

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, MAY 6, 1981, AT 9:01 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland (arrived 9:12 a.m.)
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
Franklin Jones, Finance Director
Mark Wiltsie, Purchasing Agent
Matt Patton, Fire Marshal
Nat Hooper, Senior Engineering Technician
Janet Cason, City Clerk

Charles Andrews
Sam Aronoff
Grover Cook
Clayton Bigg
Elizabeth Sita
William Shearston
Scott Foster
Mr. & Mrs. Richard Grant
Egon Hill
Joe LaRochelle
Robert Russell
John Turner
Rocky Scofield
Philip Morse
Edward Hannam
Steve Briggs
John Smith
Edward McMahan
Elaine Finklestein
Herb Cambridge
James McGrath
Joseph Teeboom
Sue Smith
Jacqueline Muench
Anders Sandquist

News Media: Ned Warner, TV-9
Susan Gardner, TV-9
Chad Hautmann, Naples Star
Dory Owen, Miami Herald

James Moses, Naples Daily News
 Susan Ornstein, News Press
 Tom Lowe, WEVU-TV
 Brad Rittner, WBBH-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:01 a.m.; whereupon Councilman Wood 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 April 14, 1981, which were approved as presented by consensus of the members present. The Mayor then noted the minutes of the Regular Meeting of April 15, 1981. Mr. Rothchild noted his concern regarding the disposition of Agenda Item 4-d in which his motion to oppose the Planning Advisory Board's recommendation to deny the petition failed. City Attorney Rynders explained that in parliamentary procedures the Planning Advisory Board's recommendation to deny stood firm inasmuch as the motion to oppose had failed and Council had not taken a positive action to approve the petition. Mr. Schroeder moved to approve the minutes of the Regular Meeting of April 15, 1981, as presented, seconded by Mr. Wood and carried by consensus of the members present.

Let the record show that Mr. Holland arrived at 9:12 a.m.

AGENDA ITEM 4. PUBLIC HEARING to consider request for City Council permit relating to proposed dredging activities in existing boat slip and adjacent to unnamed manmade canal, DR81-3. Owner: William B. Marshall, agent: Bruce Green, P.E., and Scofield Marine Construction. Lot 10, 751 Galleon Drive, Port Royal.

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

A RESOLUTION AUTHORIZING DREDGING ACTIVITIES IN AN EXISTING BOAT SLIP AND ADJACENT UNNAMED MANMADE CANAL AT 751 GALLEON DRIVE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson opened the Public Hearing at 9:13 a.m.; whereupon Rocky Scofield, agent for the petitioner, addressed Council, noting that the unnamed manmade canal was the Jamaica Channel and answering questions about the procedure asked by Mayor Anderson. . . There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:14 a.m.; whereupon Mr. Thornton moved adoption of Resolution 3756, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 5. PUBLIC HEARING to gain input from the citizens of the City of Naples on proposed uses of the federal revenue sharing funds for the fiscal year 1980-81.

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

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER THAT FEDERAL REVENUE SHARING FUNDS FOR THE FISCAL YEAR 1980-81 BE DISTRIBUTED EQUALLY AMONG POLICE ENFORCEMENT, FIRE PROTECTION AND RECREATIONAL ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson opened the Public Hearing at 9:15 a.m. Council members made comments on the matter in general. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:17 a.m.; whereupon Mr. Twerdahl moved adoption of Resolution 3757, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

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

AGENDA ITEM 6-a. PUBLIC HEARING and second reading of ordinance. Proposed Zoning Ordinance Text Amendment Relative to Time-sharing/Interval Ownership Petitioner: City of Naples. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding definitions for the terms "Time-share Estate" and "Time-sharing Lodging"; amending the definition of the term "Transient Lodging Facility"; amending Section 5.13 "C2-A" Waterfront Commercial District, to permit time-sharing lodging as a special exception use; amending Section 6, entitled "Supplementary District Regulations", to provide maximum density requirements and regulations relating to lot coverage, parking, and sales promotional activities for time-sharing lodging facilities; and providing an effective date. Purpose: To clarify existing zoning provisions and to provide additional regulations and requirements pertaining to time-sharing lodging.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on Second Reading and reviewed the information and his recommendations contained in his memorandum to Council dated May 1, 1981 (Attachment #1). Mayor Anderson opened the Public Hearing at 9:20 a.m. Edward Hannam, citizen, Steven Briggs, president of the Old Naples Association, John Smith, Jim Weigel and Edward McMahon, citizens, spoke in opposition to time-sharing/interval ownership in general and to various parts of the proposed ordinance. The City Attorney noted one suggestion to further limit the areas where this type of land use could be allowed would be to create a new zoning designation. He emphasized that the only control the City could enforce would be land use and the crux of the situation was to make a clear distinction in the land use definitions. Mr. Thornton moved to continue the Public Hearing until the next Council meeting, May 20, 1981, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 6-b. First reading of an ordinance and Naples Planning Advisory Board recommendation to approve: Proposed Zoning Ordinance Text Amendment Relative to Roof Decks Within the Definition of a "Story" Petitioner: City of Naples. An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by amending the definition of the word "story" in Section 14(40); and providing an effective date. Purpose: To include roof decks in the definition of "story". (Deferred from Regular Meeting of April 15, 1981.)

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. In response to an inquiry from Mayor Anderson, Roger Barry, Community Development Director, expressed his feeling that the Planning Advisory Board was anticipating a potential problem with this ordinance, but that none existed at the moment to his knowledge. Mr. Schroeder moved to approve this ordinance on First Reading, noting his intentions to vote against it, seconded by Mr. Thornton, who noted the same intentions. Motion failed on roll call vote, 0-7.

AGENDA ITEM 7. First reading of ordinances.

AGENDA ITEM 7-a. An ordinance relating to a fire district; amending Section 8-2.1 of the Code of Ordinances of the City of Naples, providing for the establishment of a fire district and the adoption of a fire district map identifying the properties to be included in said district; and providing an effective date. Purpose: To identify those properties which should be subject to additional building regulations and restrictions to minimize fire hazards. Requested by Fire Chief and Community Development Director (Deferred from Regular Meeting of April 1, 1981.)

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Philip Morse, citizen, addressed Council, noting that he still was not in favor of the passage of this ordinance. Roger Barry, Community Development Director, again noted that the fire district map was very similar to the existing fire districts designated by zoning at this time. He noted a response from Benson Insurance Agency that indicated that adopting this proposed map should not result in increased fire insurance premiums. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 7-0.

Let the record show that Mayor Anderson recessed the meeting at 10:55 a.m. and reconvened it at 11:12 a.m. with all members of Council present.

AGENDA ITEM 7-b. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples by adding a new Section 8-2.1.1 thereto, relating to roof covering requirements; and providing an effective date. Purpose: To provide roof covering requirements for certain structures. Requested by Fire Chief and Community Development Director. (Deferred from Regular Meeting of April 1, 1981.)

City Attorney Rynders read the above referenced ordinance by title for Council consideration on First Reading. Roger Barry, Community Development Director, noted that these provisions were essentially the same as at present. A discussion ensued regarding the use of wood shakes and shingles for a roof or for other decoration. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 5-2 with Mr. Holland and Mr. Rothchild voting no.

AGENDA ITEM 7-c. An ordinance relating to the City's purchasing policy; amending Section 15.12 of the Charter of the City of Naples, entitled "Competitive Bidding"; providing requirements for seeking and awarding bids; providing exceptions thereto; prohibiting certain practices; and providing an effective date. Purpose: To increase the amount for which competitive bids are required from \$1,000.00 to \$1,500.00; to amend certain provisions relative to waiving the competitive bidding requirements; to increase the limitation for award of bids and execution of contracts by the City Manager from \$2,500.00 to \$5,000.00; to provide a program for local business purchasing; and to clarify and refine certain existing provisions. Requested by Finance Department.

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

AGENDA ITEM 8. Discussion/action regarding a citizen committee on the appearance of the community exclusive of architectural review. Requested by Councilman Twerdahl.

Mr. Twerdahl reviewed the material in his memorandum dated April 27, 1981 (Attachment #2). After a discussion of the matter, it was the consensus of Council to encourage this type of committee and to be willing to listen to its recommendations. Mayor Anderson noted that the committee members would be volunteers from the various property owners' associations and not appointed by Council.

AGENDA ITEM 9. Discussion/action regarding Councilman Rothchild's allegations regarding circumstances surrounding passage of the auction ordinance and related matters. Requested by Mayor Anderson.

Mayor Anderson read his memorandum to Council members dated May 1, 1981 and asked that it be made a part of the record (Attachment #3). Mr. Wood moved that Council members show, by a vote, their expression of confidence in the integrity, professionalism and devotion to the law of City Attorney David Rynders, seconded by Mr. Twerdahl. Mr. Thornton noted his agreement with the memorandum and his regret of its necessity, although he felt it was necessary. Mr. Schroeder added his comments in the same vein and suggested that this vote be made a part of City Attorney Rynders' personnel file to which City Manager Patterson responded in the affirmative. Joseph Teeboom, president of the Fifth Avenue Merchants' Association and speaking on their behalf, addressed Council and noted their displeasure with a statement purportedly made by Mr. Rynders that had been quoted in the news media. City Attorney Rynders responded that his statement was a repetition of a quote from the statement of one of the gentlemen who testified before the City Council and he apologized for any disturbance that this had caused. Mr. Teeboom continued to speak against any action by Council impugning Mr. Rothchild. After further discussion, Mr. Holland called the question and motion carried on roll call vote 7-0, with Mr. Rothchild voting "yes, with reservations". Mr. Thornton then moved that Council members concur with the statements in Mayor Anderson's memorandum, seconded by Mr. Schroeder. Sue Smith, citizen, and Joseph Teeboom, again speaking on behalf of the Fifth Avenue Merchants' Association, spoke in opposition to the motion. Mr. Rothchild offered his comments, denying the allegations in Mayor Anderson's memo, and read a statement he had prepared. Mr. Holland noted that he had not had enough time to study the memorandum and check each point. After further discussion, motion carried on roll call vote, 5-2 with Mr. Holland and Mr. Rothchild voting no. Mayor Anderson then moved that Mr. Rothchild be censured by Council for conduct unbecoming a City Councilman. Mr. Wood noted that the Constitution gives freedom of speech and while he often did not agree with Mr. Rothchild he felt Mr. Rothchild had a right to speak. Motion was seconded by Mr. Schroeder. Mr. Twerdahl and Mr. Schroeder noted their reasons for agreeing with the motion. Elizabeth Sita, citizen, spoke noting her opinion that "on both sides there have been displays that are unworthy of all of your positions here". After further discussion, motion carried on roll call vote, 4-3 with Mr. Holland, Mr. Rothchild and Mr. Wood voting no.

AGENDA ITEM 10. Discussion/action regarding various items pending before the State Legislature. Requested by City Manager.

City Manager Patterson reviewed his memorandum to Council dated May 1, 1981 (Attachment #4). After discussion, it was the consensus of Council to accept the City Manager's recommendations. City Attorney Rynders suggested that the most effective way to express Council's feelings on the matter under discussion was for the Mayor to write letters to this effect which Mayor Anderson stated he would do so.

AGENDA ITEM 11. Resolution appointing a member to the City of Naples Blue Ribbon Panel. Requested by City Manager.

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

A RESOLUTION APPOINTING A MEMBER TO THE BLUE RIBBON PANEL ESTABLISHED PURSUANT TO SECTION 1A-167 OF THE CODE OF ORDINANCES FOR THE PURPOSE OF REVIEWING QUALIFICATIONS OF PERSONS DESIRING TO SERVE AS MEMBERS OF THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson noted that he had suggested the name of Fred Bechtel and asked if there were any other suggestions. Mr. Schroeder moved that Resolution 3758 be adopted appointing Fred Bechtel to the Blue Ribbon Panel, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 12. A resolution authorizing the City Manager to execute an agreement between the City of Naples and Barnett Bank of Naples, designating said bank as the City's depository in accordance with the proposal submitted; and providing an effective date. Requested by Finance Director.

City Attorney Rynders read the above referenced resolution by title for Council's consideration. After a brief discussion, Mr. Wood moved adoption of Resolution 3759, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 13. A resolution authorizing financial institutions in the Naples area to receive payment for city utility bills for water, sewer and garbage collection services; authorizing the Director of Finance to establish accounts at such institutions for the purpose of depositing moneys collected; and providing an effective date. Requested by Finance Director.

City Attorney Rynders read the above titled resolution by title for Council's consideration; whereupon Mr. Wood moved adoption of Resolution 3760, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 14. A resolution accepting easements and bills of sale for water main extensions for the Naples Bath and Tennis Club, Moorings Park and the Cricket Lake Apartments; and providing an effective date. Requested by Engineering Department.

City Attorney Rynders read the above captioned resolution by title for consideration by Council; whereupon Mr. Wood moved adoption of Resolution 3761, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 15. Purchasing:

AGENDA ITEM 15-a. Construction equipment rental - bid award.

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

A RESOLUTION AWARDED BIDS FOR CONSTRUCTION EQUIPMENT RENTAL; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson responded to questions from Council members that there was a typographical error in his memorandum in Item #2 and the amounts were \$40.00/Hour and \$300.00/Day. Mr. Wood moved adoption of Resolution 3762, as corrected, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 15-b. Action on bids received for: 1. new toilet facilities, Anthony Park; 2. renovation of community center, Cambier Park; and 3. renovation of community center, River Park.

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

A RESOLUTION AWARDED BIDS FOR CONSTRUCTION OF RESTROOM FACILITIES AT ANTHONY PARK AND RENOVATIONS TO THE RIVER PARK COMMUNITY CENTER; REJECTING ALL BIDS RECEIVED FOR RENOVATIONS TO THE CAMBIER PARK COMMUNITY CENTER; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACTS COVERING THE BIDS HEREIN AWARDED; AUTHORIZING THE CITY MANAGER TO TRANSFER \$114,131.00 FROM THE UTILITY TAX FUND TO COVER A PORTION OF SAID COSTS; AND PROVIDING AN EFFECTIVE DATE.

Herbert Cambridge, representing the Black Betterment Committee, asked Council if the passage of this resolution would make the recommendations in City Manager Patterson's memorandum dated May 1, 1981 binding. He specifically referred to the mention of the sale of the two lots on the Carver property. Mayor Anderson stated his position that the only matter before the Council was the awarding of the bids. Mr. Holland moved to adopt Resolution 3763 as amended to include the McGovern Construction bid for renovations on the community center at Cambier Park and to include both alternates, seconded by Mr. Thornton. Mr. Rothchild expressed his concern about the reference to the sale of the lots in the City Manager's memo. Motion carried on roll call vote, 6-1 with Mr. Rothchild voting no.

AGENDA ITEM 15-c. Vertical concrete curb and 24" valley gutter - bid award.

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

A RESOLUTION AWARDING BIDS FOR THE INSTALLATION OF VERTICAL CONCRETE CURBING AND CONCRETE VALLEY GUTTER; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3764, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Mr. Holland commended City Manager Patterson, the staff and the Parks and Recreation Department for the apparently successful operation of the Community Center at Fleischmann Park.

In answer to a question from Mr. Thornton, Mayor Anderson noted that he had not received any response to his correspondence to County Commission Chairman John Pistor regarding the potential traffic problem on Seagate Drive. He added that the City's Traffic Committee had recommended one way streets at the north end of Crayton Road and West Boulevard rather than cul de sacs.

Mr. Thornton asked the status of the sewer problems. City Manager Patterson noted that there was to be a meeting on deep well injection at 2:00 p.m. on this date. He also noted that the biggest problems had been between DER and EPA. He added that the County was reviewing the 201 plan in connection with this project.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 1:14 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Cason
Janet Cason
City Clerk

These minutes of the Naples City Council were approved on 05-20-81.

ATTACHMENT #1 - page 2
AGENDA ITEM #6-a
5/6/81



City of Naples

735 EIGHTH STREET, SOUTH, NAPLES, FLORIDA 33940

DEPARTMENT OF PLANNING

MEMORANDUM



ATTACHMENT #1 - page 1
AGENDA ITEM #6-a
5/6/81



City of Naples

735 EIGHTH STREET, SOUTH, NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

May 1, 1981

M E M O

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

RE: Agenda Item No. 6-a
Proposed Amendment to Zoning Ordinance
Relative to Time-Share Lodging.

A public hearing has been advertised for the Council meeting on May 6 for second reading of the proposed ordinance amending the zoning regulations as they pertain to time-share lodgings. The enclosed ordinance reflects the changes made by the City Council during first reading of the ordinance.

In view of the importance of this matter and the need for particular care in defining time-share lodging, it is recommended that final action after the public hearing be continued until the next meeting of Council on May 20. This would provide me with the needed additional time to formulate certain findings which I now believe should be inserted into the ordinance and to make certain refinements in the definition of time-share lodging.

Therefore, I recommend that the views of the public be heard on Wednesday, but that the public hearing not be closed so that it may be continued to the May 20th meeting before final action is taken.

David W. Rynders
David W. Rynders
City Attorney

DWR:bh

Enc.

TO: City Council
FROM: Roger J. Barry
SUBJECT: Proposed Ordinance Amendment ref: Interval Ownership
DATE: April 20, 1981

As directed by the City Council at your meeting of April 15, 1981, we have revised the attached proposed ordinance amendment such that interval ownership projects will be permitted in only the "C2-A" zone district, and then only by Special Exception approval; and that the maximum permitted density of such projects will be 12 units per acre.

All of the other provisions of the proposed amendment remain the same as they were presented to you on April 15th, including the provision that maximum densities shall not apply to transient lodging facilities or nursing homes in any commercial zone district unless such facilities include any units with kitchens or cooking facilities, in which case the maximum density shall be 18 units per acre.

Please do not hesitate to call if these proposed amendments are not clear or if you wish any additional information.

RJB:bh
RJB:bh
attach.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, BY ADDING DEFINITIONS FOR THE TERMS "TIME-SHARE ESTATE" AND "TIME-SHARE LODGING"; AMENDING THE DEFINITION OF THE TERM "TRANSIENT LODGING FACILITY"; AMENDING SECTION 5.13 "C2-A" WATERFRONT COMMERCIAL DISTRICT, TO PERMIT TIME-SHARE LODGING AS A SPECIAL EXCEPTION USE; AMENDING SECTION 6, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", TO PROVIDE MAXIMUM DENSITY REQUIREMENTS AND REGULATIONS RELATING TO LOT COVERAGE, PARKING AND SALE PROMOTIONAL ACTIVITIES FOR TIME-SHARE LODGING FACILITIES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CLARIFY EXISTING ZONING PROVISIONS AND TO PROVIDE ADDITIONAL REGULATIONS AND REQUIREMENTS PERTAINING TO TIME-SHARE LODGING.

WHEREAS, following a public hearing, the Planning Advisory Board has recommended that Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples be amended as hereinafter provided;

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

SECTION 1. That Section 14, entitled "Definitions" of Appendix "A" - zoning, of the Code of Ordinances of the City of Naples, Florida, is hereby amended by adding the following new paragraphs 42.1 and 42.2 and amending paragraph 43 thereof to read as follows:

42.1. Time-Share Estate: Any interest in a dwelling unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various owners of time-share estates in such units, in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule.

42.2. Time-Share Lodging: A use of property based upon a time-share estate. In time-share lodging facilities, each unit may contain living and sleeping accommodations, sanitary facilities and kitchen or cooking facilities.

For the purposes of this ordinance, time-share lodging, interval ownership, interval occupancy, and similar uses shall be construed to be the same.

Time-Share lodging is distinguished from transient lodging in that:

- (1) Occupancy is usually for weekly periods of time or longer.
- (2) The units are not primarily intended for rent to the public.
- (3) The units are usually larger in size than traditional hotel or motel units, and may be subject to a greater intensity of human occupancy.
- (4) The facility is normally subject to a higher occupancy rate.
- (5) Each unit typically includes complete living, sleeping, cooking and sanitation facilities.

ORDINANCE NO. _____

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- (6) The facility and neighboring properties are subject to unique impacts as a result of marketing activities.
 - (7) The management characteristics may be substantially different than those of transient lodging facilities.
 - (8) Ownership is diffused rather than concentrated.
 - (9) Occupancy is not intended for the overnight tourist or traveler.
 - (10) Recreation facilities are usually more extensive and used more intensively.
- The above listed distinguishing features are not intended to be all inclusive.

43. Transient Lodging Facility: A hotel, motel, motor lodge, tourist court, or similar building or group of buildings in which sleep accommodations and sanitary facilities are offered to the public and intended primarily for rental to transients with daily, weekly, or seasonal charge. A transient lodging unit may also contain kitchen or cooking facilities.

A transient lodging facility is distinguished from multi-family dwellings (apartments) where rentals are usually for periods of a month or longer and occupancy is generally by residents rather than transients.

A transient lodging facility is distinguished from a time-share, interval ownership or interval occupancy lodging facility where occupancy is usually for weekly periods and units are not primarily intended for rent to the public.

SECTION 2. Section 5.13 "C2-A" Waterfront Commercial District, of Appendix "A" - zoning, of the Code of Ordinances of the City of Naples is hereby amended by adding a new item 10. to Paragraph C, as follows:

C. Special Exceptions:

- 10. Time-Share Lodging.

- 4. On-site sales activity shall be terminated upon completion of original sales.
- 5. A minimum of one parking space for each two proposed units shall be provided on site for the sales staff and potential purchasers' use during the (marketing) sales promotional and construction phases.

SECTION 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 15th DAY OF APRIL, 1981.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF _____, 1981.

R. B. Anderson Mayor

ATTEST:

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY David W. Bynders, City Atty

SECTION 3. Section 6, entitled "Supplementary District Regulations" of Appendix "A" - zoning, of the Code of Ordinances of the City of Naples is hereby amended by amending paragraph 30 to read as follows and by adding a new paragraph 45, as follows:

30. Maximum Densities: Maximum densities within areas designated for single-family residences and/or multi-family residences and/or transient lodging facilities and/or time-share lodging facilities shall be as follows:

B. Transient Lodging Facilities, Nursing Homes, and Time-Share Lodging Facilities: Maximum net residential densities shall not apply to transient lodging facilities and/or nursing homes in any commercial district but do apply to such facilities in multi-family residential zone districts.

Exception: When transient lodging facilities and/or nursing homes are located in any commercial district and include any units with kitchens or cooking facilities, the maximum density for such facilities shall be 18 units per net acre.

The maximum density for time-share facilities shall be 12 units per net acre.

45. Time Share Lodging Facilities: In addition to the regulations stated elsewhere in this ordinance, the requirements listed below are specifically applicable to time-share lodging facilities:

- A. Minimum Lot Coverage, Off-street Parking, Minimum Floor Area, Maximum Building Dimensions, and Minimum Brezeflow Requirements:
All of these requirements shall be the same as the subject requirements for a transient lodging use in the applicable zone district except that parking shall be provided on the basis of 14 spaces per unit and the minimum floor area shall be 600 sq. ft.
- B. Sales Promotional Activity: Notwithstanding other applicable provisions of the zoning ordinance, the following provisions shall apply:
 1. The original sale of time-share lodging units may be conducted on site in a sales office and in up to a maximum of two model units.
 2. On-site sales activity shall be limited to original developer sales.
 3. The sales activity shall be conducted inside the sales office and model units so as not to be noticeable from the outside, except for permitted signs.



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

M E M O R A N D U M

TO: Mayor and Council Members
FROM: Edward A. Twerdahl, Councilman
DATE: April 27, 1981
SUBJECT: Community Appearance Board

At the time that this memo "goes to press", presidents of Moorings, Park Shore, Royal Harbor, and Port Royal property owners associations, along with Roger Barry and me, feel that such a Board would be helpful in connection with keeping Naples beautiful and neat in appearance. I suggest that the board be made up of representatives of each of the property owners associations with direction from Roger Barry who would be the secretary. Roger has had experience with this type of board and has found it to be helpful.

The function of the board would be to make recommendations to the staff and to the Council when indicated. They would be concerned with all matters of appearance such as: unsightly litter; unlandscaped or inadequately landscaped areas; screening areas as behind grocery stores, auto lots, tire racks at service stations and tire stores, newspaper dispensers, etc.; and removal of unsightly signs. In many instances they would be the "squeaking wheel". Right now there is a litter problem on South Gulf Shore Blvd. in connection with beach use. Another is an unfinished excavation pile on the northeast corner of Fifth Avenue South and Gulf Shore Blvd. Roger Barry has a two-year-old slide presentation pin-pointing many locations needing attention.

This committee could make a plan of priorities of projects to be accomplished over a period of time. Such a plan then would help at budget preparing time.

Three years ago the establishment of a Community Appearance Board was considered. Some Council members and many of the members of the study committee felt that they were considering an architectural review board. This study committee felt that such an architectural review board was not workable at that time.

However, I trust that there is a general agreement of the need for and value of an Appearance Board.

Memorandum
May 1, 1981
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ATTACHMENT #3 - page 1
AGENDA ITEM #9
5/6/81



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE MAYOR

M E M O R A N D U M

TO: MEMBERS OF CITY COUNCIL

FROM: R. B. ANDERSON, MAYOR

DATE: MAY 1, 1981

SUBJECT: OBSERVATIONS REGARDING RECENT CHARGES
AGAINST THE CITY ATTORNEY AND OTHER
MATTERS

Recent attacks by Councilman Rothchild on the integrity of David Rynders prompts me to review the general pattern of Mr. Rothchild's conduct for the last year or so, so that more recent actions can be viewed in better perspective.

In my opinion, Mr. Rothchild has systematically destroyed his own credibility over a period of some time. For example:

- (1) In January, 1979, he wrote a letter to the editor of Naples Daily News concerning plans for the low income housing to replace McDonald Quarters, making statements and allegations which were untrue and which he had learned were untrue prior to sending the letter.
- (2) During discussion on leasing the Carver property at the April 16, 1980, City Council meeting, Mr. Rothchild stated, "I do believe -- we own the land and because we own the land, we can charge monies for lease." He also commented that there should be an escalation clause in the lease agreement. And more than that, for he voted to approve a resolution to lease the land for \$18,400 per year. However, at a subsequent meeting, August 20, 1980, he said that he had questioned the propriety of the City accepting \$18,400 to lease the property because it didn't cost the City anything -- a complete contradiction of the facts.

(3) On regular occasions Mr. Rothchild accuses other Council members of violation of the Sunshine Act, collusion with political action groups, etc. At no time has he had any facts in support of these relatively serious accusations. It is just another example of his irresponsibility.

(4) With regard to Mr. Rothchild's meeting with Mr. Clayton Bigg, he described the meeting as "casual" (when in fact he hailed down Mr. Bigg who was driving his car at the time), and categorically denied that he asked Mr. Bigg to change his vote. Mr. Bigg executed an Affidavit that Mr. Rothchild actually stated to him, "You have changed your vote before and you can do it again at the February 18, Council meeting." Mr. Rothchild's denial is obviously untrue.

(5) Mr. Rothchild's memo presented to City Council on Wednesday, April 15, 1981, intended to substantiate his allegations attacking the integrity of Mr. Rynders, was wholly inadequate. More than that, it was a pathetic effort to deal with the seriousness of his oft-repeated attacks on Mr. Rynders. In fact, his memo only served to illustrate the capriciousness of his slanderous attacks while hiding behind his immunity as a City Councilman.

It is appropriate also to observe that Mr. Rothchild's conduct over the past year has been disruptive in nature. His inclination to be verbose often amounts to meaningless and irrelevant discussion which has posed a problem in the business-like conduct of Council's affairs. Mr. Rothchild has continued to make irresponsible accusations and misleading statements. So much so that it has become one of his distinguishing characteristics.

By making wild accusations and by his abrasive manner, he has antagonized and alienated members of the City Council. In view of his recent conduct, he may well have done the same to the professional staff.

I have attempted, individually, on several occasions, to counsel Mr. Rothchild to work effectively within the City Council, without success. I feel that the time has come where official notice should be taken of his conduct as I have done in this memorandum. I would hope that Mr. Rothchild can gain some understanding of his problems in dealing with people and with the City government and in some constructive way begin to represent the people of Naples.

ATTACHMENT #3 - page 3

Memorandum
May 1, 1981
Page three

In conclusion, I feel that it is important for the members of the Council to state their views and positions, both in regard to the City Attorney and in connection with my comments above pertaining to Mr. Rothchild.

R. B. Anderson



City of Naples

725 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: PENDING STATE LEGISLATION

DATE: MAY 1, 1981

Per past practice the Council has asked that we bring to your attention legislation which will have a direct effect upon the City. Following any action you may choose to take, we would then notify our legislators of your position.

Of the three bills attached, I would recommend your support of SB 39 and SB 238 and your opposition of SB 362.

I will be happy to provide you with any additional information you desire regarding these bills.

Sincerely,

George M. Patterson

George M. Patterson
City Manager

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SALES TAX ON MATERIALS - SB 39 by Senator Stuart and co-sponsored by 24 other senators has passed all Senate committees and is on the calendar awaiting assignment for Senate floor action. The companion bill, HB 18 by Representative Dyer, McPherson and others, is awaiting hearing in House Sub-Committee of Finance and Taxation. Please encourage your senators and representatives to support these bills which would exempt local governments from paying the State sales tax on purchases of materials used in public construction projects. (Senate budget does not reflect a reduction in sales taxes due to the potential passage of this bill.)

INVENTORY TAX REPEAL - SB 238 by Senator Thomas would repeal the inventory tax levied by local governments and provide substitute revenues. The bill was substantially amended in the Senate Finance and Taxation Committee to encompass the Governor's proposal to index local revenue sharing programs to the average increase of all State general revenue funds, in lieu of providing direct "replacement" revenues. The Municipal Revenue Sharing Program is now in a stagnant growth posture and this amendment would insure approximately a 12% annual growth factor. We are supporting the amended proposal. A final vote on the bill was delayed for one week to allow the senators to analyze the indexing amendment. Please encourage your legislators to support Senator Thomas's Bill (SB 238). A similar measure, without the indexing amendment is in the House Finance and Taxation Committee awaiting assignment to the agenda.

CERTIFICATION OF BUILDING INSPECTORS - SB 362 (Senator Henderson) which provides for certification of building codes administrators and inspectors was adopted by the Senate Commerce Committee. The bill now goes to Senate Economic, Community and Consumer Affairs. We are opposing this bill.

Current inspectors would be "grandfathered" in from the training requirements but would be required to secure a certificate every 2 years. After July 1, 1984, any person engaging in code administration or inspection without a certificate would be subject to a 2nd degree misdemeanor.

City managers and other municipal administrators should be alert to this bill which is strongly supported by the construction industry and many local building inspectors. Continuing State certification programs and requirements for local employees forces additional training costs and a limitation on persons available to fill such positions. The State Board of Building Codes and Standards will have the authority to establish the requirements for certification. Currently many inspectors or administrators are voluntarily certified with the encouragement of management. We feel this mandatory certification process is unnecessary and will be costly to cities. This requirement will begin the whole process of minimum state standards, examinations, certification, fees, suspension and revocation of certificates, and criminal penalties. The voluntary certification process should be maintained and cities should vigorously oppose this unnecessary mandated regulation of building inspectors.