

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, JUNE 3, 1981, AT 9:06 A.M.

Present: Randolph I. Thornton
Vice-Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: R. B. Anderson
Mayor

Also present:

George M. Patterson, City Manager	Mark Wiltsie, Assistant to the City Manager
David W. Rynders, City Attorney	John, McCord, City Engineer
Matt Patton, Fire Marshal	Reid Silverboard, Chief Planner
Roger Barry, Community Development Director	Max Hasse, Parks & Recreation Assistant Director
Randy Davis, Parks & Recreation Director	
Franklin Jones, Finance Director	

Reverend John Nix	Elizabeth Sita	Charles Sorrell
Charles Andrews	Earl Chapman	Mr. & Mrs. Glenn MacKay
Monica Zum Felde	Frank Lynch	Ted Anthony
Clayton Bigg	John Rice	Sandra Kearns
Dottie Matarese	Henrietta Mezzapella	Jack Piggott
H. L. Shuster	W. Turner	Ed Kant
William Shearston	Robert E. Lee Hall	Robert Johnson
Ron Gill	John Hilton	Mr. & Mrs. Arnold Lamm
Dennis Lynch	John Nagel	Sam Aronoff
Ed Ranney	Rich Gibbons	Lodge McKee
Elaine Finklestein	James Dennis Murphy	Susanna Connors
Jack Conroy	Lisa El-Kerdi	Mr. & Mrs. Richard Grant
Betty Pogel	Cheryl Schwartz	Mary Brandt
Bruce Shannon	John Turner	Michael Deeson
Robert Blascoe	Dee Dottore	Kay Nell
Gerri Kalvin	David Tackney	Bill Hatcher

News Media:	Ray McNally, TV-9	Chad Hautmann, Naples Star
	Ned Warner, TV-9	James Moses, Naples Daily News
	Susan Gardner, TV-9	Todd Holzman, Naples Daily News
	Jerry Arnold, WRGI	Steve Cole, WBBH-TV
	Dory Owen, Miami Herald	Brad Rittner, WBBH-TV
	Susan Ornstein, News Press	

Other interested citizens and visitors

Vice-Mayor Thornton called the meeting to order at 9:06 a.m.; whereupon Reverend John Nix of the First Christian Church delivered the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Vice-Mayor Thornton called Council's attention to the minutes of the Workshop Meeting of May 19, 1981, and the Regular Meeting of May 20, 1981; whereupon Mr. Twerdahl moved approval of both sets of minutes as presented, seconded by Mr. Schroeder and carried by consensus.

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Mr. Holland noted that there was a large number of people present and he assumed that most of them had come for the discussion on Agenda Items 6-a and 6-b concerning the closing of the beaches and prohibiting parking on beach access streets from 11:00 p.m. to 5:00 a.m. He noted that there was a great deal more information due on the subject. Mr. Holland moved that these two items be removed from the Agenda and put back on for the first meeting in July. Mr. Rothchild moved that these two items be moved forward on this Agenda so that those who wished to speak, could speak and then leave. Vice-Mayor Thornton noted there was a motion on the floor. Mr. Rothchild withdrew his motion. Mr. Holland repeated his motion and added that if people knew there was to be no action today, they could in turn leave early. Mr. Rothchild seconded Mr. Holland's motion. Mr. Holland confirmed with City Manager Patterson that it could take until the first meeting in July for the staff to assimilate all the information that is to be presented to it on this subject. Mr. Schroeder noted that there would be a Public Hearing in two weeks if these two items were passed on First Reading and during that time the ordinances could be modified if Council felt the input received warranted change or the Public Hearing could then be continued to the first meeting in July. Mr. Twerdahl suggested hearing what the people in attendance had to say and then decide whether or not to removed the items from the Agenda. After further discussion, Mr. Rothchild withdrew his second. Mr. Wood noted that he had changed his thinking about the necessity for the proposed ordinances inasmuch as he felt that to enforce these ordinances police patrols on the beach would have to be increased and the increased patrol itself would be sufficient to curtail the objectionable activities that these ordinances seek to address. Mr. Holland also withdrew his motion.

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

AGENDA ITEM 4-a. PUBLIC HEARING (Continued from Regular Meeting of May 20, 1981) and Naples Planning Advisory Board recommendation to approve: Easement Vacation Petition No. 81-A2 Petitioner: Navarra Developers Location: Northeast corner of Binnacle Drive and Riviera Drive. Request to vacate a portion of a 20 foot wide "planting strip" adjacent to the east right-of-way of Binnacle Drive, north of Riviera Drive, in Block B, Unit 7, of the Moorings.

Vice-Mayor Thornton opened the Public Hearing at 9:25 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION VACATING AND ABANDONING A PORTION OF A 20 FOOT WIDE PLANTING STRIP ADJACENT TO THE EAST RIGHT-OF-WAY OF BINNACLE DRIVE, NORTH OF RIVIERA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; RESERVING THEREIN AN EASEMENT FOR UTILITY PURPOSES; ACCEPTING AN ALTERNATE PLANTING EASEMENT, COPY OF WHICH IS ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney noted the agreement on compensation and receipt of a check in the amount of \$2200 and the acceptance of an alternate easement that contained a covenant regarding the desired height of the tree's in questions and their maintenance. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:26 a.m.; whereupon Mr. Twerdahl moved adoption of Resolution 3781, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 4-b. PUBLIC HEARING and second reading of ordinance. Rezone Petition No. 81-R3
 Petitioner: W. W. Gilman Location: West of the Naples Municipal Airport, east of the
 Gordon River, and immediately south of the Avion Park Subdivision. Request for a change
 in zone from "R1-7.5", Single-Family Residential, to "PD", Planned Development, to accom-
 modate a proposed television network facility (headquarters office, studio, receiving and
 transmitting facilities), and future office/commercial/light industrial uses on a 10.8
 acre tract of land immediately south of Avion Park Subdivision.

An ordinance rezoning 10.8 acres south of Avion Park, more particularly described herein,
 from "R1-7.5", Single-Family Residential, to "PD", Planned Development; directing that the
 zoning atlas be revised to reflect said rezoning; approving the development plan for a
 proposed television network facility as submitted by petitioner, subject to the conditions
 set forth herein; and providing an effective date. Purpose: To rezone the property
 described herein at the request of the property owner and to approve the development plan
 for a proposed television network facility.

Vice-Mayor Thornton opened the Public Hearing at 9:27 a.m.; whereupon City Attorney
 Rynders read the above captioned ordinance by title for consideration by Council on
 Second Reading. There being no one to speak for or against, the Vice-Mayor closed the
 Public Hearing at 9:28 a.m. In answer to Mr. Twerdahl's question about the water main
 loop, Robert Johnson, chairman of Dominion Satellite and prospective lessee, stated he
 was representing Mr. Gilman, and that he, as lessee, had no objection to the passage of
 the re-zoning with the condition as stated. Mr. Twerdahl moved adoption of Ordinance 3782
on Second Reading, seconded by Mr. Rothchild. Mr. Johnson added that as users of the land
 they would probably have to pay for the 8" loop but that his company would have to evaluate
 it economically. He also added that it was possible they might not build there, but he
 doubted that that would be their decision because they intended to lease the land and had
 an option to buy it. Motion carried on roll call vote, 6-0.

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

An ordinance establishing a Special Law Enforcement Trust Fund pursuant to Section 943.44,
 F.S. and appropriating the funds to be deposited therein to the Police Department to be
 used for the purposes set forth in Section 943.44(3)(a), F.S.; and providing an effective
 date. Purpose: To establish a trust fund in which the proceeds from the sale of confis-
 cated personal property may be deposited and to appropriate the moneys received from such
 sale to the Police Department.

Vice-Mayor Thornton opened the Public Hearing at 9:35 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 Vice-Mayor closed the
 Public Hearing at 9:36 a.m.; whereupon Mr. Twerdahl moved adoption of Ordinance 3783,
on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 6. First reading of ordinances.

AGENDA ITEM 6-a. An ordinance relating to the beaches and the unpaved street-ends contiguous thereto; providing findings of fact; amending the Code of Ordinances of the City of Naples by adding a new Section 16-31; providing definitions; providing for the closing of the the beach areas and street-ends herein described during certain hours; and providing an effective date. Purpose: To establish hours for beaches and unpaved street-ends contiguous thereto in an effort to alleviate problems associated with late-night use of the beach. (Pursuant to Council discussion at Regular Meeting of May 20, 1981)

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. James Dennis Murphy, Jack Conroy, Lisa El-Kerdi, and Kay Nell, city residents, and Suzanna Connors, Sandra Kearns, Betty Pogel, Michael Deeson, Cheryl Schwartz, Jack Piggott and Dee Dottore, county residents, spoke against both ordinances, emphasizing the stricter enforcement of present ordinances. Bruce Shannon, city resident, spoke in favor of both proposed ordinances. Mr. Rothchild suggested a night meeting and/or a Saturday meeting on this subject so that working citizens could attend. Mr. Wood noted the speakers' emphasis on enforcement of present ordinances. Mr. Rothchild moved to remove these two proposed ordinances from the Agenda as they are written and bring back on July 1 possible revisions of both in light of further input the staff is scheduled to receive between now and then, seconded by Mr. Twerdahl. Motion carried on roll call vote, 6-0.

Let the record show that Vice-Mayor Thornton recessed the meeting at 10:19 a.m. and reconvened it at 10:35 a.m. with the same members of Council present.

Mr. Rothchild asked that City Manager Patterson ask all associations in the City of Naples including shopping centers and business associations, Board of Realtors and property owners and civic associations for input on this beach situation.

AGENDA ITEM 6-b. An ordinance relating to parking on the street-ends adjoining the public beach; prohibiting parking between 11:00 p.m. and 5:00 a.m.; and providing an effective date. Purpose: To prohibit parking between 11:00 p.m. and 5:00 a.m. on the street ends adjoining the public beach. (Pursuant to Council discussion at Regular Meeting of May 20, 1981.

See above

AGENDA ITEM 7. Request by D. T. Tackney, P.A., as a director of the Florida Shore and Beach Preservation Association, for City Council support of pending state legislation (House Bill 813 and Senate Bill 1078) which pertains to beach restoration projects.

David Tackney addressed Council and explained the background leading up to the proposed legislation that he asked in his letter of May 29, 1981 (Attachment #1) that Council support. Mr. Twerdahl moved that Mayor Anderson write letters indicating Council's support to the appropriate legislators as listed in Mr. Tackney's letter, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 8. A resolution commending City of Naples Police Detective Michael D. Ojanovac who has been selected Law Officer of the Year by the State of Florida American Legion. Requested by Police Department.

City Attorney Rynders read the above captioned resolution in its entirety for Council's consideration. Commander William H. Taylor of American Legion Hardee R. Mills Post #135 addressed Council and explained the award and noted the Post's pride in having Detective Ojanovac with the Naples Police Department and representing the Post on the State level. Mr. Wood moved to adopt Resolution 3784, seconded by Mr. Schroeder. Detective Ojanovac spoke, thanking Council for their recognition. Motion carried on roll call vote, 6-0.

AGENDA ITEM 9. Authorization for the City Manager to make application for discretionary grant funds under the Prevention of Crime Against the Elderly program of the Bureau of Criminal Justice Assistance, Florida Department of Community Affairs. Requested by Police Department.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR DISCRETIONARY GRANT FUNDS UNDER THE PREVENTION OF CRIME AGAINST THE ELDERLY PROGRAM OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

After a brief discussion. Mr. Twerdahl moved adoption of Resolution 3785, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 10. Acceptance of utility easement from Mr. A. Sciarrino for the purpose of upgrading city sewer collection system north of Public Works Yard, Goodlette Road. Requested by Engineering Department.

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

A RESOLUTION ACCEPTING AN EASEMENT FOR UTILITY PURPOSES FROM ANTONINO SCIARRINO ET UX; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3786, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 11. Award of contract for city employee group life insurance coverage. Requested by Finance Department.

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

A RESOLUTION AWARDING THE BID FOR GROUP LIFE INSURANCE FOR CITY EMPLOYEES; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

In response to Mr. Rothchild's question about obtaining the various bids, Franklin Jones, Finance Director, explained the procedure used. Mr. Twerdahl moved adoption of Resolution 3787, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 12. Discussion/action regarding increasing the salaries of Mayor and City Council members. Requested by Councilman Holland.

Councilman Holland explained his reasons for bringing up this matter, noting current salaries of the Board of County Commissioners and School Board members. After a short discussion among the councilmen, Mr. Holland asked City Attorney Rynders to draft an ordinance amending the Charter to increase Council's salary to \$12,000/year and the Mayor's salary to \$15,000/year. Bill Hatcher, a local resident and businessman, noted that he could not afford to be a councilman and possibly neglect his business for the current salary.

AGENDA ITEM 13. Purchasing:

AGENDA ITEM 13-a. Annual maintenance contract for communications equipment maintenance - bid award.

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

A RESOLUTION AWARDED THE BID FOR ANNUAL MAINTENANCE OF THE CITY'S COMMUNICATION EQUIPMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3788, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 13-b. 25 cu. yd. rear loading garbage truck, Sanitation Division, Public Works Department - bid award.

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

A RESOLUTION AWARDED BID FOR A GARBAGE TRUCK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3789, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Holland commented on the report received from Norris Ijams, Fire Chief, concerning the response times for runs by the County ambulance service. He noted that he felt there could be an improvement. Mr. Schroeder also noted his negative impression of the response times and their accuracy. Mr. Holland noted that he had requested City Attorney Rynders to write to the Attorney General's office for an opinion on the City's obtaining a Certificate of Public Convenience and Necessity to operate their own ambulance service. The City Attorney pointed out the difficulties that would be involved in getting the County to recognize a City ambulance service for double taxation purposes.

In response to a question from Mr. Twerdahl, City Manager Patterson noted that the City was awaiting information from the federal government on the allocation of the funds for a grant for the sewage treatment project. Vice-Mayor Thornton asked that City Engineer John McCord present a review of this project for Council rather than calling in the consulting engineer.

Bob Nadeau, representing the Naples JayCees, asked permission to have the fireworks on the Pier on Fourth of July again this year. City Manager Patterson stated that he had given permission for this in the past administratively but he had wanted Council to be cognizant of it this year. It was the consensus of Council that the fireworks should be held as usual while stressing the fact that security should be increased.

There being no further business to come before this Regular Meeting of the Naples City Council, Vice-Mayor Thornton adjourned the meeting at 11:50 a.m.

Randolph I. Thornton
 Randolph I. Thornton, Vice-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 06-17-81

D. T. TACKNEY, P.A.
COASTAL ENGINEERING
P. O. BOX 9199
1053 - 5th AVENUE, NORTH
NAPLES, FLORIDA 33941
813 / 261-8221

May 29, 1981

Mr. George Patterson
City Manager
735 - 8th Street South
Naples, Florida 33940

Re: Proposed House Bill 813

Dear Mr. Patterson:

Enclosed is a copy of the proposed House Bill 813 and my letter to John McCord.

Please note that the crossed through sections of the bill have been deleted and that the bill now only deals with the spoiling of sand on private property.

In recent years, the Florida Department of Natural Resources has made an asserted effort to ensure that sand of acceptable quality obtained from maintenance dredging projects be returned to the adjacent beaches. The reason for this effort is that sand which accumulates in navigable channels comes from the adjacent beaches and that offshore disposal of this sand aggravates the beach erosion problem.

As a result of DNR's efforts, a few eroded beaches are planned to be restored with sand obtained from Federal maintenance dredging projects.

One major obstacle, however, still exists. Because of administrative requirements, sand can only be spoiled on public beach and in many locations there are no public beaches near dredging projects. Therefore, unless action is taken, compatible beach sand will continue to be wasted by offshore dumping.

The purpose of House Bill 813 is to allow the spoil of sand obtained from maintenance dredging projects on private beach if an acceptable public beach is not available in the project area.

Mr. George Patterson
May 29, 1981
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An additional provision has been added to the bill to ensure that the ownership of such restored segments of beach remain in state ownership. Unfortunately, I have not yet received a copy of this revision.

If this bill is passed, it may benefit Naples by allowing sand dredged from Gordon and Doctors Passes to be spoiled on the adjacent beaches.

If an endorsement by the City Council could be obtained for the proposed bill, I feel that it would help improve the chances of the bill being passed. To be most effective, copies of any endorsement resolution should be sent to:

1. Rep. Fran Carlton
320 House Office Building
Tallahassee
2. Rep. Sam Bell
Chairman, House Rules and Calendar
Room 417, Capitol Building
Tallahassee
3. Sen. Edgar Dunn
Chairman, Senate Rules and Calendar
409 Senators Office Building
Tallahassee
4. Sen. John Vogt
Chairman, Natural Resources Comm.
414 Senators Office Building
Tallahassee

Should you have any questions regarding the bill, please let me know.

Very truly yours,

D. T. Tackney
D. T. Tackney, P. E.
President

DTT/pf

Enc.