

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, OCTOBER 15, 1980, AT 9:07 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Harry Rothchild
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
Roger Barry, Community Development Director
John McCord, City Engineer
Reid Silverboard, Chief Planner
Edward C. Smith, Assistant to the City Manager
Norris Ijams, Fire Chief
Franklin Jones, Finance Director
Mark Wiltsie, Purchasing Agent

Reverend Roland Nelson
Mr. & Mrs. Dan Woolter
Clayton Bigg
Harold Yegge
Edward Ranney
M. W. Schryver
Daniel Schryver
Philip D. Shoemaker
Frances Engesser
May Allen
Edward Kant
Sam Aronoff
Charles Andrews
George Pollard
Pauline Truex
Eleanor Lawless
Jean Topinka
Frances Day
Mrs. Krause
William Stoneman
William Shearston
Eugene Lojewski
Ben Anderson
Alan Rude
Paul Schmidt
Carl Weltman
Charles Long
W. W. Gilman
Gilbert Weil
Casey Miller
Robert Russell
Kris Dane
George Henderson
Ernest Kanelos
Casey Miller

Jack Miller
 Daniel Monaco
 Elmer E. Jones
 Edwin Putzell
 Toivo Tammerk
 Anthony Shoemaker
 Leo Boyajian
 Bruce Thalheimer
 Ocy Richardson
 Joseph Teeboom

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

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Reverend Roland Nelson of the First Baptist Church of Golden Gate 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 Regular Meeting held October 1, 1980; whereupon Mr. Thornton moved approval of the minutes as presented, seconded by Mr. Twerdahl and carried by consensus.

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

AGENDA ITEM 4-a. First reading of an ordinance and recommendation of Naples Planning Advisory Board to approve: Amendment to a previously approved development plan No. 80-R13
 Petitioner: M. W. Schryver, Trustee. Location: West side of U.S. 41, adjacent to north and west side of Park Shore Plaza, and south of Neapolitan Way. An ordinance amending the development plan previously approved for the Park Shore subdivision to provide for the development of the Park Shore Club and Office Complex in accordance with the development plan described herein, subject to the conditions set forth herein; and providing an effective date. Purpose: To permit significant changes in an approved development plan, pursuant to Section 5.19(G) of Appendix "A" - Zoning of the Code of Ordinances of the City of Naples.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Attorney M. W. Schryver addressed Council and pointed out that they were willing to comply with the stipulations of the Planning Advisory Board and that the entire 13 acres would be incorporated in the plan. Mayor Anderson noted that this still worked out to 15 units per acre or 195 units and that the Planning Advisory Board had approved it with 12 units to the acre. Mr. Schryver responded that they would like to stay with 195 units but that 180 units would probably be their "break-point". Attorney Eugene Lojewski asked for information regarding the background of this project because he represented a client who had another piece of property in Park Shore that he wished to develop. City Attorney Rynders noted that Mr. Lojewski represented Mr. Fisk who was currently in litigation with the City and that they were interested in the manner in which the density problem would be resolved. Mr. Twerdahl pointed out that the property Mr. Lojewski referred to was already zoned Multi-Family and the same conditions would not apply as in the

project under discussion. Harold Yegge, Chairman of the Planning Advisory Board, noted again that it was the recommendation of the Board to stay with the 12 units per acre. In answer to Mr. Twerdahl's question about any further input from the Park Shore Property Owners Association, Mr. Daniel Schryver noted that they would be meeting on October 22 and they would speak at the Second Reading of this Ordinance. Mr. Thornton moved to approve this Ordinance on First Reading. Mr. Schroeder stated that he would second it if it were amended so that Section 1., next to the last line would read "13 acres" rather than 11.94 acres. Mr. Thornton accepted the amendment and Mr. Schroeder then seconded the motion, carried on roll call vote, 7-0.

AGENDA ITEM 4-b. Recommendation of Naples Planning Advisory Board to approve: Special Exception Petition No. 80-S13. Petitioner: William Stoneman, Trustee. Location: 735 Third Street South (Driftwood Apts.) Request to permit construction of a 5 foot high wood fence in a portion of the required front yard area adjacent to 4th Avenue South, where a fence is normally limited to three feet in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO CONSTRUCT A FIVE (5') FOOT HIGH WOOD FENCE IN THE REQUIRED FRONT YARD AT 375 THIRD STREET SOUTH, NAPLES, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl noted that the resolution did not include the requirement of landscaping as recommended by the Staff. City Attorney Rynders agreed that it should be included. William Stoneman, owner, agreed to this inclusion. Mr. Schroeder spoke against passing a variance for a fence. Reid Silverboard, Chief Planner, pointed out that it was not a Variance, but a Special Exception. City Attorney Rynders noted that the fence was a permitted use, just the height was in contention. Frances Engesser, George Pollard, Philip Shoemaker and Pauline Truex, citizens and neighbors, spoke in opposition to the fence. Mr. Twerdahl moved to adopt the resolution as amended to include landscaping, seconded by Mr. Holland. After further discussion, Mr. Twerdahl withdrew his motion and Mr. Holland withdrew his second. Mr. Schroeder moved to deny the request as not being esthetically acceptable for the neighborhood, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 4-c. Recommendation of Naples Planning Advisory Board to deny: Variance Petition No. 80-V12. Petitioner: A. Holmes Stockly. Location: 2150 Gordon Drive at Jamaica Channel. An appeal from Section 6.2 of the Zoning Ordinance which prohibits construction of accessory structures, including boat docks, upon a lot until the construction of the principal structure has started; in order to construct a boat dock.

City Attorney Rynders noted that no resolution had been prepared because the Planning Advisory Board had not recommended approval. Kris Dane, representing the owner, addressed Council to explain the procedures that had led to the present situation. He noted administrative delays that brought this request to the staff after enactment of the ordinance under which it had been denied. Attorney Dan Monaco spoke in support of the petition. Mayor Anderson verified his interpretation of the intent of the ordinance with Roger Barry, Community Development Director, in that it was meant to prohibit certain practices not involved in this petition. After further discussion, Mr. Holland moved to grant Variance Petition No. 80-V12, seconded by Mr. Thornton and carried on roll call vote, 6-1 with Mr. Twerdahl voting no. Mayor Anderson directed the City Attorney to have a resolution prepared to this effect.

Let the record show that Mayor Anderson recessed the meeting at 10:42 a.m. and reconvened it at 10:55 a.m. with the same members of Council present.

AGENDA ITEM 4-d. First reading of an ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 80-R12. Petitioner: Riverview Estates, Inc. Location: East shore of Gordon River, west of the Naples Municipal Airport, and immediately south of Avion Park Subdivision. An ordinance rezoning property located on the eastern shore of Gordon River, west of Naples Airport, more particularly described herein, from "R1-7.5", Residence District, to "PD" Planned Development District; directing that the Zoning Atlas be revised to reflect said rezoning; and providing an effective date. Purpose: To rezone said property at the request of the property owner.

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. Mayor Anderson expressed his concern about the proximity of the development to the airport. Mr. Rothchild concurred and noted the concern of the Airport Authority Director, Toivo Tammerk, as expressed in his letter to Roger Barry, Community Development Director, dated September 24, 1980 (Attachment #1). Kris Dane, representing the developer, addressed Council and covered the points in the staff report, a copy of which is in the Meeting Packet on file in the City Clerk's office, speaking in favor of the rezone petition. W. W. Gilman, developer, spoke in support of the petition. City Attorney Rynders noted that notices in the deeds referring to the potential danger would not eliminate the City's or the Airport's liability in the case of future problems. Toivo Tammerk, Airport Authority Executive Director, spoke in opposition to the location of housing in this area; followed by Anthony Shoemaker, City Manager of Clearwater, who spoke of similar problems in Clearwater and advised against this development. Mr. Twerdahl moved to postpone any action on this matter until a complete study had been done. City Attorney Rynders noted that the Collier Corporation intended to begin to process a permit for the same purpose and that it would be helpful if Council directed the staff to hold off and not process any applications until a position had been taken. Mr. Twerdahl responded that he would include this directive in his motion. Motion seconded by Mr. Holland. After further discussion Mr. Holland withdrew his second and the motion died for lack of a second. Mr. Schroeder moved to deny the ordinance on First Reading, seconded by Mr. Rothchild and carried on roll call vote, 6-1, with Mr. Holland voting no. Mr. Schroeder moved that the staff make a study of the appropriate area east of the Gordon River and west of the airport within the City limits, concerning recommended future development, seconded by Mr. Rothchild and carried on roll call vote, 6-1 with Mr. Holland voting no. Mr. Schroeder moved that Council direct the staff not to process any more development applications in the appropriate area east of the Gordon River and west of the airport within the City limits, seconded by Mr. Rothchild and carried on roll call vote, 6-1 with Mr. Holland voting no.

RETURN TO AGENDA ITEM 4-c.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.2 OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A BOAT DOCK PRIOR TO CONSTRUCTION OF THE PRINCIPAL BUILDING AT 2150 GORDON DRIVE ON JAMAICA CHANNEL, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3642, seconded by Mr. Holland and carried on roll call vote, 6-1 with Mr. Twerdahl voting no.

RETURN TO REGULAR AGENDA

AGENDA ITEM 5. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 5-a. An ordinance relating to a special anchorage area for boats within the City of Naples, Florida; providing for rules and regulations; providing for the designation of a harbor master; and providing an effective date. Purpose: To provide local control and administration of that area established as a special anchorage area.

City Attorney Rynders read the above captioned ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 12:31 p.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 12:32 p.m.; whereupon Mr. Thornton moved adoption of Ordinance 3643 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 5-b. An ordinance amending Chapter 5 of the Code of Ordinances of the City of Naples, relating to public auctions within the City of Naples; requiring a license or permit therefor; providing exceptions thereto; providing regulations governing the conduct of such auctions; amending Section 12-47 of the Code of Ordinances to provide a revised schedule of occupational license fees for auction sales; and providing an effective date. Purpose: To provide different regulations and fees for auctions conducted at locations which are permanently and exclusively used for the auction sale business and occasional auctions held at a non-permanently established location.

Mayor Anderson opened the Public Hearing at 12:34 p.m.; whereupon City Attorney Rynders read the above referenced ordinance by title for Council's consideration on Second Reading. The City Attorney noted a change suggested by Mr. Rothchild that the City Attorney concurred with; i.e. that the second line of Sec. 5-6 should be "which are and those which are not". There was no objection from Council members to this change. Bruce Thalheimer, owner of an auction house in the County, presented Council with copies of a petition (Attachment #2) which he read into the record that had been circulated to City business people opposing the change in the ordinance. Mr. Thalheimer also read into the record a letter opposing the change in the ordinance (Attachment #3). City Attorney Rynders noted that the present ordinance would be indefensible in court as an unreasonable restraint of trade and read other parts of the present ordinance that were not being changed by this amendment. Carl Westman, Joseph Teeboom, Leo Boyajian, Paul Schmidt and Alan Rude, citizens and businessmen, spoke against the change in the ordinance. There being no one else to speak for or against, the Mayor closed the Public Hearing at 1:16 p.m. After further discussion, Council members stated a consensus of desiring more information on the legal ramifications of the subject and Mr. Charles Long, citizen, stated that the time element was not that important now. Mr. Rothchild moved to postpone action on this matter until the next regular meeting, seconded by Mr. Holland and carried on roll call vote, 6-1 with Mayor Anderson voting no.

AGENDA ITEM 6. An ordinance amending Section 25-3.1(b) of the Code of Ordinances of the City of Naples, relating to taxicab rates; and providing an effective date. Purpose: To provide for a reasonable fee to be charged for loading and unloading certain wheelchairs. (Deferred from Council Meeting of October 1, 1980.)

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mr. Ocy Richardson, owner of a cab company, noted that an agreement had been made concerning the wheelchair that had been in question, but that he would like to see this amendment passed. Mr. Thornton moved that this item be removed from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 4-3 with Councilmen Twerdahl and Wood and Mayor Anderson voting no.

Let the record show that Mr. Rothchild returned to the Council table at 2:00 p.m.

AGENDA ITEM 10. Purchasing: Bid consideration - construction of beach ends at 9th Avenue South, 15th Avenue South and 17th Avenue South - Engineering Department (Street Division)

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

A RESOLUTION AWARDING BID TO HIGHWAY PAVERS, INC. OF NAPLES FOR RECONSTRUCTION OF BEACH ENDS AT 9TH AVENUE SOUTH, 15TH AVENUE SOUTH AND 17TH AVENUE SOUTH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3646, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Mayor Anderson noted he had intended to suggest at the Workshop yesterday coats and ties for the Regular Meetings at this time of year and that they would be appropriate from now on.

Mr. Holland suggested an automatic break for lunch if meetings were to go past noon; however, Mayor Anderson felt each situation would have to be judged individually.

Mr. Schroeder offered his commendation to City Manager Patterson for his work with the negotiations for the easements pertinent to the Golden Gate Parkway Extension as noted in Mr. Patterson's memorandum to Council dated September 24, 1980 (Attachment #5).

Mr. Twerdahl mentioned a letter from Mr. Garner of Southeast Banks about traffic lights (Attachment #6).

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 2:04 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 11-05-80



City of Naples

AIRPORT AUTHORITY

POST OFFICE BOX 572 • NAPLES, FLORIDA 33939

September 24, 1980

Mr. Roger Barry
Director of Community Development
City of Naples
735 8th St. South
Naples, Florida 33940

Dear Mr. Barry:

Please accept this letter as a follow-up to my earlier comments concerning the Riverview Estates project.

In my opinion, any residential use of property adjacent to the Airport is incompatible use. This idea was recognized and incorporated into The City Comprehensive Plan. The Plan states a need to maintain buffer areas between the Airport and existing residential neighborhoods "to diminish the impact of aircraft noise and the possibility of an airplane crashing into a residential neighborhood." The Plan continues: "it is neither in the interest of the homeowner nor the community to locate residential uses where they will be subject to the impact of aircraft takeoffs and landings."

History shows that airports and residential developments will not, in the long run, be good neighbors. What seems to be an area subject to minimal noise exposure today can become severely impacted in the future as the Airport develops and aviation activity grows. Any reduction of natural noise barriers along the way compounds the problem.

While the proposed site of the Riverview Estates project lies outside of current contours outlining noise sensitive areas, the methodologies used to define these contours are based on average or composite values of exposure. The actual impact of a take-off operation by a typical jet using our airport on a point at the center of the proposed site is calculated to be in the 74 to 93dBA range. This is quite loud.

Furthermore, the Airport Master Plan projects the construction of a parallel runway system to accomodate future airport traffic demands. The approach end of this future runway will be located less than 500 feet from the proposed development's eastern boundary, creating additional sound and potential safety problems.

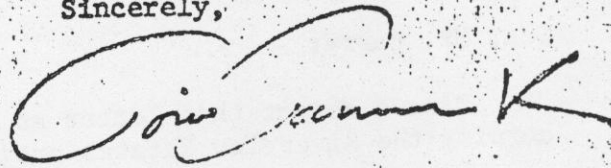
Therefore, to avoid what I see as a potential source of complaints and possible future litigation - noise impact disclosures and required sound-proofing notwithstanding, I recommend that the construction of the Riverview Estates project not be permitted and serious consideration be given to rezone

Mr. Roger Barry
Page 2
September 24, 1980

the undeveloped lands west of the Airport boundary for uses other than residential.

Again, I appreciate this opportunity to state the Airport's position.

Sincerely,

A handwritten signature in cursive script, appearing to read "Toivo Tammerk". The signature is written in dark ink and is positioned above the typed name.

Toivo Tammerk
Executive Director

The undersigned hereby respectfully express their concern and adamant opposition to the adoption by the City Council of the City of Naples at second reading (scheduled for consideration on the 15th day of October, 1980) of that certain proposed ordinance amending Chapter 5 of the Code of Ordinances of the City of Naples relating to PUBLIC AUCTIONS on the grounds that there has been inadequate study and consideration of those highly publicized "community problems" experienced in many geographic areas and generally recognized as inherent in the PUBLIC AUCTION RETAIL INDUSTRY under circumstances where that industry is inadequately regulated.

- ✓ Naples Camera Shop Richard M. Sowers 261-2965
- ✓ Tops in Tee Shirts ^{many not fixed} Kathleen Levy 263-2342
- ✓ Naples Satg 6ds Ted A. Roam 262-675
- ✓ Tropic Tan Tanning Salon ^{can't come} Ned Donohue 263-3274
- ✓ Paul J. Schmitt, Jeweler P. Schmitt 262-4251
- ✓ Raymond E. Beal THING-A-MA-JIGGER 262-4541
- ✓ James J. Richard ^{can't come} Kegan's Mens Shirts & Ties 261-7767
- ✓ Deas Susan J Roger Neel 261-579
- ✓ Alice Higgins (M. McD) ^{OUTSIDE TOWN} Johanna's 261-8885
- ✓ Judy McDonough ^{can't come} New England Stamp 262-6726
774-785
- ✓ William B. Smith & Co Piccadilly Pub 262-7521
- ✓ Collette T. Melover Piccadilly Square 261-2903
- ✓ House of High Fidelity Bill Sauer 262-0100
- ✓ Merle Harmon Cosmetics Elaine Bond 262-1530
- ✓ Clothes Rack ^{can't come} Margaret Seaton 262-7489
- ✓ Debbie Boutique - Bridal ^{can't come} Michael Rangel 262-4533
- ✓ Barbara & Carl Early ^{can't come} Tallrock Antiques 262-5785
- ? Gilbert R. Spitzer ^{NO ANSWER} Christian Optical 262-4747
- ✓ Russell Martin The Magic Lantern 262-042
- ✓ Ida Schwartz Gifts by Garry 262-4711

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Basic Time For PROVENANCE GALLERIES *will call BACK*

- ✓ Leo Boyajian
- ✓ Bob F. Vech *OUT OF TOWN*
- ✓ Aunt L. M. ...
- ✓ Fairville
- ✓ Free clothes line
- ✓ My Nails *CAN'T COME*
- ✓ Sal V. ...
- ✓ ...
- ✓ Richard Kawanan *CAN'T COME*
- ✓ Carolyn R. ... *CAN'T COME*
- ✓ Jacqueline ...
- ✓ Patz. Lytle *CAN'T COME*
- ? Charles J. ... *NO ANSWER*
- ✓ Ida Castella *CAN'T COME*
- ✓ R. Thomas ...
- ✓ Patricia T. ...
- ✓ Jan Brunner *CAN'T COME*
- ✓ Dudley E. ...
- ✓ Irma Grossman *CAN'T COME*

- [Signature]* 261-0688
- ✓ Landmark Lens 261-75
- ✓ Jamis Inc. 262-420
- ✓ Village ... 262-4831
- ✓ ... 262-68
- ✓ Beaty Thomas 261-047
- ✓ ... 263 531
- ✓ ... 261-1818
- ✓ KREISEL ...
- ✓ ... 261-8717
- ✓ The Merry Go Round Shop 262-4117
- ✓ ... 262-0500
- ✓ ... 262-7635
- ✓ The ... 262-51
- ✓ 5th ... 261-82
- ✓ The Optical Shop 262-371
- ✓ The ... 261-83
- ✓ L'Escargot ... 262-777
- ✓ Christen B. 262-6095
- ✓ North Shore Luggage Shop 262-4007

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- | | |
|--|---|
| <u>Leo [unclear]</u> | <u>Landmark [unclear]</u> 261-753 |
| <u>Nelson Aragon</u> | <u>770 Benvenue Bl.</u> |
| <u>Kwok Kook</u> | <u>604 5th Ave. S. Naples</u> |
| <u>Sam Montello</u> | <u>4909 Catalina Dr.</u> |
| <u>Gregory [unclear]</u> | <u>1396 West Blvd</u> |
| <u>Joe Ralund</u> | <u>612 5th Ave S</u> |
| <u>William C. [unclear] Sr</u> | <u>Tyndall Jeweler, Inc.</u> 262-214 |
| <u>Paul [unclear]</u> | <u>4040 - FIFTH AVE. S.</u> |
| <u>J. Price - Studio McGrath</u> | <u>660-5th Ave. S.</u> 261-726 |
| <u>Bessie J. [unclear]</u> | <u>690 5th Ave S -</u> |
| <u>Robert M. Cowden</u> <small>OUT OF TOWN</small> | <u>Harpus, the Good Design Store</u> |
| <u>Stephen A. [unclear]</u> | <u>696 5th Ave So.</u> 261-787 |
| <u>B. [unclear]</u> | <u>Shepard's office supply</u> |
| <u>Bud [unclear]</u> | <u>720 - 5th Ave. So.</u> 262-6149 |
| <u>Bud [unclear]</u> | <u>House of Gear 122 5th Ave S</u> 261-8658 |
| <u>[unclear]</u> | <u>734 - 5th Ave. So. NAPLES, FLA</u> 262-516 |
| <u>[unclear]</u> | <u>810 5th Ave S Naples.</u> |
| <u>[unclear]</u> | <u>824-5th Ave. So.</u> |
| <u>Ray C. [unclear]</u> | <u>824 5th Ave So.</u> |
| <u>Jack Ellis</u> | <u>824-5th Ave So.</u> |
| <u>Lucy H. Storter</u> | <u>852 5th Ave. So.</u> |

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- Robert E. Arch
 - Maurice Hastings
 - James E. Anderson
 - Scott Falley
 - Joseph T. Resor Jr.
 - Leonard H. Lively
 - R. J. Randall
 - Suzanne Conrad

261-7122
 BTW Appliances Inc
 262-6994
 MARISSA Barbera
 262-4576
 Body Zone Shop
 261-7466
 Holland Salley, Inc.
 262-7300
 The Christmas Shop
 262-5646
 LEN'S STAMPS & COINS
 12 STOP FOR MEN 262-4688
 Parade of FLA INC.
 262-4825
 Pelican Pets original

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Martha M. Linkaid

Narr G. Bennett WILL NOT BE THERE

Ann L. Fuller

Bruce Holloman

COSMETICS + BATH SUPPLY
262-6405

Jennings, Inc.

Music Mart 262-529

Landmark Travel, Inc. 263-113

Thacker's Inc.

Thalheimer's, Inc.
2095 E. Tamiami Trail
Naples, Florida 33942
October 15, 1980

City Council
City of Naples
Naples, Florida

Gentlemen:

We at Thalheimer's recognize that some may feel that a conflict of interest exists regarding our views in the issue we broach today. In deed, there is! Our family has striven over the years in Naples to run a fine art and jewelry auction and believe we have succeeded. We have been involved in the auction business for three generations. It is our feeling we know the strengths and weaknesses of our trade.

We are afraid that if the existing ordinance is allowed to be changed without proper regulation to protect the people of Naples, we will be opening a Pandora's Box, which will be detrimental to our business along with every other legitimate enterprise in the community. Gentlemen, if you allow this ordinance to go into effect as it now reads, there will be no way of separating the legitimate and fine auctions of which there are many from the unscrupulous, unethical fast-buck operators who will certainly open up in Naples. Such people operate, what we in the trade refer to as jam-joints, which are fast talking, hard sell operations running as many as six sales per day frequently involving the use of crews of unsavory characters to work along with them. They sell merchandise of questionable quality and origin. They require a large volume of walk by traffic and entice the public to enter from the streets by various methods of badgering. Fifth Avenue and Third Street are ideal locations for such shoddy operations because of the large affluent pedestrian traffic. The existing ordinance precluded opportunities for such operations within the City of Naples.

We do not oppose legitimate competition. However, we are concerned that problems will occur that will affect the auction trade as a whole and adversely affect the City of Naples.

It is possible for the charm of the City of Naples to be destroyed by such operations. The honky-tonk look of the strip in Miami Beach, the parking and traffic problems of Ft. Lauderdale and the abhorrent

business reputations caused by the jam-joints in Atlantic City, New Jersey are not what any of us want here in Naples. Let us learn from the experiences of others. People come to our city because of its image, to tarnish it would be a shame.

As experienced professionals we will be happy to help develop regulations to protect the community from the unsavory elements of our trade. Regulations can be written in such a way that legitimate auctions can operate in the community for the benefit of all and we are more than willing to operate pursuant to such regulations ourselves.

For over twenty years the city has been protected by a stringent ordinance. Modifying the old ordinance must be given due consideration. The community can either benefit or suffer from what is done here today.

Please don't wait for the problems to develop before you take action to properly regulate the auction trade in our community.

Sincerely,



Bruce Thalheimer
For the Thalheimer Family



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

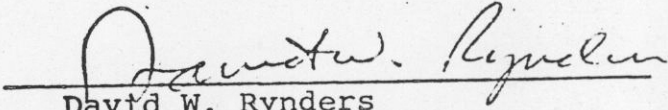
October 10, 1980

M E M O

TO: Honorable Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Agenda Item #7
Utility Easement from W. R. Timken, Jr.

In reviewing the subject easement, we found that Mr. Timken is married and his wife is therefore required to join in the execution of this instrument. We have returned the easement to Mr. Timken for proper execution by both parties.

Consequently, we request that this item be removed from the Agenda until receipt of the properly executed easement.



David W. Rynders
City Attorney

DWR:bh



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF 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: MISCELLANEOUS ITEMS

DATE: SEPTEMBER 24, 1980

1. My Recent Salary Increase: Since I did not have a chance to individually comment to the Mayor and Council members, I would like to take this opportunity to thank you for your action in that respect.
2. Engineering Services - Sewage Treatment Plant Expansion And Deep Well Injection: Two items that I wanted to be sure the Council understood involve the negotiations on the engineering services and the size of the new plant. Staff negotiations with CH2M Hill (Ted Smallwood) actually resulted in a total reduced cost estimate of \$321,663. The size of our present sewage treatment plant is 5.4-million gallons per day; the size of the proposed expansion will yield a total capacity of 12.5-million gallons per day, or an increase of 231% of the size of the present plant. We believe that this will be the last expansion that will be necessary as it should accommodate sewer service for our entire 180 service area. This expansion is the largest single cost in what is estimated to be a \$22-million project. I am advising you of this as I think this is not clear to some of the citizens who seem to be associating the total cost with just deep well injection and that is not the case.
3. Fuel Costs: Believe it or not, we actually received a slight decrease in our fuel costs! Gasoline went down 2¢ a gallon and diesel fuel 3¢ per gallon.
4. Cable TV Increase: As I advised recently, our cable franchise now calls for increases annually to be based on the average increase of Florida regulated cable systems or 6%, whichever is the

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lower of the two. This year the average of the increases in the regulated systems is 3.58% which is the allowable increase to be put into effect on October 1.

5. Right-of-Way (Easement) Negotiations For Coastland (Golden Gate Parkway Extension): Unless there is some last minute problem, I have concluded negotiations with the Fleischmann Estate, the Coastland Shopping Center and Sears for the three different easements that are necessary for the construction of the new roadway. The results are that we have obtained at no charge the Fleischmann and the Coastland portions of the 12 foot easement. We have obtained the 12 foot easement from Sears for \$1.25 per square foot, which I believe is a very reasonable charge. We will, therefore, be acquiring the Sears portion, which is approximately one-half mile long, for approximately \$15,000 which is a substantial saving to the County as I believe their original estimate for the right-of-way acquisition was \$150,000. This is of course a benefit to the City also in the sense that the less the County must pay for the right-of-way, the more roadway they will be able to improve in some other area.

I would also like to advise that throughout these negotiations, Mr. John Smith has been very helpful in bringing this to this reasonable conclusion through efforts on our behalf with both Sears and the Fleischmann Estate, in addition to our receiving the Coastland Center's easement at no charge.

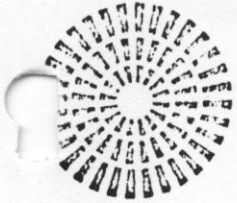
Sincerely,

George

George M. Patterson
City Manager

GMP/tan

RECEIVED OCT 10 1980



Southeast Banks Trust Company
National Association

October 8, 1980

Mr. Lyle S. Richardson, President
Naples Civic Association
852 First Avenue South
Naples, Florida 33940

Re: Traffic Signals

Dear Lyle:

As I discussed with you yesterday, it occurs to me that the city and county need to take action now to prevent the proliferation of unsightly traffic signals in the Naples area. The city has done a good job with our local zoning and has done everything possible to beautify not only the Trail but the other city streets.

Over the past year or so, though, there has been an unbelievable increase in the number of traffic signals in Naples. It seems to me that we should do everything possible now to not only cut down on the number of those signal lights, but should place them on the side of the roads where they will not have the effect of a "clothesline with a series of argyle socks" hanging across our city streets.

The "beautiful cities" in this country all have their traffic signals on the sides of the roads, where they basically blend with the environment. Not only should they be placed on the side of the road, but even where we now have overhead signals, there are four or five where one would do the job. This is especially true where there is only single, two lane traffic. I call particular attention to the unsightly lights at the corners of Broad Avenue and Third Street South, the corner of Fifth Avenue South and Third Street, the corner of Fifth Avenue South and Eighth Street, and all the lights running up and down both Eighth and Tenth Street. It is silly to spend the taxpayers' money for four or five lights in these areas and for the electricity to run them.

In addition, the Trail itself is relatively attractive in those areas where there are not a proliferation of unsightly traffic lights. The problem will become worse and worse if something is not done now to control it. Just think what the proposed new lights are going to look like on the Trail at both 26th Avenue North and at Harbour Drive (probably just like the K-Mart lights).

Mr. Lyle S. Richardson
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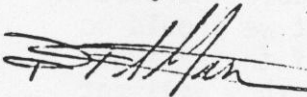
It seems to me that it would be simple to put them on the sides of the roads as they are in areas like San Francisco, New Orleans, San Diego, etc. I have always thought that Hilton Head Island was comparably zoned to Naples. Hilton Head not only does not have any traffic signals on the sides of the roads; they only have one traffic signal in the whole town. I am not advocating that we do away with the signals, but am strongly advocating that we make every effort to take them from over head and put them on the side of the road.

My specific recommendation is to get with DOT and determine what the additional cost would be, if any, to remove the overhead lights and place them at the sides of the roads. Then, subsidize, if necessary, the effort from city monies. It would be money well spent. DOT could remove our present lights, reimburse us for their value, and use them somewhere else.

I would be interested in any comments that your Board might have with respect to this.

Thanking you in advance for your consideration, I remain

Sincerely,



D. Fred Garner

DFG/db

cc: George M. Patterson, City Manager
✓ Roland B. Anderson, Mayor
Members of City Council