

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, NOVEMBER 19, 1980, AT 9:06 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
Cliff Gordon, Building and Zoning Official
Franklin Jones, Finance Director
Randy Davis, Parks & Recreation Director

Reverend Randall Cook
Lombard Squires
Vincent Abrahamson
W. G. Crone
Reverend & Mrs. John White
Charles Rhoades
Clayton Bigg
Ben Anderson
Max Hasse
Sam Aronoff
Brad Rockett
Don Craig
Brandt Watson
Forrest Westman
Randall Beaver
David Beidler
Mike Hartigan
Jeff Sanford
Andy Cowen
Jeff Piipponen
Tom Frishe
Mike Storter
Mr. & Mrs. Dale Sanford
Dale Sanford
Dick Morris
Ted Smallwood
Bruce Shope
Marcia Piipponen
David Murphy
Mr. & Mrs. Carl Westman
Lodge McKee
William Vines

Joseph Oliver
 Sam Bates
 Sam Aronoff
 Charles Andrews
 Robert Russell
 Edward Kant
 Walter Keller
 Miles Scofield
 Gilbert Blanquart
 Charles Long
 Robert Tiffany
 Lyle Richardson
 Malcolm Davis
 George Vega
 Harold Smith

News Media: Ed Warner, TV-9
 Robert Barber, TV-9
 James Moses, Naples Daily News
 Jerry Arnold, WRGI
 Allan Bartlett, Ft. Myers News Press
 Tom Lowe, WBBH-TV
 Brad Rittner, WBBH-TV
 Brian Blanchard, Miami Herald
 Madeline Child, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:06 a.m.; whereupon Reverend Randall Cook of the Church of the Nazarene delivered the Invocation followed by the Pledge of Allegiance to the Flag.

Mr. Rothchild asked that Agenda Item 4 be moved up at this time because he had some discussion involving the approval of the minutes and he did not wish to delay any of the people who had come to witness and participate in the award to be given during Agenda Item 4. It was the consensus of Council to take this action.

AGENDA ITEM 4. Resolution in recognition of meritorious award by Boy Scouts of America to Scout C. Forrest Westman. Requested by Mayor Anderson.

Mayor Anderson noted the presence of the Scout to be honored, C. Forrest Westman, Don Craig, a local Scouting leader who would make the presentation, and the many members of the Scouts and their families who were present. Don Craig read the citation and presented the plaque to Forrest Westman and asked Mayor Anderson to present the medal, which he did. The Mayor then read the below titled resolution in part for consideration by Council.

A RESOLUTION CONGRATULATING C. FORREST WESTMAN UPON HIS BEING NAMED AS A RECIPIENT OF THE COVETED "HONOR MEDAL" BY THE NATIONAL COURT OF HONOR OF THE BOY SCOUTS OF AMERICA AND COMMENDING HIM FOR HIS HEROIC ACCOMPLISHMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3654, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

RETURN TO AGENDA ITEM 3.

Mayor Anderson called Council's attention to the minutes of the Regular Meeting held November 5, 1980. Mr. Rothchild noted that he wished further elaboration of what transpired under Item 5. that was reflected in the minutes as "After a short discussion". Mayor Anderson noted that this could be done and considered at the next meeting as an amendment to these minutes. He suggested that Mr. Rothchild prepare his correction in conjunction with the City Clerk and the City Attorney. It was the consensus of Council to approve the minutes with this reservation.

AGENDA ITEM 5. PUBLIC HEARING to consider Variance Request, Coastal Control Line (City setback and State line) for proposed addition to dining areas, Port Royal Club, located at 2900 Gordon Drive. Owner: Port Royal Club, Inc., Lombard Squires, President. Agent: Hole, Montes and Associates, Inc., Stanley Hole, P.E.

Mayor Anderson opened the Public Hearing at 9:20 a.m.; whereupon City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION GRANTING A VARIANCE FROM THE MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY SECTION 7-41 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A PROPOSED ADDITION TO THE DINING AREA OF THE PORT ROYAL BEACH CLUB, LOCATED AT 2900 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; FURTHER APPROVING ENCROACHMENT OF THE FACILITY APPROXIMATELY 26 FEET GULFWARD OF THE STATE COASTAL CONTROL LINE; AND PROVIDING AN EFFECTIVE DATE.

William Vines, representing the petitioner, addressed Council concerning the condition of constructing the rip rap revetment along the entire length of the existing seawall. He noted that the Club had no objection to putting in the rip rap along the new proposed construction, but they felt it would be prohibitively expensive to do the other. City Engineer John McCord spoke in support of requiring this condition and suggested that it could be done without removing the structure over the existing seawall. Discussion continued covering the other construction where rip rap revetments had been made mandatory. Mr. Holland noted that these cases had been where there would be construction of new buildings. Lombard Squires, President of the Port Royal Beach Club, spoke in support of their request to only put the rip rap in front of the new seawall, but added that they would not continue to object to putting it in for the entire seawall. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:50 a.m. Mr. Thornton moved adoption of Resolution 3655, seconded by Mr. Schroeder and carried on roll call vote, 6-1 with Mr. Holland voting no.

Let the record show that Mr. Holland left the Council table at 9:51 a.m.

AGENDA ITEM 6. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 6-a. First reading of an ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 80-R15. Petitioner: Port Royal Club, Location: 2900 Gordon Drive. Request for a Change of Zone from "R1-15", Single-family Residential, to "PS", Public Service, for the Port Royal Club. An ordinance rezoning property located at 2900 Gordon Drive, Naples, being the Port Royal Club, more particularly described herein, from R1-15, Residence District, to PS, Public Service District; approving the development plan for the Port Royal Club, subject to certain conditions enumerated herein; and providing an effective date. Purpose: To rezone the hereinafter described 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. Mr. Schroeder moved approval of the ordinance on First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 6-0, with Mr. Holland being absent from the Council table.

AGENDA ITEM 6-b. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Street and Alley Vacation Petition No. 80-A7; and Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 80-S15. Petitioner: Naples Community Hospital. Location: Part of Block 23, Tier 9; part of 3rd Avenue North; part of east/west alley in Block 23, Tier 9, Plan of Naples. (Northeast corner of 2nd Avenue North and 8th Street North.) Request to vacate the west 190 feet of unimproved 3rd Avenue North between 9th Street North and 8th Street North; and approximately the west 240 feet of the east/west alley in Block 23, Tier 9, Plan of Naples; and Request to permit construction of a non-commercial off-street parking facility for the Naples Community Hospital.

Mayor Anderson opened the Public Hearing at 9:52 a.m.; whereupon City Attorney Rynders read the below titled resolution by Council's consideration.

A RESOLUTION VACATING AND ABANDONING THE EAST/WEST ALLEY, BETWEEN 3RD AVENUE NORTH AND 2ND AVENUE NORTH, PLUS A PORTION OF THE UNIMPROVED RIGHT-OF-WAY OF 3RD AVENUE NORTH, MORE PARTICULARLY DESCRIBED HEREIN, RETAINING THEREIN EASEMENTS FOR UTILITY PRUPOSES OVER THE ENTIRE WIDTH THEREOF; AND PROVIDING AN EFFECTIVE DATE.

 Let the record show that Mr. Holland returned to the Council table at 9:53 a.m.

Mr. William Vines, representing the petitioner, spoke in support of the petition. Mayor Anderson asked the status of an agreement on compensation for the City to vacate this street and alley. Mr. Vines suggested that the hospital could expend an appropriate amount of money on public improvements in the area rather than writing the City a check for whatever figure was deemed acceptable for compensation. City Attorney Rynders advised against taking action without setting a firm figure for compensation. After further discussion, it was the consensus that Council would prefer the City received the money and that it would be necessary to arrive at a firm figure before the resolution could be approved. City Attorney Rynders outlined the method used in prior situations which would work out to approximately \$25,000 for the number of square feet involved in this vacation request. Mr. Thornton moved to continue the Public Hearing until the next meeting until a figure was agreed upon by both the Hospital and the City, seconded by Mr. Twerdahl. After further discussion, W. G. Crone, Director of the Board at the Hospital indicated that the \$25,000 figure would be satisfactory with them. Gilbert Blanquart and Clayton Bigg, speaking as citizens, spoke in support of the vacation but against the compensation. Miles Scofield, chairman of the Building Committee of the Hospital, spoke in support of the hospital's contribution to the community. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:25 a.m. Mr. Thornton withdrew his motion and Mr. Twerdahl moved to adopt Resolution 3656 accepting \$25,000 and retaining the utility easements. Mr. Rothchild indicated his feeling that a more thorough evaluation of the compensation may result in a higher or lower figure than \$25,000. Mr. Schroeder seconded Mr. Twerdahl's motion. Mr. Rothchild offered an amendment to the motion to delete any reference to the amount of money for compensation. There being no second, his motion died for lack of a second. Mr. Holland moved an amendment deleting the condition of compensation. There being no second, the motion died for lack of a second. Mr. Schroeder called the question, seconded by Mr. Twerdahl and carried on roll call vote, 6-1, with Mr. Rothchild voting no. Mr. Twerdahl's motion adopting Resolution 3656 carried on roll call vote, 6-1 with Mr. Rothchild voting no.

Let the record show that Mayor Anderson recessed the meeting at 10:38 a.m. and reconvened it at 10:46 a.m. with the same members of Council present.

RETURN TO AGENDA ITEM 6-b.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT THE NAPLES COMMUNITY HOSPITAL TO CONSTRUCT AN OFF-STREET PARKING FACILITY ON PROPERTY HEREINAFTER DESCRIBED; SUBJECT TO CERTAIN CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Rynders noted that this pertained to the property referred to in the resolution just approved. Mr. Holland moved adoption of Resolution 3657, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 6-c. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Alley Vacation Petition No. 80-A6; Request to vacate entire 20 foot wide east/west alley in Block 9, Tier 9; and First reading of an ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 80-R14. Petitioner: Douglas Bathey. Location: Entire Block 9, Tier 9, Plan of Naples and east/west alley in Block 9, Tier 9, Plan of Naples (bounded by Broad Avenue South, 8th Street South, 9th Street South, and 11th Avenue South). Request for a Change of Zone from "C2-A", Waterfront Commercial, to "R3-12", Multi-family Residential, for entire Block 9, Tier 9, Plan of Naples. An ordinance rezoning property located at Broad Avenue South and 9th Street South, Naples, Being Block 9, Tier 9, Plat Book 1, Page 8, Public Records of Collier County, Florida, from C2-A Commercial Waterfront, to R3-12, Multi-family; and providing an effective date. Purpose: To rezone the above-described property at the request of the property owner.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 7-0.

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

A RESOLUTION VACATING AND ABANDONING A 20 FOOT ALLEYWAY IN BLOCK 9, TIER 9, PLAT BOOK 1, PAGE 8, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SUBJECT TO CERTAIN CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson opened the Public Hearing at 10:54 a.m.; whereupon the City Attorney noted that the negotiations regarding this petition for the vacation of the alleyway were not complete and that the petitioner had agreed to a continuation of this item until the next meeting at which time they expected to have reached an accord. Mr. Thornton moved to continue the Public Hearing until the next regular meeting December 3, 1980, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 6-d. Recommendation of the Naples Planning Advisory Board relative to: Special Exception Petition No. 80-S12. Petitioner: Neapolitan Enterprises, Inc. Location: Northeast corner of Third Street South and Broad Avenue South, and Northeast corner of Fourth Street South and Broad Avenue South. Request to permit: (1) Three drive-up windows for banking activities (Naples Planning Advisory Board recommended approval) (2) A non-commercial parking lot in an "R3-12" zone district (Naples Planning Advisory Board recommended denial) (3) Use of the parking lot for off-site required parking for a proposed commercial development in the "C1" zone district. (Naples Planning Advisory Board recommended denial)

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF DRIVE-THROUGH BANK WINDOWS AT THE NORTHEAST CORNER OF THIRD STREET SOUTH AND BROAD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3658, seconded by Mr. Thornton and carried on roll call vote, 7-0. Walter Keller, representing the petitioner, presented himself to Council to address this matter and the other items that the Planning Advisory Board had recommended denial. He spoke in support of all three petitions. During discussion, Charles Long of Neapolitan Enterprises, petitioner, spoke in support of the entire project. Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny the petition for non-commercial parking lot and for the use of the lot for off-street parking for a commercial development, seconded by Mr. Schroeder. Lodge McKee, Olde Naples Association, and Clayton Bigg, member of the Planning Advisory Board, spoke in opposition to the parking lot and off-street parking for the proposed expansion of the bank. George Vega, representing the Neapolitan Enterprises, spoke in support of same. William Vines spoke in support of off-street parking in that area. Motion carried on roll call vote, 6-1 with Mr. Holland voting no.

AGENDA ITEM 6-e. Naples Planning Advisory Board recommendation to approve: Non-conformity Petition No. 80-N3; and Variance Petition No. 80-V13. Petitioner: Mr. & Mrs. George Kremer, Jr. Location: 960 17th Avenue South. Request to expand a non-conforming structure containing a boathouse, storage area, and servants' quarters.

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

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMITY AND GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.3F(3) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT EXPANSION OF AN EXISTING STRUCTURE AT 960 17TH AVENUE SOUTH, NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Dick Morris, architect, appeared to answer any question Council may have. Mr. Rothchild moved adoption of Resolution 3659, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 6-f. Naples Planning Advisory Board recommendation to deny: Non-conformity Petition No. 80-N4; and Variance Petition No. 80-V14. Petitioner: Genevieve Jerabek, Location: 827 5th Avenue North. Request to construct a 774 square foot addition to a non-conforming structure.

City Attorney Rynders noted that no resolution had been prepared because the Planning Advisory Board had recommended denial. Mr. Holland indicated that he did not feel there was enough information in the packet. Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny Variance Petition No. 80-V14, seconded by Mr. Twerdahl and carried on roll call vote, 6-1 with Mr. Holland voting no.

AGENDA ITEM 7. Discussion regarding disbanding Naples Parking Authority and Fifth Avenue Parking Tax District; that parking lots remain for parking only; and that the 2-hour free parking be maintained. Requested by Parking Authority.

Malcolm Davis, Chairman of the Naples Parking Authority and Fifth Avenue Parking Tax District, presented himself before Council for this discussion. City Manager Patterson stated his opinion that there would be no problem for the City to continue to operate the program as it is today without removing the meters as was requested by the merchants on Fifth Avenue South. He further noted that the two hour free parking limitation would be dictated by the need at the time. In answer to Mr. Rothchild's question about deed restrictions on the lots to be turned over to the City, Mr. Davis noted that that would be essential, especially in view of the fact that the largest lot now had a deed restriction on it. Mayor Anderson asked the City Manager to get the specifics on this and bring an agreement to the Council for their deliberation. In answer to Mr. Rothchild's question, Mr. Davis explained the special assessment to pay the deficit on the Trolley last year. In answer to Mr. Schroeder's question, City Manager Patterson responded that if a need arose to work on parking in another area of the City, another taxing district could be set up for that particular purpose.

AGENDA ITEM 8. 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. (Second reading continued from Regular Meeting of November 5, 1980.) (See Agenda Item No. 9.)

City Attorney Rynders reiterated the information contained in his memorandum of November 14, 1980 (Attachment #1); whereupon, at Mr. Rothchild's suggestion, Mayor Anderson closed the Public Hearing at 11:50 a.m. and Mr. Thornton moved that Item 8 be removed from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 9. First reading of ordinances:

AGENDA ITEM 9-a. An ordinance relating to public auctions within the City of Naples; repealing Chapter 5 of the Code of Ordinances of the City of Naples in its entirety and substituting a new Chapter 5 therefor; providing regulations governing the conduct of public 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 regulations and fees for auctions conducted in the City of Naples, providing a distinction between auctions conducted at locations which are permanently and exclusively used for the auction sale business and occasional auctions held at non-permanently established locations. Requested by City Attorney. (See Agenda Item No. 8)

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. He also noted that Mr. Rothchild had several suggestions for minor changes that he would take into consideration before the Second Reading. Mr. Rothchild noted his objection to an auctioneer being able to sell real estate without a real estate license, with which Mayor Anderson agreed. The City Attorney stated he was going to check Florida law regarding this matter. Mr. Wood noted his feelings that the items "objects of art" and "paintings" should be included in Section 2. Subsection (18) of Section 12.47 (1) and (2) of the proposed ordinance. Bruce Shope, local jeweler and potential operator of the proposed auction gallery, spoke in opposition to the 30-day recision and the hours excluding sales between 6:00 p.m. and 8:00 a.m. In answer to Mr. Wood's question about his qualifications as an auctioneer, Mr. Shope responded that he had taken a crash course in the fundamentals from an auctioneer in Highlands, North Carolina. Harold Smith, representing Neapolitan Enterprises as the potential essor of

the building proposed to house the planned auction gallery, spoke in opposition to the stringency of the proposed ordinance. After considerable discussion Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 9-b. An ordinance relating to fees for recreational activities; amending Section 16-29 of the Code of Ordinances of the City of Naples to provide a schedule of fees to be charged for use of the Fleischmann Park Community Center; and providing an effective date. Purpose: To establish a schedule of fees for the use of the newly constructed community center at Fleischmann Park. Requested by Parks and Recreation Director.

City Attorney Rynders read the above captioned ordinance by title for consideration by Council on First Reading. Mr. Holland voiced a strong objection to any fees and Mr. Rothchild felt that they would create an administrative problem. Mr. Wood suggested a \$5.00 a year family membership. After further discussion Mr. Thornton moved to approve the ordinance on First Reading, seconded by Mr. Twerdahl. Mr. Rothchild observed that the \$.25 fee for a non-member should be in a different section rather than under the heading "Membership Fees". Mr. Thornton and Mr. Twerdahl agreed. Motion carried on roll call vote, 5-2 with Mr. Holland and Mr. Rothchild voting no.

AGENDA ITEM 10. Approval of 70-day time extension for Widell and Associates to complete Water Treatment Plant expansion. Requested by Public Works Director.

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

A RESOLUTION AUTHORIZING EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH WIDELL ASSOCIATES, INC., RELATIVE TO THE WATER TREATMENT PLANT EXPANSION; AUTHORIZING AN EXTENSION FOR COMPLETION OF THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3660, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11. Acceptance of utility easement from W. R. Timken. Requested by City Attorney.

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

A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM W. R. TIMKEN, JR. ET UX; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3661, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 12. Reappointment of Harry E. O. Heineman to Fire and Police Pension Boards, Requested by Mayor Anderson.

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

A RESOLUTION APPOINTING A CITY RESIDENT TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES FIREMEN'S RETIREMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3662 reappointing Harry E. O. Heineman, seconded by Mr. Thornton and carried on roll call vote, 7-0. It was noted for the record that Mr. Heineman has already been reappointed to the Police Pension Board.

Mayor Anderson reminded members of Council that there would be interviews of candidates for the Planning Advisory Board at the Workshop Meeting of December 2 and an appointment would be made at the Regular Meeting of December 3, 1980.

AGENDA ITEM 13. Approval of payment for work on relocation of water main on Airport Road to Highway Pavers, Inc. Requested by Finance Officer.

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

A RESOLUTION AUTHORIZING PAYMENT OF \$4500.00 TO HIGHWAY PAVERS, INC. FOR TIE-IN OF THE 16" WATER TRANSMISSION MAIN INSTALLED ON AIRPORT ROAD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3663, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 14. Purchasing:

AGENDA ITEM 14-a. Waive of bidding procedure for mobile radio frequency change

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

A RESOLUTION AUTHORIZING THE PAYMENT OF \$3181.60 TO NAPLES COMMUNICATIONS FOR FREQUENCY CHANGES IN THE TWO-WAY RADIOS USED BY THE WATER AND WASTEWATER DIVISIONS OF THE PUBLIC WORKS DEPARTMENT, WAIVING THE REQUIREMENTS FOR PUBLIC BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3664, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 14-b. Bid award - Concrete curbing for beachheads at 2nd Avenue North and 7th Avenue North.

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

A RESOLUTION AWARDED BID FOR VERTICAL CONCRETE CURBING AT THE 7TH AVENUE NORTH AND 2ND AVENUE NORTH BEACHHEADS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

In answer to Mr. Holland's inquiry, City Engineer McCord explained the reasons for the change from the low bidder to the next low bidder inasmuch as the low bidder could not meet the time schedule which Mr. McCord felt was mandatory. Mr. Twerdahl moved adoption of Resolution 3665, seconded by Mr. Schroeder and carried on roll call vote, 4-3 with Mr. Holland, Mr. Rothchild and Mr. Wood voting no.

AGENDA ITEM 14-c. Bid award - Liquid propane gas emergency generator - Fire Department Station #2.

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

A RESOLUTION AWARDING BID FOR AN EMERGENCY GENERATOR FOR FIRE STATION #2 AND RELOCATION OF THE EXISTING GENERATOR; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3666, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

CORRESPONDENCE AND COMMUNICATIONS

Mayor Anderson noted that Mr. Schroeder's term on the Southwest Florida Regional Planning Council was to expire and he wished to reappoint him to that body if it was agreeable with him and with other Council members. It was the consensus of Council that this action be taken.

Mayor Anderson again reminded Council members of the interviews of candidates for the Planning Advisory Board appointment to be held at the Workshop, December 2, 1980.

City Manager Patterson noted that John Hobart had been hired to draw up plans for the remodeling of Cambier Park Community Center, community center at the Carver site and restrooms at Anthony Park and he noted that these plans were available for review in the area used by Council members for office space.

Mayor Anderson noted the formal dedication of the new community center at Fleischmann Park was scheduled for Thursday, November 20, at 3:00 p.m.

Mr. Rothchild noted a letter received from John Anson Smith concerning the crowded parking conditions at Lowdermilk Park and the beachheads created by non-residents and urging some action before it becomes too hard to control.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 1:50 p.m.

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

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

These minutes of the Naples City Council were approved on 12-03-80 + Item 5 from 11/05/80



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

November 14, 1980

M E M O

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Auction Ordinance

This ordinance is presented as a result of Council's direction several weeks ago to draft reasonable and modern regulations which would prevent improper or fraudulent auctioneering activities from becoming a problem in the Naples community.

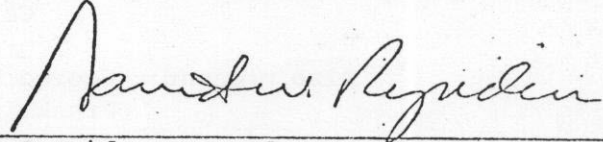
It had been my hope that these additional regulations could be included by amendment in the previously drafted ordinance which is up for second reading on this agenda. However, the additions turned out to be of a substantial nature and could not reasonably be made a part of that ordinance. It is therefore necessary to consider this ordinance on first reading and to remove the other ordinance from the agenda. The relevant features of the first ordinance have been incorporated into this new proposal.

. On November 12, I requested Carl Westman, the attorney for Thalheimer's, Mr. Bruce Shope, who will be investing in an auction business in this area, and Councilman Rothchild, who has in particular expressed considerable interest in this matter, to advise me if they feel there are any appropriate changes or additions to this proposal. My mind is certainly open with regard to any additions or changes that these gentlemen or anyone else may feel are appropriate

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November 14, 1980

The only remaining matter of import is the question of the location of such auctions in the City. It would therefore be appropriate for the City Council, concurrently with adoption of this ordinance, to seek the advice of the Planning Department as to the proper treatment of auctions under the City's zoning ordinance and Comprehensive Plan.



David W. Rynders
City Attorney

DWR:bh