

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, ON WEDNESDAY, SEPTEMBER 16, 1981, AT 9:04 A.M.

Present: R. B. Anderson  
Mayor

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

Absent: Randolph I. Thornton  
Edward A. Twerdahl  
Councilmen

Also present: Franklin C. Jones, Acting City Manager  
Roger Barry, Community Development Director  
John McCord, City Engineer  
Mark Wiltsie, Assistant to the City Manager  
Reid Silverboard, Chief Planner  
Barbara Harris, Legal Aide  
Stewart Unangst, Purchasing Agent  
Nat Hooper, Senior Engineering Technician

Reverend Walter Lauster  
Charles Andrews  
Herb Smith  
Burch Springer  
Earle Johnson  
Sam Aronoff  
Dennis Lynch  
Jack Conroy  
Philip Sowersby  
Edward Kant  
Bill Higgs  
David Tackney  
J. Stephen Crawford  
Gilbert Weil  
William Shearston  
Lyle Richardson  
George Patt  
Alonzo Clardy  
Mr. & Mrs. Paul Mason, Sr.  
Doreen Vachon  
John Dante  
Fred Maurer  
George Vega  
Nick Turner  
Robert Russell

News media: Ned Warner, TV-9  
 Dave Bristow, TV-9  
 James Moses, Naples Daily News  
 Susan Ornstein, News Press  
 Brian Blanchard, Miami Herald

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:04 a.m.; whereupon Reverend Walter Lauster of the Church of God delivered the Invocation, followed by the Pledge of Allegiance to the Flag. Mayor Anderson then announced the passing of Police Sgt. Joe McCarthy and noted the times of the visitation and the funeral.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of September 2, 1981 which were approved as presented by consensus. He then called Council's attention to the minutes of the Special Meeting of September 2, 1981 which were also approved as presented by consensus.

AGENDA ITEM 4. PUBLIC HEARING to consider dredging activities adjacent to and within the Gordon River relating to an existing seawalled turning basin (File DR 81-7). Owner: William T. Higgs. Contract Purchaser Agent: David T. Tackney, P. E. Project Location: West of Boat Haven Marina, East of River Point Drive (Lots 1-7, Beaumaris Subdivision).

Mayor Anderson opened the Public Hearing at 9:08 a.m.; whereupon David Tackney, agent for the owner, addressed Council in support of this petition. Mr. Rothchild noted the negative comments from Dr. Bernie Yokel and Thad Forbes of the Waterways Council regarding the cropping of the mangroves to which Mr. Tackney responded that he had been guided by the recommendations of Mr. Braido of the DER. Mayor Anderson also noted Dr. Yokel's recommendation of dredging to 4 feet rather than 5 feet. City Engineer John McCord made his observation that he didn't believe 5 feet would be any more detrimental than 4 feet. After a lengthy discussion and there being no one else to speak for or against, the Mayor closed the Public Hearing at 9:28 a.m.; whereupon Acting City Manager Frank Jones read the below titled resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING DREDGING ACTIVITIES ADJACENT TO AND WITHIN THE GORDON RIVER RELATING TO AN EXISTING SEAWALLED TURNING BASIN, WEST OF BOAT HAVEN MARINA, EAST OF RIVER POINT DRIVE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3839 providing City Engineer McCord could verify that Mr. Tackney had been able to reconcile the various differences on the cropping of the mangroves to everyone's satisfaction, seconded by Mr. Rothchild and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.



AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 5-a. PUBLIC HEARING and Second Reading of Ordinance. Amendment to a Previously-Approved Development Plan No. 81-R5 Petitioner: Grand Central Shopping Plaza Location: 300-500 Goodlette Road, Northwest corner of Goodlette Road and U.S. 41 Request to accomodate plan modifications for the Grand Central Station Shopping Center. An ordinance amending the development plan previously approved for the Grand Central Station Shopping Center, subject to the conditions set forth herein; and providing an effective date. Purpose: To permit certain modifications in the development plan as requested by the owners of the Grand Central Station Shopping Center.

Mayor Anderson opened the Public Hearing at 9:31 a.m.; whereupon Acting City Manager Frank Jones read the above captioned ordinance by title for Council's consideration on Second Reading. Mr. Jones added that after the discussion on First Reading and the deletion of the request to vacate Second Avenue South, the wording in the ordinance had been changed to delete reference to "the south ½ of Second Avenue South" in regards to the location of the roadway to be constructed as egress and ingress so that the roadway would be centered in the platted Second Avenue South right-of-way. He also noted that wording had been added regarding the owners of the shopping center developing and maintaining this roadway. Stephen Crawford, representing the developer, addressed Council in support of the request and acknowledged his client's understanding and acceptance of the construction and maintenance of the roadway. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:34 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3840 on Second Reading seconded by Mr. Wood and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 5-b. PUBLIC HEARING and Second Reading of ordinance. Change of Text Petition No. 81-4 Petitioner: City of Naples An amendment to Appendix "A" -Zoning of the Code of Ordinances of the City of Naples; amending Section 6 Supplementary District Regulations relative to "For Sale", "For Lease", "For Rent" and "Open House" signs. An ordinance amending Subsection 22(D)(9) and repealing Subsection 22(J)(6) of Section 6, Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples relating to signs; and providing an effective date. Purpose: To permit one on-site "Open House" sign in addition to one "For Sale", "For Lease" or "For Rent" sign on each parcel of property; and providing that such signs may mention only the name, address and telephone number of the property owner or a real estate broker or business firm licensed to sell real estate.

Mayor Anderson opened the Public Hearing at 9:35 a.m.; whereupon Acting City Manager Frank Jones read the above referenced ordinance by title for Council's consideration on Second Reading. Jack Conroy, president of the Naples Board of Realtors and George Patt, executive vice-president of the Board, spoke in support of this amendment. Earle V. Johnson and Dennis Lynch spoke as members of the Planning Advisory Board in support of leaving the existing ordinance on the books unchanged; and Charles Andrews and Gilbert Weil, citizens, spoke against the proposed ordinance, noting their belief that the use of names on signs would lead to a proliferation of signs and would detract from the esthetic appearance of Naples. These comments lead to a lengthy discussion. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:41 a.m.; whereupon Mr. Wood moved adoption of Ordinance 3841 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes. Mayor Anderson cautioned Mr. Conroy, as president of the Board of Realtors, against a proliferation of signs as a result of this amendment.

\*\*\*

\*\*\*

\*\*\*

Let the record show that Mayor Anderson recessed the meeting at 10:45 a.m. and reconvened it at 10:58 a.m. with the same members of Council present.

\*\*\*

\*\*\*

\*\*\*

AGENDA ITEM 6. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 6-a. An ordinance relating to the pension and retirement system for police officers of the City of Naples, amending Article V of Section 18 of the Code of Ordinances; and providing an effective date. Purpose: To change the vesting and eligibility requirements for retirement from ten years of credited service to five years.

Acting City Manager Frank Jones read the above titled ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 10:59 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 11:00 a.m. In response to questions from Mr. Rothchild, the Acting City Manager explained the advantages of this proposed ordinance. Mr. Schroeder moved adoption of Ordinance 3842 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 6-b. An ordinance relating to the pension and retirement system for firemen of the City of Naples, amending Article IV of Section 18 of the Code of Ordinances; and providing an effective date. Purpose: To change the vesting and eligibility requirements for retirement from ten years of credited service to five years.

Acting City Manager Frank Jones read the above captioned ordinance by title for Council's consideration on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 11:06 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 11:07 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3843 on Second Reading, seconded by Mr. Wood and carried on roll call vote. 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 6-c. An ordinance relating to the City of Naples pension and retirement system for general employees of the City, amending Article III of Section 18 of the Code of Ordinances; and providing an effective date. Purpose: To delete the minimum age requirement of 40 years for entitlement to a deferred pension; to amend the definition of the word "compensation" to exclude overtime pay; to provide for final average compensation to be computed on the basis of the employees' total compensation during the last 36 consecutive months of service rather than the last 60 months; and to change the vesting and eligibility requirements for retirement from ten years to five years.

Acting City Manager Frank Jones read the above referenced ordinance by title for consideration by Council on Second Reading and noted in response to an inquiry by Mayor Anderson, that a definition of "compensation" had been added in line with the amendment made by Council at First Reading. Mayor Anderson opened the Public Hearing at 11:09 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 11:10 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3844 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 7. Discussion/action on items to be submitted to Florida League of Cities and Collier County Legislative Delegation. Requested by City Manager.

Acting City Manager Frank Jones reviewed the information in his memorandum to Council dated September 10, 1981 (Attachment #1). Council members had no specific recommendations for proposed legislation and Mr. Jones noted he would report any developments that might occur.



AGENDA ITEM 8. Consideration of request for water main extension - Coconut Creek, Unit #3. Pursuant to residents' petition.

Acting City Manager Frank Jones read the below titled resolution by title for consideration by Council.

A RESOLUTION ORDERING A LOCAL IMPROVEMENT, TO-WIT: CONSTRUCTION OF A WATER MAIN AND EXTENSION OF THE CITY WATER SYSTEM TO PROVIDE WATER SERVICE ON LORRAINE AVENUE, HEREIN DESIGNATED AS "WATER SYSTEM IMPROVEMENT ASSESSMENT DISTRICT NO. 3"; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Alonzo Clardy, Doreen Vachon and Fred Maurer, residents of Lorraine Avenue spoke in support of the petition. Paul Mason, Sr., resident of Lorraine Avenue, addressed Council protesting an assessment on his six lots for water he did not really want. Mrs. Paul Mason spoke, noting that she realized they would in all likelihood have to pay the assessment, but would rather not. John Dante, resident of Kathy Avenue, noted the proximity of Kathy Avenue to Lorraine Avenue and suggested tying them both together for water service. The Acting City Manager noted that adoption of the above resolution would not hamper the inclusion of Kathy Ave. at a later date, because the boundaries of the water system improvement assessment district could be altered at the Public Hearing. He suggested that Mr. Dante contact the rest of the property owners on Kathy Avenue and bring in a petition requesting this service. Mr. Wood moved adoption of Resolution 3845, seconded by Mr. Schroeder and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute a quitclaim deed to Robert Crans for the east 16.67 feet of Lot 3, less the southerly 10 feet thereof, all in Block "D" Lakeview Terrace, recorded in Plat Book 2, page 90; and accepting a quitclaim deed from Robert Crans to the southerly 10 feet of Lots 1 and 2 and the southerly 10 ft. of the east 16.67 feet of Lot 3, Block "D" Lakeview Terrace. Requested by George Vega, Attorney for Robert Crans.

Acting City Manager Frank Jones read the below captioned resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A QUITCLAIM DEED TO ROBERT CRANS FOR THE EAST 16.67 FEET OF LOT 3, BLOCK "D", LAKEVIEW TERRACE; ACCEPTING A QUITCLAIM DEED FROM ROBERT CRANS FOR THE SOUTHERLY 15 FEET OF LOTS 1 AND 2 AND THE SOUTHERLY 15 FEET OF LOT 3, BLOCK "D" LAKEVIEW TERRACE; AND PROVIDING AN EFFECTIVE DATE.

Attorney George Vega addressed Council in support of this action, noting that it was a correction of an inadvertent error. Mr. Holland moved adoption of Resolution 3846, seconded by Mr. Schroeder and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 10. Discussion/action regarding City Manager appointment. Requested by Mayor Anderson

Mayor Anderson explained his reason for requesting this item on the Agenda by stating that if, at the end of 60 days, Council decided to go outside to solicit applications and possibly engage a professional firm, the recruitment might not be completed prior to the election. He felt that this Council, as constituted, would be better qualified due to their experience in office. Mr. Holland stated his feelings that he did not want to take any action to solicit on the outside until Council had interviewed and made a decision concerning the applicants in-house. He also did not want Council

to take action until all seven councilmen were present. Mr. Rothchild again made his recommendation of advertising in the Florida League of Cities Datagram and magazine and the magazine of the Interantional City Management Association. After a lengthy discussion, Mr. Schroeder moved that the Mayor be directed to solicit applications from outside City Hall in an appropriate manner, seconded by Mr. Rothchild and carried on roll call vote, 3-2; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, no; Mayor Anderson, yes.

AGENDA ITEM 11. Purchasing:

AGENDA ITEM 11-a. Landscaping of water plant - bid award.

Acting City Manager Frank Jones read the below referenced resolution by title for Council's consideration.

A RESOLUTION AWARDDING THE BID FOR THE INSTALLATION OF LANDSCAPING AT THE NEW WATER FACILITY ADDITIONS AT THE FLEISCHMANN BOULEVARD WATER TREATMENT PLANT; AUTHORIZING THE ACTING CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3847, seconded by Mr. Wood and carried on roll call vote, 5-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

\*\*\*

\*\*\*

\*\*\*

Let the record show that Mr. Rothchild left the Council Chambers at 12:26 p.m.

\*\*\*

\*\*\*

\*\*\*

AGENDA ITEM 11-b. A/C - heating annual maintenance contract award.

Acting City Manager Frank Jones read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDDING THE BID FOR THE CITY'S ANNUAL AIR CONDITIONING/HEATING MAINTENANCE SERVICES; AUTHORIZING THE ACTING CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3848, seconded by Mr. Wood and carried on roll call vote, 4-0; Mr. Holland, yes; Mr. Rothchild, absent; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 11-c. Painting/renovations, fire station #1 - bid award,

Acting City Manager Frank Jones read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDDING BID FOR PAINTING AND RENOVATIONS TO FIRE STATION #1; AUTHORIZING THE ACTING CITY MANAGER TO TRANSFER THE ADDITIONAL FUNDS REQUIRED THEREFOR FROM THE CAPITAL IMPROVEMENT RESERVE FUND AND TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson ascertained from the Acting City Manager that the bid had been confirmed. Mr. Schroeder moved adoption of Resolution 3849, seconded by Mr. Wood and carried on roll call vote, 4-0; Mr. Holland, yes; Mr. Rothchild, absent; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Twerdahl, absent; Mr. Wood, yes; Mayor Anderson, yes.







# City of Naples

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
 FROM: FRANKLIN C. JONES, ACTING CITY MANAGER  
 SUBJECT: 1982 LEGISLATIVE SESSION  
 DATE: SEPTEMBER 10, 1981

---

The next session of the Florida Legislature begins on January 18, 1982. Our two most effective means of proposing state legislation are through the Florida League of Cities and our local legislative delegation. Both of these groups are now asking for input from local governments. For this reason we have placed a discussion/action item on the September 16, agenda.

Florida League of Cities: At the League's October 22, convention resolutions will be considered for use in establishing their legislative policy statement. I expect to hear from Ray Sittig on Monday as to the basic outline of this year's statement and will report to Council on the 16th. If there are any additional areas of concern not contained in their outline, we can notify the League.

Local Legislative Delegation: Our local legislative delegation will hold a public hearing on October 30, to consider requests for the introduction of local bills. These pieces of legislation are those which have impact only on a specific local jurisdiction. The most recent bill which we requested was the abolishment of the Fifth Avenue Parking District and Parking Authority. At this point the City staff has no items which would require legislative action under a local bill. If the Council cares to propose any at the meeting on the 16th, the item would then be drafted in bill form and submitted for inclusion on the delegation's agenda.

Sincerely,

Franklin C. Jones  
 Acting City Manager

FCJ/tan