

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, SEPTEMBER 17, 1980, AT 9:04 A.M.

Present: R. B. Anderson
Mayor

Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: C. C. Holland
Councilman

Also present: George M. Patterson, City Manager
David W. Rynder, City Attorney
Roger Barry, Community Development Director
John McCord, City Engineer
Reid Silverboard, Chief Planner
Franklin Jones, Finance Director
William Savidge, Public Works Director
Edward C. Smith, Assistant to the City Manager
Mark Wiltsie, Purchasing Agent

Reverend Walter Lauster
Mr. & Mrs. Edward Chlumsky
Jerry Chlumsky
Clayton Bigg
Harold Yegge
William Brant
Ed Ranney
Joseph Topinko
Mr. & Mrs. Carnevale
Dudley Goodlette
Robert Jackson
Dan Guoan
Robert Towle
Norbert Meert
R. J. Bonini
Philip Pearce
Gilbert Blanquart
Sam Aronoff
Gilbert Weil
Thad Forbes
M. W. Schryver
Jim O'Connell
William Shearston
John Wood
Lyle Richardson
Ted Smallwood
William McCreary
Dennis Lynch

News Media: Ed Warner, TV-9
 Allen Bartlett, Fort Myers News Press
 Brian Blanchard, Miami Herald
 James Moses, Naples Daily News
 Paul Stanford, TV-9
 Jerry Arnold, WRGI
 Madeline Child, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:04 a.m.; whereupon Reverend Walter Lauster of the Church of God delivered 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 Meeting of September 2, 1980 and the Regular Meeting of September 3, 1980; whereupon Mr. Twerdahl moved approval of the minutes as presented, seconded by Mr. Schroeder and carried by consensus of the members of Council present.

AGENDA ITEM 4. PUBLIC HEARING to consider proposed existing boat slip modification involving dredge/fill work, located at 3875 Gordon Drive, adjacent to Champney Bay. Owner: Fred Bechtel.

Mayor Anderson opened the Public Hearing at 9:06 a.m.; whereupon Council considered the below titled resolution.

A RESOLUTION AUTHORIZING MODIFICATION OF AN EXISTING BOAT SLIP, INVOLVING DREDGE AND FILL WORK AT 3875 GORDON DRIVE, NAPLES, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Philip Pearce, representing the owner, presented himself to Council to answer any questions. John McCord, City Engineer, stated that he had no problem with the proposed work as presented. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:15 a.m.; whereupon Mr. Schroeder moved adoption of Resolution 3617, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 5a. PUBLIC HEARING and Second Reading of Ordinance.

Rezone Petition No. 80-R5 Petitioner: City of Naples. Location: East side of Sandpiper Street, south of Route 41 (Chlumsky property) An ordinance rezoning Lots 107-108, Golden Shores, from "C2-A", Waterfront Commercial, to "R3-12", Multi-family Residential; directing that the Zoning Atlas be revised to reflect said rezoning; and providing an effective date. Purpose: To rezone the property described herein in conformance with the City's Comprehensive Plan. (Continued from the City Council meetings of July 2, 1980 and August 20, 1980.)

Mayor Anderson reopened the Public Hearing at 9:20 a.m.; whereupon Mr. Edward Chlumsky one of the owners, presented himself to Council to speak against the petition. He read a statement supporting his opposition. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:24 a.m. Mr. Wood noted that he had no official position to report from the property owners association of Royal Harbor. Thad Forbes, president of the Royal Harbor Property Owners Association, confirmed that they had taken no stand on this

matter. Mr. Wood continued to speak against passage of the ordinance. City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading. Mr. Wood moved that the resolution be rejected and the change in zoning not be made. Motion died for lack of a second. Further discussion followed regarding the effect the Comprehensive Plan has had on this property. City Attorney Rynders pointed out that the zoning was not "grandfathered-in" because there was no structure on the property and he further noted that no building permits could be issued unless the property was zoned in conformity with the Comprehensive Plan. He responded to a question from Mr. Rothchild that Mr. Chlumsky or anyone could institute a request to amend the Comprehensive Plan, even after the passage of this ordinance. Mr. Twerdahl moved adoption of Ordinance 3618 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 4-2 with Mr. Rothchild and Mr. Wood voting no.

AGENDA ITEM 5-b. Recommendation of Naples Planning Advisory Board relating to: Special Exception Petition No. 80-S5 Petitioner: M. W. Schryver, Trustee. Location: West side of U.S. 41, adjacent to the north and west sides of Park Shore Plaza and south of Neapolitan Way. Request to permit construction of a transient lodging office complex, to be known as the Park Shore Resort Club and Office Complex, with 220 transient lodging units, four lighted tennis courts, four handball courts, and drive-up window facilities for banking activities, on a 17.31 acre parcel zone "PD", Planned Development, and designated for Highway Commercial uses. (Continued from City Council meeting of August 20, 1980.)

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT U.S. 41 AND NEAPOLITAN WAY AND MORE PARTICULARLY DESCRIBED HEREIN TO PERMIT A 220 UNIT TRANSIENT LODGING FACILITY, FOUR LIGHTED TENNIS COURTS, FOUR HANDBALL COURTS, AND DRIVE-UP WINDOW FACILITIES FOR PROPOSED BANK IN CONJUNCTION WITH THE PROPOSED PARK SHORE RESORT CLUB AND OFFICE COMPLEX, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson noted that the Public Hearing had been continued from August 20, 1980 and reopened the Public Hearing at 9:34 a.m.; whereupon M. W. Schryver, representing the developer, presented himself to Council. He noted that in view of the fact that the Planning Advisory Board had recommended denial of this petition based on the inclusion of kitchens in the units, they would prefer to withdraw the petition and come back later with a different concept. Roger Barry, Community Development Director, suggested action on the resolution as it pertained to the drive-up window and other special exceptions at this time; however, Mr. Schryver maintained that they wished to start from the beginning because there may be some changes on even those items. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:48 a.m.; whereupon Mr. Thornton moved that the item be removed from the Agenda, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5-c. Recommendation of Naples Planning Advisory Board to approve: Non-conformity Petition No. 80-N2. Petitioner: Robert Towle and Norbert Meert. Location: 1175 First Avenue South. Request to rebuild a non-conforming structure that was damaged by fire, pursuant to Section 4(E) of the Zoning Ordinance.

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

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMITY TO PERMIT REBUILDING/REPAIRING OF A NONCONFORMING STRUCTURE AT 1175 FIRST AVENUE SOUTH, NAPLES, SUBJECT TO CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson asked for public comment whereupon Robert Towle, petitioner, presented himself to speak in support of the petition. There being no one else to speak for or against, Mr. Twerdahl moved to accept the recommendation of the Planning Advisory Board to approve Petition No. 80-N2 by adopting Resolution 3619, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 5-d. Recommendation of Naples Planning Advisory Board to deny: Variance Petition No. 80-V9. Petitioner: Sea Crest Motel. Location: 175 Fifth Avenue South. An appeal from Section 5.5(J) of the Zoning Ordinance which limits maximum lot coverage to 25 percent in the "R3-12", Multi-family Residential zone district; in order to construct a 132 square foot addition for laundry facilities.

Mayor Anderson asked for public comment whereupon Jim O'Connell, petitioner, presented himself to speak on behalf of his petition. There being no one else to speak for or against, Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny Petition No. 80-V9, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5-e. Recommendation of Naples Planning Advisory Board to deny: Variance Petition No. 80-V10. Petitioner: Allesandra Higgs and John R. Dottore (Designer's Corner). Location: 382 Ninth Street North. Appeal from Section 6.15(C) of the Zoning Ordinance which requires that when a building is enlarged in floor area, off-street parking facilities shall be provided for the newly-added floor area; in order to construct a 2100 square foot expansion without providing additional on-site parking facilities.

Mayor Anderson asked for public comment whereupon John Dottore, petitioner, presented himself to speak in support of his petition. There being no one else to speak for or against, Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny Petition No. 80-V10, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5-f. Recommendation of Naples Planning Advisory Board to deny: Variance Petition No. 80-V11. Petitioner: Suzanne Development Corporation. Location: Northeast corner of Binnacle Drive and Ketch Drive. Appeal from Section 5.5 (H) of the Zoning Ordinance which requires that development on any "R3-12" zoned property adjacent to or across the street from any "R1" zoned property, shall be limited to two (2) stories in height; in order to construct one multi-family structure, three (3) stories in height.

Mayor Anderson asked for public comment whereupon Attorney Dudley Goodlette appeared before Council to speak in support of this petition. He distributed to members of Council a diagram of the vicinity and letters from the closest neighbors supporting the petition (copies of which are on file in the Meeting Packet in the City Clerk's office). Mr. Schroeder noted that the language in the existing ordinance was not as definitive as he thought when it was incorporated into it. He asked that the City Attorney review it and recommend an amendment limiting height to 22 feet. John Wood, prospective selling agent for the project, and Dennis Lynch, citizen, spoke in support of the petition. Roger Barry, Community Development Director, noted there was some rationale in having the parking under the structure and not counting it as a story. Mr. Twerdahl asked that the Planning Advisory Board also review this section of the zoning ordinance with the thought of changing the language to eliminate this type of problem. Clayton Bigg, member of the Planning Advisory Board, spoke in support of the reasons some members of the Board voted for recommending denial of the petition. There being no one else to speak for or against, Mr. Twerdahl moved that Council take action to approve Variance Petition No. 80-V11 by not accepting the recommendation of the Planning Advisory Board to deny it, seconded by Mr. Rothchild and carried on roll call vote, 5-1 with Mr. Schroeder voting no. Mayor Anderson directed City Attorney Rynders to prepare a resolution to this effect, which below titled resolution the City Attorney read by title between Agenda Items 11 and 12 for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.5(H) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A 3-STORY STRUCTURE ON PROPERTY LOCATED AT THE CORNER OF BINNACLE DRIVE AND KETCH DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3620, seconded by Mr. Rothchild and carried on roll call vote, 6-0.

*** Let the record show that Mayor Anderson recessed the meeting at 10:55 a.m. and reconvened it at 11:09 a.m. with the same members of Council present. ***

AGENDA ITEM 5-g. First reading of Ordinance and recommendation of Naples Planning Advisory Board to approve: An ordinance amending Section 13 of Appendix A - Zoning of the Code of Ordinances of the City of Naples, pertaining to fees for zoning petitions; and providing an effective date. Purpose: To provide increased fees for processing zoning petitions and to add to said section fees for administrative appeal petitions and petitions to amend the Comprehensive Plan.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. Mr. Schroeder ascertained from Roger Barry, Community Development Director, that these new fees covered direct cost and overhead; 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 6. PUBLIC HEARING. Second reading of ordinances.

AGENDA ITEM 6-a. An ordinance pertaining to the public parks and beaches of the City; prohibiting the taking of animals and glass containers on the beaches and in public parks; providing exceptions thereto; definign certain terms used herein; and providing an effective date. Prupose: To prevent glass and animal waste from accumulating on the beaches and in the public parks of the City.

Mayor Anderson opened the Public Hearing at 10:10 a.m; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. Mr. Twerdahl called Council's attention to a letter, copies of which he had distributed to Council members, from Mr. Gushman, retired executive of the glass industry (Attachment #1). Dennis Lynch, citizen, spoke in support of the ordinance. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:15 a.m.; whereupon Mr. Wood moved adoption of Ordinance 3621, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 6-b. An ordinance relating to the Police Officers' Pension and Retirement System, amending Section 18-105 of the Code of Ordinances of the City of Naples, entitled "Contributions; New Employees" to provide that any officer who elects to participate in any other pension plan shall not be entitled to receive any benefit under Chapter 185, Florida Statutes, for services rendered while a participant in such other pension plan; and providing an effective date. Purpose: To prevent officers who elect not to participate in the City's pension plan from receiving any benefits thereform.

Mayor Anderson opened the Public Hearing at 10:16 a.m.; whereupon City Attorney Rynders read the above captioned 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 10:17 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3622 on Second Reading, seconded by Mr. Rothchild and carried on roll call vote, 6-0.

AGENDA ITEM 7. First reading of ordinance.

AGENDA ITEM 7-a. An ordinance amending Section 20-32 of the Code of Ordinances of the City of Naples, relating to subdivision plat fees; and providing and effective date.
Purpose: To provide an increase in the fees for processing and approving subdivision plats Requested by Community Development Director.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading; whereupon Mr. Wood moved approval of the ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0

AGENDA ITEM 8. Selection of insurance coverage for excess claims on workers' compensation. Requested by Finance Director.

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

A RESOLUTION ACCEPTING THE PROPOSAL SUBMITTED BY MUTUAL FIRE, MARINE AND INLAND INSURANCE COMPANY FOR EXCESS WORKERS' COMPENSATION COVERAGE; AND PROVIDING AN EFFECTIVE DATE.

Franklin Jones, Finance Director, confirmed Mayor Anderson's statement that it was a proposal that was economically favorable for the City. William McCreary of Arthur J. Gallagher & Company, consultants to the City on this matter, responded to Mr. Rothchild's question about whether local insurance agents had been contacted requesting proposals, by listing the requirements of any company handling these claims. Mr. Twerdahl moved to adopt Resolution 3623, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 9. A resolution regarding Contingency Fund transfers. Requested by Finance Director.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO COVER EXPENDITURES RELATING TO PAYROLL/PERSONNEL SOFTWARE AND THE CONTRIBUTION TO NAPLES LITTLE LEAGUE GIRLS TEAM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3624, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 10! Acceptance of water distribution/sewer collection systems at Forest Lake homes. Requested by Engineering Department.

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

A RESOLUTION ACCEPTING A BILL OF SALE FROM FIDELITY SERVICE CORPORATION FOR WATER AND SEWER MAINS, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3624, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 11. Discussion/action on resolutions for submission to Florida League of Cities. (Pursuant to Council Conference discussion on September 16, 1980.)

City Manager Patterson noted that Council had forwarded several resolutions to the Florida League of Cities in the past and those that had been adopted as part of their policy statement would continue to be pursued until there was a successful conclusion. There being no resolutions to present at this time, there was no need for any action by Council.

AGENDA ITEM 12. Discussion of engineering services for wastewater treatment plant and deep well injection. Requested by City Manager.

Ted Smallwood, Consulting Engineering for the City from CH₂M Hill, distributed copies of "Federal Assistant Application for City of Naples, Test Injection Well Design Step 1 Amendment" and "Expansion and Upgrade of Existing Wastewater Treatment Plant Step 2" (copies of which are on file in the City Clerk's office). City Attorney Rynders explained that there was no need for Council to act on the two documents at this time. He noted that Council members should review these documents. Mr. Smallwood noted that Council had already authorized the execution of the application part of the documents (July 16, 1980) and that at the next meeting they would be asked for a consensus indicating approval of the contract part of the documents. and this consensus would be forwarded to E.P.A. along with the documents for E.P.A.'s review. He further added that after the E.P.A. had reviewed the documents and approved them, Council would be asked to authorized execution of the contract portion.

AGENDA ITEM 13. A resolution approving a proposed financing plan and forms of financing documents and forms of certain documents securing said obligations in connection with a low income housing project; and providing an effective date. Requested by City Attorney.

City Attorney Rynders read the above titled resolution by title for consideration Council. Mr. Rothchild moved adoption of Resolution 3626, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

Let the record show that Mr. Wood left the Council table at 11:53 a.m.

Mr. Schroeder moved to add an item to the Agenda on an emergency basis, seconded by Mr. Twerdahl. In response to Mr. Rothchild's inquiry regarding the emergency, City Manager Patterson outlined his discussions with the staff of the Collier County School Board and the fact that the sooner the School Board received the resolution, the sooner they would cease charging the P.A.L. for the use of their facilities. Motion carried on roll call vote, 5-0 with Mr. Wood being absent from the Council table.

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

A RESOLUTION REQUESTING THE COLLIER COUNTY SCHOOL BOARD TO PERMIT THE POLICE ATHLETIC LEAGUE TO USE SCHOOL BALL PARKS, BALL FIELDS AND OTHER SCHOOL RECREATIONAL AREAS AND FACILITIES WITHOUT CHARGE; DECLARING THE SAME TO BE AN EMERGENCY MATTER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3627, seconded by Mr. Twerdahl and carried on roll call vote, 5-0 with Mr. Wood being absent from the Council table.

Let the record show that Mr. Wood returned to the Council table at 11:57 a.m.

AGENDA ITEM 14. Discussion/action regarding City Manager's salary, Requested by City Council.

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

A RESOLUTION PROVIDING FOR A SALARY INCREASE FOR THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved that the City Manager's salary be increased to \$50,000 effective October 1, 1980 incorporated in the adoption of Resolution 3628, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 15. Purchasing:

AGENDA ITEM 15-a. Bid award - Air conditioning/heating maintenance service.

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

A RESOLUTION AWARDDING BID FOR THE CITY'S ANNUAL REQUIREMENTS FOR AIR CONDITIONING AND HEATING MAINTENANCE SERVICE ON A TIME AND MATERIALS BASIS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; REJECTING ALL BIDS RECEIVED FOR A TOTAL PREVENTIVE MAINTENANCE SERVICE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3629, seconded by Mr. Rothchild and carried on roll call vote, 6-0.

AGENDA ITEM 15-b. Bid award - Installation of concrete signal poles - Engineering Department.

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

A RESOLUTION AWARDDING BID FOR THE REMOVAL AND INSTALLATION OF CONCRETE SIGNAL POLES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson noted that this was being done because of the D.O.T.'s contention that they were out of funds for such a project, but they will supply the signal lights and parts. He added that this was for the intersection of U.S. 41 and Harbour Drive which had been redesigned for use in conjunction with a signal light. Mayor Anderson asked that the City Manager write a letter for his signature telling D.O.T. of the City's expenditure and asking D.O.T. to pay the money back to the City next year. Mr. Schoeder moved adoption of Resolution 3630, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

Mayor Anderson noted the receipt of a letter from the City of Cape Coral (Attachment #2) asking for support from the City of Naples for a resolution of theirs for presentation to Florida League of Cities Convention. It was the opinion of Council members that administration of this would be unwieldy and it was the consensus of Council not to support this request. Mayor Anderson stated that after further discussion with City Attorney Rynders, he would convey the result of Council's discussion to the City of Cape Coral in a letter.

Mr. Wood noted a comment from Casey Miller, citizen, who had viewed Council from the audience and on television and who felt that some background would be preferable rather than the plain light colored wall behind their chairs; a mural was suggested.

Mr. Twerdahl noted an invitation to a meeting entitled "The Urbanization of the Greater Naples Area", and asked if anyone had any information concerning it. City Manager Patterson responded that he believed it was in reference to traffic and transportation.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:16 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Cason

Janet Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council were approved on 10-01-80

Agenda Item # 6A

302

ATTACHMENT #1

925 Spyglass Lane
Naples, FL 33940
August 20, 1980

Mr. Edward A. Twerdahl
1035 Spyglass Lane
Naples, FL 33940

Dear Ned:

As one of many retired executives from the glass industry now living in the Naples area, I share the concerns of the Old Naples Association about broken glass on the beach. From my years of experience in the glass container industry I can also suggest there are better, more effective ways of attacking this problem than passing an ordinance banning glass.

In the early seventies, legislators in Oregon passed a law requiring a deposit on all glass beverage bottles out of their concern over the litter problem. About that same time, the neighboring state of Washington set up an organized program aimed at reducing all litter and not just that portion consisting of beverage containers. The results were impressive from the start. The Washington program brings about significantly greater reductions in all litter than does the Oregon approach.

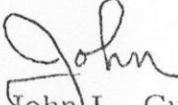
In 1977 a study was done comparing the litter situation in these two states which details the superiority of the Washington approach. It shows the incidence of broken glass found in litter is less in the state of Washington than in Oregon, for example.

The glass industry has for years supported Keep America Beautiful, Inc. who are making great progress with their Clean Community System program. This program emphasizes positive steps that a town can take to reduce or eliminate all kinds of litter at its source.

Here in Florida, there are a number of communities who have been qualified and have started the Clean Community System program. Pensacola/Escambia County, Tampa and New Haven are all taking positive steps to reduce litter of all kinds in all areas of their communities.

I urge you to consider this approach. It will generate a more comprehensive and lasting result which will enhance the entire Naples community.

Sincerely,


John L. Gushman

JLG:bcw

CITY OF CAPE CORAL



CITY MANAGER

September 12, 1980

The Honorable Roland Anderson
Mayor of Naples
735 Eighth Street, South
Naples, Florida 33940

Dear Mayor Anderson:

Enclosed is a copy of Cape Coral Resolution 60-80 regarding payment in lieu of taxes for newly improved property. We would appreciate your support of this Resolution at the forthcoming Florida League of Cities Convention.

Sincerely,

Robert D. Proctor
Robert D. Proctor
City Manager

cmm
Enclosure

RECEIVED SEP 16 1980

RESOLUTION 60 -80

A RESOLUTION REQUESTING THE SUPPORT OF THE FLORIDA LEAGUE OF CITIES OF A GENERAL LAW WHICH WOULD ALLOW FOR MUNICIPALITIES TO COLLECT A FEE UPON ISSUING A CERTIFICATE OF OCCUPANCY EQUAL TO THE TAXES THAT WOULD HAVE BEEN COLLECTED HAD THE IMPROVED PROPERTY BEEN PLACED UPON THE TAX ROLLS.

WHEREAS, the tax rolls are determined on January 1, of each year; and,

WHEREAS, property improved during any year may be occupied and used upon receipt of a certificate of occupancy; and,

WHEREAS, although the property owner receives the benefit of all municipal services upon commencement of the use of that property, taxes are assessed only upon the vacant land; and,

WHEREAS, existing property owners must carry the burden of the newly improved property until the next calendar year; and,

WHEREAS, the 1980 legislation of the Florida League of Cities, Section 210.3 supports legislation which will allow pro-rated or mid-year assessments of buildings on which principal construction has been completed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL THAT:

1. The Florida League of Cities is requested to support a general law which would allow for municipalities to assess a fee upon issuing the certificate of occupancy, based upon last year's millage rate for the municipality times the permit value of the improved property and pro-rated on a monthly basis by dividing by twelve and multiplying by the number of months remaining in the calendar year.

2. The city manager is authorized and directed to distribute this resolution as may be appropriate to implement its intent.

APPROVED AND ADOPTED THIS 3rd DAY OF September, 1980.

Lyman J. Moore
Lyman J. Moore, Mayor

ATTESTED TO AND FILED in my office this 10th day of September, 1980.

Eula R. Jorgensen
Eula R. Jorgensen, City Clerk

APPROVED AS TO FORM:

Richard V. S. Roosa
Richard V. S. Roosa, City Attorney

I HEREBY CERTIFY that I am the duly appointed and qualified Clerk of the City of Cape Coral, Florida, and the keeper of the records and corporate seal of said municipality; that this is a true and correct copy of Res. 60-80 duly adopted at a meeting of the City Council thereof held in accordance with its Charter at its offices at Cape Coral, Florida.

Eula R. Jorgensen
City Clerk