coming Workshop Meeting.

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Vice-Mayor McGrath suggested displaying the telephone number of the Police Department and other public relations material on the back of police cruisers.

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Vice-Mayor McGrath inquired about the light promised by D.O.T. at Harbour Drive and U.S. 41 and City Manager Patterson replied that the D.O.T. have said they are out of money. Vice-Mayor McGrath noted that the County had advanced the money for a light they wanted and were reimbursed.

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Vice Mayor-McGrath indicated interest in some more regulation of the cement trucks and drivers using City streets.

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Vice-Mayor McGrath told City Manager Patterson that if the City could use any help from the kids at Youth Services, he should contact Youth Services.

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There being no further business to come before this Regular Meeting of the Naples City Council, Vice-Mayor McGrath adjourned the meeting at 12:26 p.m.

*R. B. Anderson*  
R. B. Anderson, Mayor

Janet Cason  
City Clerk

*Ellen P. Marshall*

Ellen P. Marshall  
Deputy Clerk

These minutes of the Naples City Council were approved on 01-02-80

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO AND REGULATING THE USE OF PRIVATELY-OWNED BURGLAR OR ROBBERY ALARM SYSTEMS; PROVIDING PROCEDURES FOR DEACTIVATING ALARM SYSTEMS; DEFINING TERMS USED HEREIN; PROVIDING FOR THE FILING OF REPORTS REGARDING CORRECTIVE ACTION; PRESCRIBING FEES FOR RESPONSES TO FALSE ALARMS; PROHIBITING THE USE OF TELEPHONE ALARM DEVICES CONNECTED TO THE NAPLES POLICE DEPARTMENT WITHOUT CONSENT THEREOF; PROVIDING A FEE FOR UNPAID FEES; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO REDUCE THE INCIDENTS OF FALSE ALARMS.

WHEREAS, privately-owned burglar and robbery alarm systems within the City of Naples are causing substantial misuse of manpower and resources of the City of Naples Police Department; and

WHEREAS, the use of said alarm systems has resulted in numerous false alarms; and

WHEREAS, certain telephone alarm systems regulated or programmed to connect with the Naples Police Department hold telephone lines to the exclusion of other calls; and

WHEREAS, the aforementioned false alarms and the misuse of telephone alarm devices create a threat to the safety and welfare of the residents of the City of Naples;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. DEFINITIONS.

A. For the purposes of this ordinance, the term "false alarm" shall mean the activation of a burglar or robbery alarm by other than a forced entry or attempted forced entry into the premise or a robbery or attempted robbery at a time when no burglary or robbery is being committed or attempted on the premises.

B. "Telephone Alarm Device" shall mean any device which, when activated, automatically transmits by telephone line a recorded alarm message or electronic or mechanical alarm signal to any telephone instrument installed in the City of Naples Police Department.

SECTION 2. Prior to the installation or use of any type of burglar or robbery alarm, the owner or manager of the premises shall furnish to the Naples Police Department information regarding the full name, address and telephone numbers of at least two (2) people who can be reached at all times and who are authorized to enter the premises and deactivate the alarm system. If any such person shall fail to appear and turn off an alarm within one hour after being notified by the Police Department to do so, then the owner or manager of the premises shall be charged a fee of \$25.00 for each such occurrence.

ORDINANCE NO. \_\_\_\_\_

SECTION 3.

Upon a response to any false alarm by the Naples Police Department, the Police Department shall charge and collect from the person having or maintaining such burglar alarm on a premises owned or occupied by him, a fee as follows:

A. For a response to a false alarm at premises where no false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged. However, the person having or maintaining such burglar alarm shall, within three working days after notice to do so, make a written report to the Police Department on a form to be provided by the Police Department, setting forth the cause of such false alarm, corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the Police Department may reasonably require to determine the cause of such false alarm and the corrective action necessary.

B. For a second response to a false alarm within six months after a first response, a fee of \$10.00 shall be charged and a written report shall be required as for a first response.

C. For a third response to a false alarm within six months after the first response, and for each succeeding response within six months after the last response, a fee of \$75.00 shall be charged, and if such third false alarm or any such succeeding false alarm results from the failure of the owner or manager to take necessary corrective action, the Police Department may order the disconnection of such alarm system and it shall be unlawful to re-connect such alarm system until such corrective action is taken, provided that no disconnection shall be ordered for any premises required by law to have an alarm system in operation.

D. For the purpose of collecting these fees, a notice shall be left with the owner, operator or agent of the premises, or in such person's absence, left at a conspicuous location on said premises, setting forth the requirements of this ordinance, the amount of the fees and indicating whether this is the first, second, third or later response within a six-month period. The notice shall state that the fee may be paid within fifteen (15) days as provided herein and that if not paid, the same will become a lien on the property protected by the alarm system, unless within fifteen (15) days from the date of such false alarm an authorized person appears at the Public Safety Building during the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday, or at some other pre-arranged time, before an officer designated by the Chief of Police to receive such objections to present an appropriate defense to the assessment of the fee. Such officer shall also state that any written or tangible evidence tending to support said defense should be presented at the same time. Where the operator of the premises is leaving the premises from the owner thereof, the Police Department shall mail a copy of said notice to the owner of the property at his address as it appears on the current tax roll. An appropriate defense shall be considered to be

*pp  
power  
added*



ATTACHMENT #2

AGENDA ITEM #12  
12-19-79



*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: LEAGUE OF WOMEN VOTERS' REQUEST

DATE: DECEMBER 14, 1979

The attached request for the use of the City Council Chambers for a candidate meeting night was received after the League of Women Voters had attempted to reserve space in the Cambier Park Community Center which had already been committed for other activities.

For the past 15 years, with one possible exception, it apparently has been the policy for the City not to allow use of the Council Chambers for other than City of Naples and other governmental agency activities. On the other hand, space for meetings such as this is difficult to find, especially during the season.

I do not believe it would be wise to allow the use of the Council Chambers on an on-going basis for other than governmental functions. However, the Council may wish to consider allowing this use this particular election year since by next year we will have completed the Fleischmann Park Community Center which will provide for this type of activity. Upon completion of the Center, the availability of meeting rooms would then be on a first-come-first served basis in the community centers and governmental activities only in the Council Chambers.

Sincerely,

*George M. Patterson*  
George M. Patterson  
City Manager

GMP/tan  
attach.

ATTACHMENT #1 - page 3

PAGE THREE

ORDINANCE NO. \_\_\_\_\_

any cause that was completely and utterly beyond the control of the owner or operator to prevent, such as an act of God. Failure of the system to be in proper operating condition shall not be a proper defense. If no appearance is made and the fees are not paid, then the lien shall be recorded as provided in Section 5 hereof.

SECTION 4. It is unlawful for any person, firm, corporation or association to install, maintain, own, possess, operate or use any telephone alarm device regulated or programmed to make connection with any telephone installed in any facility of the City of Naples Police Department without the consent of the Police Department.

SECTION 5. *added* The fees imposed by this ordinance are based exclusively upon the costs, or a portion of the costs, incurred by the City in responding to said false alarms and shall be deemed assessed on the day of the response. Said fees may be paid within fifteen (15) days without interest. Thereafter, any unpaid fees shall accrue interest at the rate of 12% per annum and shall become a lien on the real and personal property protected by said alarm. Upon entry of a notice of lien records of Collier County of a notice of lien setting forth the date of assessment, the legal description of the property and the name of the owner of the real property as it appears on the tax roll, said lien shall take precedence over any other lien against said property, except for liens for taxes, mechanics liens and purchase money liens. Said liens may be foreclosed against said real and personal property by the City at any time within ten (10) years after the date of assessment of said fee.

SECTION 6. If any section, subsection, sentence, clause, provision or part of this ordinance shall be held invalid for any reason, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 7. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS \_\_\_\_\_ DAY OF DECEMBER, 1979.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 1979.

ATTEST: \_\_\_\_\_ Mayor  
R. B. Anderson

Janet Carson  
City Clerk

APPROVED AS TO FORM AND LEGALITY BY *David W. Bywaters*  
DAVID W. BYWATERS, CITY ATTORNEY