

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, AUGUST 19, 1981, AT 9:03 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: Franklin Jones, Acting City Manager designee
David W. Rynders, City Attorney
Roger Barry, Community Development Director
Mark Wiltsie, Assistant to the City Manager
John McCord, City Engineer
Norris Ijams, Fire Chief
Stewart Unangst, Purchasing Agent
William Savidge, Public Works Director

Reverend James Conrad
Bruce Shannon
Edward Kant
Charles Andrews
Sam Aronoff
Lodge McKee
David Stiger
William Shearston
Jeff Sanford
Dale Sanford
Robert Covington
Judith Chirgwin
Robert Russell
Richard Upham
Ed McMahon
David Tackney
Richard Hechler
Frederick Fox
Gilbert Weil
Lyle Richardson

News Media: Jim Goin, TV-9
Chad Hautmann, Naples Star
David Bristow, TV-9
Todd Holtzman, Naples Daily News
Scott Harrison, Naples Star
Dory Owen, Miami Herald
Susan Ornstein, News Press

Other interested citizens and visitors

EAA497

Mayor Anderson called the meeting to order at 9:03 a.m.; whereupon Reverend James Conrad of the Covenant Presbyterian Church delivered the Invocation followed by the Pledge of Allegiance to the Flag. Mr. Schroeder called for a minute of silence in memory of the late City Manager, George Patterson.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Workshop of August 4, 1981. There being no additions or corrections, the Mayor stated the minutes would stand as submitted by consensus. He then called Council's attention to the minutes of the Regular Meeting held August 5, 1981. There being no additions or corrections, Mayor Anderson stated the minutes would stand as submitted by consensus.

AGENDA ITEM 4. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 4-a. An Ordinance relating to the electrical code; amending Sections 8-22 through 8-24 of the Code of Ordinances; and providing an effective date. Purpose: To adopt the 1981 Edition of the National Electrical Code and to provide special rules and regulations governing electrical wiring in the City.

Mayor Anderson opened the Public Hearing at 9:08 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. Mr. Wood moved adoption of Ordinance 3818 on Second Reading, seconded by Mr. Schroeder. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:09 a.m.; whereupon the motion carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-b. An Ordinance regulating parking; amending Section 23-9 of the Code of Ordinances by adding new Subsections (l) and (m); amending Section 23-12.2, relating to penalties for parking violations; and providing an effective date. Purpose: To prohibit parking on street-ends adjoining the public beach between the hours of 11:00 P.M. and 5:00 A.M. and on specified areas of Gulf Shore Boulevard at any time; to provide penalties for violation thereof and to increase penalties for violation of Section 23-7, relating to (a) and (b), relating to obstruction of traffic and parking in no parking areas marked by yellow paint, from \$5.00 to \$15.00.

Mayor Anderson noted a memorandum from City Manager Patterson dated August 14, 1981 (Attachment #1). Mr. Holland moved to remove Items 4-b and 4-c from the Agenda, seconded by Mr. Rothchild. Acting City Manager Jones noted a memorandum from City Manager Patterson also dated August 14, 1981 and in the packet under Agenda Item 7 (Attachment #2) which indicated that action was anticipated for the first meeting in October. Mr. Holland amended his motion to continue Items 4-b and 4-c until the first meeting in October, amendment accepted by seconder Rothchild. Citizens Lodge McKee and Ed McMahon spoke in support of sooner action on Item 4-b. Judith Chirgwin, citizen, spoke against Item 4-b in part. At this point Mr. Rothchild withdrew his second of the motion. Mr. Thornton seconded the motion. Bruce Shannon, citizen, and Elaine Finklestein, chairman of the Parks & Recreation Advisory Board, spoke in support of acting more quickly on Item 4-b inasmuch as it had much coverage in the media. Richard Hechler, citizen also spoke in favor of action on 4-b as soon as possible. Mr. Thornton withdrew his second and Mr. Holland withdrew his motion. Mr. Rothchild moved to continue Agenda Item 4-b to the first meeting in September, seconded by Mr. Twerdahl. Robbie Covington, County resident, suggested letting the residents of Olde Naples try making their own laws to see what they might do. Motion carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-c. An Ordinance relating to public parks and beaches in the City of Naples; amending Section 16-20 (1)(b) of the Code of Ordinances relating to swimming and the operation of boats in the vicinity of the City fishing pier; adding a new Section 16-32 relating to the operation of motorboats in the Gulf of Mexico along the shoreline; deleting Section 16-19(1)(y) pertaining to the operation of concessions and soliciting in parks, and transferring and expanding the provisions thereof to a new Section 16-33; and providing an effective date. Purpose: To prohibit the operation of noncommercial motorboats within 100 yards of the shoreline areas described herein and within 100 yards of the City pier; and to prohibit the operation of concessions, peddling, soliciting and advertising on any beach or in any public park within the City.

Mr. Thornton moved to continue Agenda Item 4-c to the first meeting in October, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 5. Request by Naples Little League All-star Girls Baseball team for financial assistance for 1981 season playoff finals.

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

A RESOLUTION AUTHORIZING A CONTRIBUTION OF \$500.00 TO THE GREATER NAPLES SENIOR GIRLS LITTLE LEAGUE SOFTBALL ALL-STARS; AUTHORIZING THE TRANSFER OF SAID SUM FROM THE CONTINGENCY FUND; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3819, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 6. Extension of temporary use permit for temporary structure at northeast corner of Harbour & Riviera Drives. Requested by Collier Development Corporation.

Edward Kant, representing the Collier Development Corporation, presented himself to Council to answer questions about this request. Mr. Schroeder noted that the resolution was incorrectly written to authorize a temporary use permit to Collier Development Corporation. He noted that, as written, it authorized an extension of a temporary use permit to The Moorings, Inc. Mr. Thornton moved adoption of Resolution 3820 as corrected to grant the temporary use permit to the Collier Development Corporation, seconded by Mr. Holland. In response to Mr. Twerdahl's inquiry, City Attorney Rynders offered his opinion that this would not be precedent setting inasmuch as the structure was in place and had been in place for some time. Mr. Kant added that if the Collier Development Corporation were granted the request, the removal of the structure would be their responsibility rather than be a cost to the non-profit Moorings, Inc. City Attorney Rynders read the below referenced resolution by title with corrections for Council's consideration.

A RESOLUTION GRANTING AN EXTENSION OF THE TEMPORARY USE PERMIT FOR THE COLLIER DEVELOPMENT CORPORATION TO ALLOW THE USE OF A TEMPORARY STRUCTURE AT THE NORTHEAST CORNER OF HARBOUR DRIVE AND RIVIERA DRIVE FOR TEMPORARY OFFICE SPACE UNTIL JULY 1, 1982; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder asked that the word "extension" be struck from the title. Mayor Anderson directed the City Attorney to correct the resolution in line with the request of the Collier Development Corporation. Motion carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. In response to a question from Mr. Rothchild, Mr. Schroeder explained his "no" vote by saying he didn't think it was proper to put a non-conforming use on the property for commercial purposes.

AGENDA ITEM 7. Proposed memorandum to property owner and civic associations on items tentatively approved by City Council related to beach area problems and parking. Requested by City Council.

Mayor Anderson noted the memorandum from City Manager Patterson (Attachment #2) and it was the consensus of Council to proceed as outlined in the memorandum.

AGENDA ITEM 8. Authorization to issue a purchase order for professional services relating to design and construction, inspection and monitoring in conjunction with beach management study improvements. Requested by Engineering Department

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

A RESOLUTION ACCEPTING THE PROPOSAL OF D. T. TACKNEY, ENGINEER, TO PROVIDE ENGINEERING SERVICES RELATIVE TO THE NAPLES BEACH STUDY; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson questioned the amount of \$5,000.00 for engineering services for groin removal. David Tackney, engineer, explained the amount of supervision and inspection that would be required in this project. He estimated that it would cost nearly a quarter of a million dollars to completely remove the groins in question, but they could be cut off and removed two feet under the sand for a cost of approximately \$112,400 and that the proper inspection would be highly desirable. City Engineer John McCord responded to Council's question about in-house supervision and inspection by stating that he would prefer to have the consultant do this. He also noted that an assistance grant would cover about \$80,000 of this work. Mayor Anderson asked that bids be requested for complete removal and the cutting-off type of removal. He also ascertained that this was a ceiling cost contract, fixed fee, not-to-exceed figure. Mr. Thornton moved adoption of Resolution 3821, seconded by Mr. Schroeder and carried on roll call vote, 6-1; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 9. Authorization to issue change order East Golden Gate Well Field Expansion Part I: 5 water supply wells. Requested by City Manager.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CHANGE ORDER PERTAINING TO THE CONTRACT WITH TAMiami WELL DRILLING, INC. FOR THE EAST GOLDEN GATE WELL FIELD EXPANSION; AND PROVIDING AN EFFECTIVE DATE.

In response to Mayor Anderson's question, Public Works Director William Savidge explained where the wells were located and the permits the City has covering them. Mr. Schroeder moved to adopt Resolution 3822, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 10. Grant of right-of-way easement on airport property. Requested by United Telephone Company.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY EASEMENT TO UNITED TELEPHONE COMPANY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING TELEPHONE FACILITIES ALONG THE SOUTHERLY AND WESTERLY BOUNDARIES OF THE NAPLES AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3823, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

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AGENDA ITEM 11. Purchasing: Night vision telescopic equipment, Police Department - bid award.

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

A RESOLUTION AWARDDING THE BID FOR A NIGHT VISION TELESCOPIC SYSTEM; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3824, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Mayor Anderson asked Franklin Jones, Acting City Manager, to furnish some basis for deducing a fair and reasonable price on bids such as this received in the future.

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Mayor Anderson suggested that Councilmen be prepared at the next meeting to discuss the manner in which they would look for a new City Manager. He pointed out the cost and time involved in going through an agency such as Korn, Ferry. Mr. Thornton moved the addition of the below resolution to the Agenda on an emergency basis, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION DESIGNATING AND APPOINTING FRANKLIN C. JONES ACTING CITY MANAGER FOR THE CITY OF NAPLES; DECLARING THIS RESOLUTION TO BE OF AN EMERGENCY NATURE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild questioned the fact that the Finance Director is subject to the supervision of the City Manager and he noted that Franklin Jones was now Finance Director. Mr. Schroeder suggested the appointment of a Finance Director would relieve Mr. Jones of the dual role. Mr. Schroeder moved adoption of Resolution 3825, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes with his observations noted; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

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Mr. Twerdahl opened a discussion on the School Board's proposed budget. After a discussion of remedies for this tax situation, Mr. Twerdahl suggested sending repeated requests for the institution of impact fees to cover some of the expansion expense and to keep sending these requests until some relief is achieved.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:22 a.m.

Janet Cason

Janet Cason
City Clerk

R. B. Anderson

R. B. Anderson, Mayor

Ellen P. Marshall

Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council were approved on 09/02/81



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER GEORGE M. PATTERSON
DATE: AUGUST 14, 1981

We have not yet had the opportunity, since the last Council meeting, to put all of the necessary ordinances relating to beach problems on the agenda for first reading. There is still more than sufficient time, however, to obtain the input Council indicated a desire to receive from civic and property owner associations and still have the measures effective, if this is your desire, by the first meeting in October.

For your quick review and to insure that what you have tentatively approved is clear, the attached summary is provided to attempt to spell out the various proposed actions. I would then propose to forward a memo to the associations for their input. I believe in memo form it will be clearer to them than in the form of several ordinances.

Sincerely,
George M. Patterson
George M. Patterson
City Manager

GMP/tan
enc.

ATTACHMENT #1



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER GEORGE M. PATTERSON
SUBJECT: AGENDA ITEMS 4-b AND 4-c - BEACH ORDINANCES
DATE: AUGUST 14, 1981

Although it was not intended for second reading to be held on the above two ordinances until input on beach related matters was received from property owner and civic associations, the ordinances passed on first reading at the August 5, meeting were advertised in error for second reading on August 19. It would be appropriate, therefore, for Council to act to defer second reading for a future meeting.

Sincerely,
George M. Patterson
George M. Patterson
City Manager

GMP/tan



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER GEORGE M. PATTERSON
 SUBJECT: TENTATIVELY APPROVED COUNCIL MEASURES RELATING TO
 BEACH PROBLEMS INVOLVING BEHAVIOR, SAFETY AND
 PARKING
 DATE: AUGUST 14, 1981

The Council has already taken action to add four police officers over and above the three approved positions which were recently filled. This I believe will enable our Police Department to more effectively control city problems of enforcement. The City has also purchased a second beach buggy so that one will patrol the beach each day of the week and two will patrol on weekends and holidays. An ordinance has also been passed which prohibits fires on the beach which was designed to provide a safety factor. The following measures have been tentatively approved by the Council and I would suggest that we request the opinions of civic and property owner associations by September 21, to enable final action to take place at the first meeting in October.

1. NO PARKING OF ANY VEHICLE ON ANY EAST-WEST AVENUE OF THE CITY WEST OF GULF SHORE BLVD. (BEACHHEADS) BETWEEN 20th AVENUE SOUTH AND 8th AVENUE NORTH OR ON 32nd OR 33rd AVENUES SOUTH WEST OF GORDON DRIVE BETWEEN THE HOURS OF 11 P.M. AND 5 A.M. The only exception to this is 12th Avenue South (pier) and the pier parking lot which will be operative 24 hours a day.
2. PROHIBIT PARKING A VEHICLE AT ANY TIME ON GULF SHORE BOULEVARD BETWEEN 20th AVENUE SOUTH AND 8th AVENUE NORTH AND ESTABLISH THIS AS A TOW-AWAY ZONE WITH A \$15 FINE.
3. PROHIBIT THE OPERATION OF A MOTOR BOAT (WITH POWER SOURCE RUNNING) WITHIN 100 YARDS OF THE SHORELINE THROUGHOUT THE CITY.
4. PROHIBITION OF PEDDLING, SOLICITING AND CONCESSIONS ON BEACHES OR IN PARKS.
5. PROHIBIT THE STORAGE OF BOATS ON THE PUBLIC BEACH IN GENERAL. The City would, by installation of wooden pilings, permit the storage of no more than two boats at 16 different beachheads on a permit basis for \$120 per year.
6. PARKING CHARGES:
 INSTALLATION OF PERMIT PARKING ONLY (8 A.M. TO 5 P.M.) ON ONE-HALF OF THE BEACHHEADS (NOT NEWLY DEVELOPED). These permit spaces would be sold on an annual basis for \$5 and would be available only to City residents.
 INSTALLATION OF PARKING METERS ON THE NEWLY IMPROVED BEACHHEADS AT 25¢ PER HOUR UP TO TEN HOURS

6. PARKING CHARGES (Cont.)

INSTALL PARKING METERS AT LOWDERMILK PARK AT 50¢ PER HOUR UP TO TEN HOURS. The parking meters at the pier lot would be the same. Citizens possessing parking permits would be allowed to utilize the metered spaces at Lowdermilk and the pier parking lot in addition to those beachheads designated as permit parking only. Permit parking only would also be installed on avenues one block east of Gulf Shore Boulevard from 8 a.m. to 5 p.m. and also on Gordon Drive near 21st Avenue South.

Sincerely,

George M. Patterson
 George M. Patterson
 City Manager

GMP/tan

Mayor and Council
 August 14, 1981
 Page 2