

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, JANUARY 7, 1981, AT 9:06 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. Rynders, City Attorney
John McCord, City Engineer
Roger Barry, Community Development Director
Edward C. Smith, Assistant to the City Manager
Matt Patton, Fire Marshal

Reverend Richard Mapes
Charles Andrews
Igor Maas
Ben Anderson
Mary Frances Kruse
David Tackney
Florence Menzel
Harold Yegge
Sam Aronoff
Robert Russell
John Nagle
Scott Foster
Mrs. Newman
Mr. & Mrs. Arnold Lamm

News Media: Ed Warner, TV-9
Brian Blanchard, Miami Herald
Jerry Arnold, WRGI
James Moses, Naples Daily News
Bob Barber, TV-9
Brad Rittner, WBBH-TV
Leslie Wyatt, Naples Star
Scott Harrison, Naples Star
Tom Lowe, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:06 a.m.; whereupon Reverend Richard Mapes of the United Church of Naples 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 December 17, 1980. Mr. Twerdahl moved approval of the minutes as presented, seconded by Mr. Schroeder and carried by consensus of the Council members present.

AGENDA ITEM 4. PUBLIC HEARING to consider permit for proposed existing boat slip dredging activities (DR 81-1) located adjacent to 860 12th Avenue South. Owner: Joseph M. and Constance M. Carmosino.

Mayor Anderson opened the Public Hearing at 9:09 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING MAINTENANCE DREDGING OF AN EXISTING BOAT SLIP LOCATED ADJACENT TO 860 12TH AVENUE SOUTH, NAPLES, FLORIDA, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Igor Maas, representing both Nichols Marine and the owner of the project site, reviewed the information in the packet. City Attorney Rynders noted that even though this appeared to be a formality, it was required by the City's ordinance that had been agreed to by the Collier County Conservancy and the local dock building industry. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:14 a.m.; whereupon Mr. Twerdahl moved adoption of Resolution 3697, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

Mayor Anderson noted the presence of Mary Frances Kruse, one of the Collier County Commissioners and welcomed her to the meeting.

AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board: PUBLIC HEARING and second reading of ordinance. Proposed Zoning Ordinance Text Amendment Relative to the Definition of a "Story". An ordinance amending section 14 (40) of Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, relating to the definition of the word "story"; and providing an effective date. Purpose: To provide that carports and garages shall be considered to be a story in "R1", single-family districts, "R3-12" and "R3T-12", multi-family districts, and "PD" (designated for residential or transient lodging development) districts for the purpose of determining building heights.

Mayor Anderson opened the Public Hearing at 9:15 a.m.; whereupon City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading. Roger Barry, Community Development Director, handed out a definition of the word "story" (Attachment #1). Mr. Schroeder noted that the City Attorney had requested that this be continued and he moved that this Agenda Item and Public Hearing be continued two weeks until January 21, 1981, seconded by Mr. Twerdahl. Mayor Anderson questioned the need for the ordinance at all and discussion ensued regarding the possible need. It was the consensus of Council to complete this discussion when the item was again on the Agenda. Motion to continue carried on roll call vote, 6-0.

AGENDA ITEM 6. PUBLIC HEARING and second reading of ordinance. An ordinance amending Section 9-1 (b) and (c) of the Code of Ordinances of the City of Naples, relating to the adoption of the National Fire Protection Association Code and Standards; and providing an effective date. Purpose: To provide for the adoption by reference of the 1980 Edition of the National Fire Protection Association Code and Standards.

Mayor Anderson opened the Public Hearing at 9:21 a.m.; whereupon City Attorney Rynders read the above referenced 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 9:22 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3698, seconded by Mr. Rothchild and carried on roll call vote, 6-0.

AGENDA ITEM 7. Action on items to be presented to Collier County Legislative Delegation at Public Hearing 1/30/81. (Pursuant to workshop discussion on 1/6/81.)

City Attorney Rynders noted that he had discussed this with Representative Mary Eller Hawkins and there were no local bills pending that need endorsement, therefore he felt that no action was necessary at this time. Council discussed the suggestion made at the workshop yesterday regarding making Naples a county and the City Attorney stated that he would study the situation and bring a report back to Council on the various ramifications of such a move.

AGENDA ITEM 8. A resolution concurring in the decision of the Naples Parking Authority and the Fifth Avenue Parking Tax District to be dissolved by the legislature and agreeing to take over the operation and ownership of the parking lots presently owned by the Parking Authority; and providing an effective date. Requested by Naples Parking Authority.

City Attorney Rynders read the above titled resolution by title for consideration by Council. In response to Mr. Rothchild's question about the word "free" not being included in the resolution, City Manager Patterson stated that including "free" would not give the Council the flexibility that may be needed in the future in operating the parking lots. Mr. Schroeder moved adoption of Resolution 3699, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 9. Settlement of claim against Boyce Company for damage to East Golden Gate raw water transmission main. Requested by City Attorney.

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

A RESOLUTION ACCEPTING THE SUM OF \$6048.85 IN FULL SETTLEMENT FO THE CITY'S CLAIM AGAINST BOYCE COMPANY FOR DAMAGE TO THE EAST GOLDEN GATE RAW WATER TRANSMISSION MAIN; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney reviewed the information contained in his memorandum to the Mayor and Council members dated December 30, 1980 (Attachment #2). Mr. Thornton moved adoption of Resolution 3700, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 10. Authorize execution of utility relocation agreement with Collier County relative to Seaboard Coastline Railroad right-of-way. Requested by City Attorney.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN UTILITY RELOCATION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY AND THE CITY OF NAPLES, RELATIVE TO SEABOARD COAST LINE RAILROAD COMPANY RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

Discussion revolved about whether the City should have to pay for the relocation of their utilities because of the proposed constructon of the four-laned Goodlette Road. City Attorney Rynders verified that the City would have to pay for this and noted that he had reached the agreement so that the City could work in conjunction with the County planners and benefit from this by arranging for less costly relocation whenever possible. City Manager Patterson noted that this had been taken into consideration and was budgeted in the Capital Improvement Plan under Public Works in the present budget. Mr. Thornton moved adoption of Resolution 3701, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

Let the record show that Mr. Schroeder left the Council table at 9:48 a.m.

AGENDA ITEM 11. Acceptance by Council of sewer main - Wendy's, North Tamiami Trail. Requested by City Engineer.

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

A RESOLUTION ACCEPTING A BILL OF SALE FROM WENDY'S INTERNATIONAL, INC. FOR A SANITARY SEWER LINE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3702, seconded by Mr. Twerdahl and carried on roll call vote, 5-0 with Mr. Schroeder being absent from the Council table.

 *** Let the record show that Mr. Schroeder returned to the Council table at 9:50 a.m. ***

 *** Let the record show that Mayor Anderson recessed the meeting at 9:50 a.m. and reconvened it at 10:08 a.m. with the same members of Council present. ***

AGENDA ITEM 12. Request by Donald E. Flock for Temporary Use Permit to park a 22 foot motor home at 374 14th Avenue South.

Mayor Anderson noted that this item had been withdrawn from the Agenda (Attachment #3); therefore no action was necessary.

AGENDA ITEM 13. Discussion on the implementation of public transit system in the City of Naples. Requested by Councilman Schroeder.

Mayor Anderson recognized Mary Frances Kruse, one of the County Commissioners, and asked her if she wished to speak on this subject. Ms. Kruse addressed Council and noted her desire to plan for the future but not to become locked into a five-year plan that could not be changed or terminated. She noted her preference for referring to the proposed system as "public transportation" rather than "mass transit". It was the consensus of Council that they did not oppose the concept of public transportation, but did oppose the plan as proposed by the County at this time. Mayor Anderson noted that there were less expensive alternatives such as the Dial-A-Ride (Attachment #4). Mr. Schroeder noted that he was opposed to subsidization of people who could afford their own transportation. He suggested municipal service taxing districts to cover the cost of transporting people particularly in the Immokalee and Marco Island areas. Lyle Richardson addressed Council offering some suggestions regarding the proposed public transportation, suggesting criteria with which to judge a system and that a transit authority be appointed to run it and that a city-county staff committee study alternatives. Discussion followed regarding the suggestion of having the city and county staffs working together on alternatives. In response to the City Manager's request for direction in these studies, Mayor Anderson offered his opinion that Council should not limit the staffs' studies with restrictive directions. Robert Russell, citizen, noted that there were two chartered transportation systems in the area and asked what effect a public system would have on these. Mayor Anderson explained that he felt these two systems could possibly be used similar to the Dial-A-Ride to determine if there was a further need. Mr. Russell also suggested contacting a member of the existing association of public transportation system for input. City Manager Patterson noted that during the discussion, Commissioner Pistor, present chairman of the Board of County Commissioners, had telephoned his concurrence with the suggestion of the County and City staffs working together to study the situation.

CORRESPONDENCE AND COMMUNICATIONS

Mayor Anderson brought to the attention of Council that there was a need to fill one vacancy on the Planning Advisory Board and asked that it be considered at the first meeting in February. It was the consensus of Council that this appointment and whatever possible appointments to the Parks & Recreation Advisory Board be made at the next Council meeting on January 21, 1981.

City Manager Patterson noted that the plans for the four-laning of Goodlette Road would be ready some time in February and a copy would be available for Council's perusal in their office area at that time.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:09 a.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 01/21/81 -

STORY: That portion of a building included between a floor which is calculated as part of a building's "floor area" and the floor or roof next above it. (See definition 18).

In "R1", Single-family districts and in "R3-12" and "R3T-12" Multi-family districts, and in "PD" (designated for residential or transient lodging development) where such districts are adjacent to, or across the street from, any R1" zoned property, carports and garages located - in whole or in part - above the minimum flood elevation, shall be considered to be a story.



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

December 30, 1980

M E M O

TO: Hon. Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Claim against Boyce Co.
East Golden Gate Raw Water
Transmission Main

On June 21, 1980, City employees discovered that the raw water transmission main installed in East Golden Gate was damaged. Inspection of the pipe indicated that the damage probably occurred during construction but was not discernable until the rupture actually occurred, at which time the warranty had expired. Necessary repairs were made to the pipe line and we requested reimbursement from Boyce Company for the costs involved.

Boyce Company originally denied liability under the contract and additionally took the position that the contract required the City to permit them to make the repairs themselves. In our correspondence with their attorney it was emphasized that we had notified them of the problem and were prepared to litigate for reimbursement of these costs.

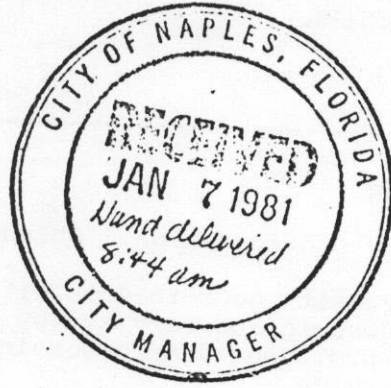
Subsequent to this negotiation, they have agreed to pay all of the City's out-of-pocket costs, including engineering costs paid to CH2M Hill. This amounts to \$6048.85. The attorney for Boyce Company has forwarded a check for this amount contingent upon full and complete satisfaction of the City's claim against them. This amount does not reimburse the City for the time and expenses of City personnel and machinery working on this project, which amounts to \$3444.33.

However, considering the ever present uncertainty in connection with litigating any matter and that this offer covers by far the substantial portion of our expenses, it is recommended that this settlement be accepted. A resolution accepting this sum in full settlement and satisfaction of this claim has been prepared for your consideration.

-7-

David W. Rynders
David W. Rynders, City Attorney

DWR:bh



JAN 7, 1981

MR. GEORGE PATTERSON
CITY MANAGER
735 EIGHTH ST. S.
NAPLES, FLORIDA 33940

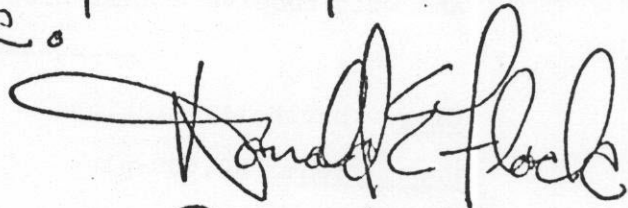
RE: TEMPORARY USE PERMIT/AVION MOTORHOME
LETTER REQUEST DATED: DEC 17, 1980

DEAR SIR,

I RESPECTFULLY REQUEST THE WITHDRAWAL
OF MY REQUEST FOR A TEMPORARY USE PERMIT
AS DESIGNATED UNDER THE CITY OF NAPLES
CODE OF ORDINANCES, ORDINANCE NO. 3178 SECTION
6, SUBSECTION 13 TO PARK A 22 FEET, AVION
MOTORHOME AT 374 FOURTEENTH AV. S.

CIRCUMSTANCES HAVE CHANGE THAT HAVE
ALLOWED ME TO MAKE OTHER ARRANGEMENTS BETTER
FOR OUR MUTUAL INTERESTS

I SINCERELY THANK YOU FOR YOUR ASSISTANCE
IN THE ABOVE MATTER.


DONALD E. FLOCK

TO: GEORGE PATTERSON
 FROM: TARA NORMAN
 SUBJECT: DIAL-A-RIDE SYSTEMS
 DATE: JANUARY 6, 1981

City: Hastings, Minnesota

Population: 14,000 City Configuration: Oblong

Type of System: "Para-transit" door-to-door with the following:
 6:00 a.m. to 9:30 a.m. subscription service (by prepaid annual fee only); 9:30 a.m. to 2:30 p.m. upon-demand service; 2:30 p.m. to 6:00 p.m. subscription service.

Subscription service primarily consists of workers and public school students and is paid for annually. Subscribers are asked to call in when service is not necessary.

Fees: 80¢ per rider one-way; 10 tokens for \$7.50; 40 tokens for \$30. (Complete fee schedule will be forwarded)

Equipment: Two 18-passenger buses equipped for handicapped riders (13 seated passengers and 5 standees). Hastings is planning on acquiring a 12-passenger van for back-up.

Route: City limits only with minor route into unincorporated area to serve nearby shopping center and bowling alley.

Staff: City Administrative Assistant (system administrator) 1/2 funded by system; 1 clerical position 1/2 funded by system; 2 full-time drivers; 2 part-time drivers (paid hourly only with no city benefits); and 4 back-up drivers on call and paid hourly only.

Funding: (Three-year-old system) First year to establish system - 90% state and 10% city; second and third years on a deficit basis 2/3 state and 1/3 city. (Audit reports forthcoming)

Additional Information: Brochures and other data will be forwarded. Dianne Latuff, Administrative Assistant, advises that the system is very popular and relatively simple to administer. Busses are equipped with two-way radios which Ms. Latuff advises are essential, particularly for the subscription service to keep abreast with delays caused by traffic and to advise drivers of calls received for service cancellations.

She advises that there are several (30 or more) such systems in the State of Minnesota and gave the name of contacts in the state Department of Transportation. I have placed a call to the state and will receive a call-back later today.

City: Marshall, Michigan

Population: 80,000-plus City Configuration: Square/concentrated

Type of System: Demand/response; no set route; the only public transportation in city where there is no taxi service. Used heavily by public school students not eligible for regular school bus service.

Fees: (Inside/outside city limits) 50¢/75¢ regular fare; 35¢/50¢ senior citizens; 25¢ children under 12 anywhere on route. Fares also payable on weekly basis.

Marshall, Michigan (cont.)

Equipment: 12-passenger (Dodge) busses, some equipped for handicapped.

Route: City limits only with minor route into unincorporated area to include nearby public schools. When passengers pay for weekly service busses automatically make those stops.

Staff: Four full-time employees (3 drivers and 1 dispatcher); 4 part-time drivers; approximately 10 hours per week of administrative time by city Deputy Clerk-Treasurer.

Funding: Deficit shared by state and city. (Audit figures to be forwarded) Busses were provided by the state when system was established although new units will be purchased by city.

Additional Information: Brochures and other data will be forwarded. Deputy Clerk-Treasurer Allison McCracken advises that in the past their county government had contemplated the establishment of a mass transit system but had abandoned the idea, although she was not certain of the circumstances surrounding that decision. The Marshall system is still utilizing the original units purchased by the state. I am also attempting to contact the State of Michigan for additional information.

I have talked with the Michigan Department of Highways and Transportation and we will receive by mail a book containing a general outline of dial-a-ride systems as well as their management manual with more specific information.

I have also completed contact with the State of Minnesota Department of Transportation and we will receive their last quarterly report on the approximately 50 dial-a-ride systems in the state. Although in the past they have granted up to 100% of capital costs in establishing para-transit systems, their funding for capital expenditures has vitrually dried up; the funds earmarked for system operation have all been pledged to the systems already in existence and, in fact, will likely be reduced so that local jurisdictions will be required to underwrite a larger percentage of the deficit.