

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, DECEMBER 16, 1981, AT 9:05 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 C. Jones, City Manager
David W. Rynders, City Attorney
Roger Barry, Community Development
Director
William Savidge, Public Works Director
Stewart Unangst, Purchasing Agent

John McCord, City Engineer
Reid Silverboard, Chief Planner
Mark Wiltsie, Assistant to the
City Manager
Randy Davis, Parks & Recreation
Director

Rabbi Shusterman
Sherrill Woods
David Pfaff
Charles Andrews
Arndt Mueller
Tom Marshall
Mrs. Lindabury
Michael Baviello, Jr.
Mark Weakley
Fred Yoder
John Cashman
Daniel Peck
Carl Westman
John McGregor
Allan McPeak
Joel Metts
Michael Volpe
Arthur Nelson
Herb Smith
Dennis Lynch
Richard Hechler

Arnold Lamm
Sam Aronoff
Stan Billick
Robert Blascoe
Chuck Mohlkee
William Shearston
Emilio Galagarza
Gilbert Weil
Harry Bedinghaus
Ron Hogue
Joanne Smallwood
Charles Long
James Fahey
James McGrath
Al Kubacki
James Hirst
Winston Carlee
Hal DeBoer
Arthur Kreiger
Ed Ranney
Hubert Howard

News Media: Dory Owen, Miami Herald
Lynn Levine, TV-9
Kathy McClintock, WINK-TV
Ned Warner, TV-9
James Moses, Naples Daily News

Dennis Oberstar, TV-9
Jerry Pugh, TV-9
Susan Gardner, TV-9
Susan Ornstein, News Press
Tom Lowe, WBBH-TV

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Rabbi Abraham Shusterman of the Temple Shalom delivered the Invocation followed by the Pledge of Allegiance to the Flag.

Mayor Anderson noted the presence of representatives from the First National Bank who had come to make a presentation to Council. Bank President Sherrill Woods noted the presentation of specially numbered and autographed editions of a book entitled "The History of Collier County", signifying the bank's 25th anniversary, made to each Councilman and he formally made a presentation of one to the Mayor.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson noted the minutes of the Workshop Meeting of December 1, 1981, and it was the consensus of Council to approve these minutes as presented. He then called to the attention of Council the minutes of the Regular Meeting of December 2, 1981, and it was the consensus of Council to approve these minutes as submitted.

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

AGENDA ITEM 4-a. Naples Planning Advisory Board Recommendation to deny:

Special Exception Petition No. 81-S13 Petitioner: Lee Light, M.D. Location: 850 Central Avenue

Request to approve six (6) off-site parking spaces to be located at the Mobile Oil Service Station at the northwest corner of U.S. 41 and Central Avenue; in order to meet the parking required for the 850 Central Avenue Building. Continued from Regular Council meeting of November 18, 1981. (Petitioner has requested continuance of this item to Regular Council meeting of January 20, 1981.)

Mayor Anderson noted petitioner's request for a continuance of this item; whereupon Mr. Thornton moved to continue the item until January 20, 1982, seconded by Mr. Holland. Mayor Anderson asked if there was anyone who had come to speak to this matter. Since there were none and there were no objections to continuing it, the Mayor noted it would be continued to January 20, 1982 by consensus of Council.

AGENDA ITEM 4-b. PUBLIC HEARING and Naples Planning Advisory Board recommendation to deny: Rezoning Petition No. 81-R6 Petitioner: Emcor, Inc.; Weakley and Shurtz; AKA Trails End Motel Location: 309 Ninth Street South

Request to vacate the north 150 feet of the easterly 15 foot wide alley located in Block 17, Tier 10, Plan of Naples; and request for a Change of Zone from "C3", Heavy Business, to "C2", General Commercial; in order to accommodate a proposed expansion of the Trails End Motel.

An ordinance rezoning the easterly 263.5 feet of the existing Trails End Motel facility located at 309 Ninth Street South, more particularly described herein, from "C3", Heavy Business, to "C2", General Commercial; directing that the Zoning Atlas of the City be amended to reflect said rezoning; and providing an effective date. Purpose: To rezone said property at the request of the owner to allow expansion of the existing motel facility.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mayor Anderson reviewed the material in a memo from Roger Barry, Community Development Director, dated December 9, 1981 (Attachment #1). In response to an invitation to speak, the petitioner, Mark Weakley, presented himself to Council to review his request. Mrs. Lindabury, Michael Baviello, Jr. and Tom Marshall, adjoining property owners, expressed their opposition to the proposed alley vacation and their opinions that there was a foreseeable use for the alley. Attorney Allan McPeak, representing the petitioner, and Joel Metts, Technical Consultant for the petitioner, spoke in support of the vacation. Mr. Wood suggested obtaining an independent opinion regarding the benefits or disadvantages of vacating the alley. Arnold Lamm, citizen, spoke in opposition to this vacation and vacations in general. After a lengthy discussion, it was the consensus of Council that they were not in favor of the vacation as requested. Let the record show that the petitioner withdrew his petition to rezone.

Let the record show that Mayor Anderson recessed the meeting at 10:35 a.m. and reconvened it at 10:50 a.m. with all Council members present.

AGENDA ITEM 4-c. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Easement Vacation Petition No. 81-A8 Petitioner: Bayside Villas Association, Harry Bedinghaus Location; 11th Avenue South on the north; 9th Street South on the east; Broad Avenue South on the south; 8th Street South on the west. Request to vacate a portion of a 20 foot wide utility easement located in Block 9, Tier 9, in exchange for an alternate easement; in order to facilitate the construction of a swimming pool at the Bayside Villa Condominium (under construction).

City Attorney Rynders noted that there was no resolution at this time inasmuch as it had been suggested that Council indicate a consensus to approve or disapprove as per memo from Roger Barry, Community Development Director, dated December 3, 1981 (Attachment #2). Mayor Anderson opened the Public Hearing at 10:51 a.m. The City Attorney further explained the reasons for not acting on this matter until after the completion of the construction of the new section of sewer line and petitioner's dedication of the alternate easement. Harry Bedinghaus, petitioner, addressed Council in support of his petition. There being no one else to speak for or against, the Mayor closed the Public Hearing at 11:05 a.m. Mayor Anderson determined that there were no objections from Councilmen to this request.

AGENDA ITEM 4-d. First Reading of an Ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 81-R10 Petitioner: Jane I. Hunt Location: Immediately north of Grand Central Station Shopping Center, south of Standard Oil Bulk-Storage facility, west of former Seaboard Coast Line Railroad right-of-way, and east of Naples Downtown Mini-Storage Warehouses. Request for a Change of Zone from "I", Industrial, to "PD", Planned Development, and designated for commercial and office uses; for a 1.25 acre parcel of land; in order to facilitate the renovating of warehouses for office and commercial uses.

An ordinance rezoning a parcel of land consisting of approximately 1.25 acres, located on the west side of Goodlette Road, immediately north of the Grand Central Station Shopping Center, more particularly described herein, from "I", Industrial, to "PD", Planned Development, designated for commercial and office uses; directing that the Zoning Atlas of the City be amended to reflect said rezoning; approving the development plan therefor; and providing an effective date. Purpose: To rezone said property at the request of the owner in order to facilitate the renovation of existing warehouse structures for commercial and office uses and to bring the zoning of said property into compliance with the City's Comprehensive Plan.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Attorney Ron Hogue, representing the petitioner, addressed Council in support of the rezoning. He noted a lease with Grand Central for improved ingress and egress for the parcel of land in question. Mr. Holland moved approval of this ordinance on First Reading, seconded by Mr. Thornton 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 4-e. Naples Planning Advisory Board recommendation to approve:
Special Exception Petition No. 81-S14 Petitioner: John F. Donahue Location: 3980
 Gordon Drive Request to construct a 5 foot high wood fence in a portion of a required
 front yard setback, where fences are usually limited to 3 feet in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A
 5 FOOT FENCE IN A PORTION OF THE REQUIRED FRONT YARD AT 3980 GORDON
 DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Joanne Smallwood, representing the petitioner and spoke in support of the petition.
Mr. Thornton moved adoption of Resolution 3900, 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.

AGENDA ITEM 4-f. Naples Planning Advisory Board recommendation to approve:
Special Exception Petition No. 81-S15 Petitioner: First Capital Companies Location:
 West side of 11th Street South, south of 6th Avenue South, north of vacated 7th Avenue
 South Request to use an existing off-site parking lot located within 600 feet of the
 Olde Marine Market Place (Tin City) for a portion of the required parking needed for
 the facility.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT THE OLDE MARINE MARKET
 PLACE TO USE AN EXISTING OFF-SITE PARKING LOT ON THE WEST SIDE OF 11TH STREET
 SOUTH, SOUTH OF 6TH AVENUE SOUTH AND NORTH OF 8TH AVENUE SOUTH; AND
 PROVIDING AN EFFECTIVE DATE.

Roger Barry, Community Development Director, answered questions from Council members
 about this lot. Mr. Thornton moved adoption of Resolution 3901, seconded by Mr. Schroeder.
 Mr. Rothchild noted the mixed vote of the Planning Advisory Board on this matter. Motion
 carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes;
 Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-g. Naples Planning Advisory Board recommendation to approve:
Variance Petition No. 81-V17 Petitioner: James Fahey Location: 3054 Gordon Drive
 Appeal from Section 5.2(F)(2) of the Zoning Ordinance which requires a 15 foot side yard
 setback for a 2-story structure in the "R1-15" district; in order to construct a second
 story addition to an existing non-conforming single-story structure having a side yard
 setback of 8 feet.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2(F)(2) OF
 APPENDIX "A", ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO
 PERMIT CONSTRUCTION OF A SECOND-STORY ADDITION TO AN EXISTING NONCONFORMING
 ONE-STORY RESIDENCE AT 3054 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN;
 AND PROVIDING AN EFFECTIVE DATE.

Mr. James Fahey, petitioner, spoke in support of his request. Attorney Daniel Peck,
 representing Mrs. Nelson, an adjoining neighbor, spoke in opposition to the petition,
 citing his opinion that it did not meet the criteria for a variance. John Cashman,
 a nearby resident, also spoke against the petition. Mr. Schroeder voiced his opinion
 that this action would be expanding a nonconformity. Mr. Twerdahl suggested postponing

action until petitioner could attempt to meet with his adjoining neighbor, Mrs. Nelson, to try to resolve her objections; but it was noted she was out of town. The City Attorney noted the Planning Advisory Board's recommendation to approve indicated their feeling that the criteria had been met and that it was within Council's discretion to accept that recommendation or not. Mr. Holland moved to adopt Resolution 3902, seconded by Mr. Thornton and carried on roll call vote, 5-2; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Twerdahl, no; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 5. Discussion/action regarding vacation of streets and alleys. Requested by the Naples Planning Advisory Board.

Mayor Anderson noted the memo from the Planning Advisory Board to the Mayor and Council (Attachment #3). He stated his feelings that Council had not been indiscriminate in their granting of vacations and that the added value concept was a good one. Mr. Rothchild began a statement concerning his opinion of the past vacations granted by Council.

*** *** ***
 Let the record show that Mayor Anderson left the Council table at 12:08 p.m.

*** *** ***
 Mr. Rothchild indicated his intention not to continue his statement until the Mayor returned. Mr. Holland requested Vice-Mayor Thornton to call a short break.

*** *** ***
 Let the record show that Vice-Mayor Thornton recessed the meeting at 12:10 p.m. and that Mayor Anderson reconvened the meeting at 12:20 p.m.

*** *** ***
 Mr. Rothchild continued his commentary, noting past City Attorney Fletcher's opinion that land to be vacated should be vacated free of charge to the adjoining property owners. He also asked by what authority the City charged the fees they had charged in the past. Dennis Lynch, Chairman of the Planning Advisory Board, addressed Council and explained that the memo had not been meant to reflect on past vacations, only to emphasize the decreasing open space in the City when Council is reviewing future applications for vacations. Mayor Anderson spoke in favor of the policy of the City receiving remuneration when they gave up something of value. In response to Mr. Rothchild's question, City Attorney Rynders noted that he and Attorney Fletcher had more than one opposing legal opinion. He further added that the City had any powers that were not expressly prohibited by general law. Mr. Holland expressed his feeling that Council had considered each vacation case by case. Mr. Twerdahl noted the Staff Recommendation in the memo from Roger Barry, Community Development Director, dated June 5, 1981 (Attachment #4) and suggested a possible change in the City ordinance. Mayor Anderson directed the City Manager to review the matter and make any recommendations he may have.

AGENDA ITEM 6. PUBLIC HEARING: Request to replace existing seawall within man made canal. Owner: Mel Berman Agent: James E. Hirst, P.E. Project Location: Lot 8, Unit 1, Oyster Bay, Plat Book 4, page 44, Collier County, 125 Blue Point Avenue.

Mayor Anderson opened the Public Hearing at 12:45 p.m.; whereupon Al Kubacki, owner of the property adjoining the petitioner's property, addressed Council and explained damages to his property and seawall that he believed were caused by the petitioner. It was pointed out to him that he was speaking of a civil matter and that he needed to seek redress somewhere other than from the Council. James Hirst, agent for the petitioner, addressed Council about the proposed work. After a lengthy discussion of the proposed

work and its effect on the wall of Mr. Kubacki, Mr. Schroeder moved that this item be continued to the first meeting in January. City Engineer John McCord, at Council's request, stated his finding that what will be done in the proposed work will cause no harm to the adjacent property. Mr. Schroeder withdrew his motion. There being no one else to speak for or against, the Mayor closed the Public Hearing at 1:10 p.m. City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING REPLACEMENT OF AN EXISTING SEAWALL WITHIN A MANMADE CANAL AT 125 BLUE POINT AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3903, 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.

AGENDA ITEM 7. Discussion/action regarding offer by owner of the vacant First Baptist Church building located on 7th Avenue South for the City's use/ownership. Requested by Mayor Anderson.

Mayor Anderson noted the offer of the building by the owner and various staff recommendations advising not to accept it. Winston Carlee, President of Belief, Inc., asked if the City would take the building and let his group use it for a year while they raised money to possibly buy the land. Hal DeBoer, citizen, asked Council to accept the building for one year and let his church use it while they tried to accumulate funds for a building of their own. Art Krieger spoke in support of accepting the church and moving it to Cambier Park for the Naples Players' use. Council advised these people to make their requests directly to Mr. Smathers. It was the consensus of Council that Mayor Anderson write to Mr. Smathers along the lines of thanking him for the offer but declining it.

AGENDA ITEM 8. Discussion/action on Metropolitan Planning Organization. Requested by Mayor Anderson.

Mayor Anderson noted the letter from the Chairman of the Collier County Commission dated December 14, 1981 (Attachment #5) noting their support for the proposed composition of the MPO; i.e. two from the City and two from the County with a fifth member to be the County Commissioner from the City. Mr. Thornton moved approval of this proposal, seconded by Mr. Twerdahl. City Attorney Rynders read the below revised resolution by title for Council's consideration, noting that he had changed the language in the proposed resolution to track the language used in the letter from Chairman Wimer.

A RESOLUTION CONCURRING IN THE PROPOSAL OF THE BOARD OF COUNTY COMMISSIONERS RELATIVE TO THE MEMBERSHIP OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE NAPLES URBAN AREA; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton then moved to adopt Resolution 3904 as amended, seconded again 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.

AGENDA ITEM 9. Discussion regarding use of wastewater effluent for golf course irrigation. Requested by Councilman Holland.

Mr. Holland made a statement in support of spray irrigation with no deep well injection and no more dumping in Naples Bay. He stated he had received the impression that all the recommendations had been for deep well injection. Mayor Anderson pointed out that Mr. Twerdahl had asked Mr. Smallwood, Consulting Engineer, to bring in a report on deep well injection specifically and that it had compared out as the most cost effective and that it was not necessarily Mr. Smallwood's only recommendation. Mr. Holland

indicated his desire to have possible users of the treated effluent canvassed for their input on spray irrigation and/or land spreading. He also asked for open meetings of the Utilities Coordinating Committee consisting of the City Manager, the Public Works Director, the Finance Director, the City Engineer and the representative from CH₂M Hill, for further discussion of the matter. City Manager Jones suggested that the Utilities Coordinating Committee hold one or more Public Hearings and supply Council members with minutes or reports of their other meetings, rather than have them all public. It was suggested that having all public meetings might inhibit some staff members from voicing innovative ideas. City Manager Jones said he would put a proposal in writing for Council's approval or disapproval.

AGENDA ITEM 10. A resolution approving the effort of the Florida League of Cities to secure property tax relief for the People of Florida and an alternate growing source of revenue for local governments through a 1¢ statewide increase in the sales tax and urging the Florida Legislature to enact legislation embodying the property tax relief and local government assistance program of the Florida League of Cities. Requested by City Manager.

City Attorney Rynders read the above titled resolution by title for consideration by Council. Mayor Anderson noted the memo from City Manager Jones dated December 11, 1981, (Attachment #6). After a brief discussion Mr. Wood moved adoption of Resolution 3905, 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 11. Resolution commending the Airport Authority for their outstanding service and dedication in making improvements at the airport. Requested by Councilman Holland.

City Attorney Rynders read the above captioned resolution by title for consideration by Council and noted that a revised copy of the resolution had been distributed to Council just before the meeting encompassing the inclusion of the date of the scheduled dedication of the new airport terminal and specifying "Aviation Day" in Naples on that date. Mr. Thornton moved adoption of Resolution 3906 as revised, 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 12. Acceptance of proposal for engineering services relative to design of an employee parking lot at Water Plant #2. Requested by City Manager

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

A RESOLUTION ACCEPTING THE PROPOSAL OF JAMES E. HIRST & ASSOCIATES, INC. TO PROVIDE CONSULTANT SERVICES RELATING TO THE DESIGN OF AN EMPLOYEE PARKING LOT AT WATER PLANT #2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson voiced his feeling that the proposal was for too much money. Mr. Schroeder noted that if the Engineering Department was too busy to do these things in-house, it might be necessary to add somebody to the Department. Mr. Thornton moved to adopt Resolution 3907, seconded by Mr. Wood. In response to an inquiry from Mr. Rothchild City Manager Jones explained that the design time of the Engineering Department had been entirely assigned to this year's Capital Improvement Program as approved by Council and the proposal had been confirmed with the City Engineer as being a reasonable price. After further discussion, motion carried on roll call vote, 4-3; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, no; Mayor Anderson, no.

AGENDA ITEM 13. Purchasing:

AGENDA ITEM 13-a. Bid Rejection and authorization to rebid - annual contract - concrete curb and gutter.

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

A RESOLUTION REJECTING THE BID RECEIVED FOR MACHINE PLACED CONCRETE CURBS AND GUTTERS; AUTHORIZING THE CITY MANAGER TO READVERTISE FOR BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3908, 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.

AGENDA ITEM 13-b. Bid Award - laboratory equipment - Wastewater Treatment Plant

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

A RESOLUTION AWARING BIDS FOR LABORATORY EQUIPMENT TO BE USED IN THE WASTEWATER PLANT LABORATORY; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3910, 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.

AGENDA ITEM 13-c. Bid Award - filter support gravel - Water Treatment Plant

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

A RESOLUTION AWARING THE BID FOR FILTER SUPPORT GRAVEL; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3909, 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.

CORRESPONDENCE AND COMMUNICATIONS

Mayor Anderson noted the invitation to the Naples Depot for the Third Annual Christmas Eve affair at 5:00 p.m.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 2:25 p.m.

R. B. Anderson
R. B. Anderson, Mayor

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council were approved On 01/06/82



City of Naples

--- MEMO ---

TO: City Council
FROM: Roger J. Barry
SUBJECT: Trails End Motel Petitions
DATE: December 9, 1981

There are four petitions pending approval relative to the Trails End Motel: Alley Vacation, Change of Zone, Special Exception, and Non-conformity Petitions. Two of these petitions are scheduled for Council consideration on Dec. 16, 1981; the Alley Vacation and the first reading of an Ordinance relative to the Change of Zone. The other petitions will be scheduled for a subsequent Council meeting if necessary.

If the Council concludes that the subject alley should be vacated, it should do so by consensus because the actual vacation should not take place until after a sewer easement has been dedicated and a new sewer line installed to the City's satisfaction.

If the Council concludes that the alley should not be vacated, the petitioner should have an opportunity to withdraw this petition, since the petitioner may not wish to have the property rezoned if the alley is not vacated; and if the Rezone petition were denied, the petitioner could not submit another Rezone petition for 12 months.

Mark Weakly
RJB:d
cc: Mark Weakly



City of Naples

--- MEMO ---

TO: City Council
FROM: Roger J. Barry
SUBJECT: Utility Easement Exchange - Vacation Petition No. 81-A8 - Harry Bedinghaus, Petitioner

Date: December 3, 1981

At their meeting on Dec. 3, 1981, the Planning Advisory Board held a public hearing on the above petition; and after considering the attached staff report and the testimony presented at the hearing, concluded that the request should be approved subject to the petitioner dedicating an alternate easement and constructing within the alternate easement a section of sewer line, based on Engineering Department approved plans. The vacation should not be made until after the new section of sewer line is constructed and accepted by the City and the alternate easement is dedicated to the City.

We suggest that City Council, by consensus, indicate whether or not they find the proposed exchange acceptable; and if so, we will schedule the final vacation action for a subsequent meeting, after the construction is satisfactorily completed.

Mark Weakly
RJB:d



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PLANNING

MEMORANDUM

ATTACHMENT #3

To: The Mayor and City Council
 FROM: Planning Advisory Board
 SUBJECT: Alley Vacations

During recent sessions of the Planning Advisory Board, there has been a significant increase in the number of petitions for the vacation of alleys and streets by developers and abutting owners. These requests for vacation of property held in public trust are of great concern to the PAB.

At our meeting on November 5, 1981, it was the consensus of the Board that they were against the vacation of alleys and streets as a general rule, but each petition should be treated individually on its relative merits strictly within the purview of the ordinance relating to the criteria of vacating alleys and streets; at the same time bearing in mind that the City's domain over alleys and streets is held in trust for the benefit of the community and its use thereof. The sale of City property, even for any compensation, may well be in direct conflict with the City's obligation to maintain a zealous regard for the benefit of the public in the possible future use of such property.

If the City is to be compensated upon the vacation of an alley or street, then the amount should be based upon the legally assessed value as prescribed by the County Tax Assessor, plus an additional increment for the added value which the land being purchased has to the developer by reason of its inclusion in the proposed improvement. No other method should be considered as a fair evaluation of the vacated property.

Dennis J. Lynch
 Dennis J. Lynch, Chairman

TO: Planning Advisory Board
 FROM: Roger J. Barry, Community Development Director
 SUBJECT: Alley Vacations
 DATE: June 5, 1981

The Board, at their June 4, 1981 meeting, asked staff to prepare a draft policy statement relative to alley vacations. The consensus of the Board seemed to be that they wished to minimize the number of vacation requests that are approved.

BACKGROUND

The procedure for the vacation and abandonment of street alleys, dedicated easements and subdivision plats is established in Sec. 20-54 of the Municipal Code (see attached). This section is not a part of the zoning ordinance, although subsection (d) requires the PAB to hold a public hearing and make a recommendation to the City Council.

The City Engineer accepts vacation petitions as the City Manager's designee; and after determining that the submitted information is complete and sufficient, forwards the petition to this office and we process the petition through the Board to the City Council.

The only written criteria that addresses whether or not a vacation petition should be approved, is stated in subsection (e) as follows:

"...the City Council may, by resolution, approve said vacation if it is determined that there is no present necessity or reasonably foreseeable necessity, for the retention of same; and that the right to convenient access of adjoining property owners will not be affected thereby."

The City Council uses this criteria and decides upon each petition on its own merits.

TO: PAB

In our opinion, the decision as to whether or not to grant a particular vacation petition is somewhat subjective and whatever policy may be adopted relative to such a decision-making process will depend largely on the philosophy and attitude of the present Council.

PPDS & CONS

Assuming the above criteria are met, the most frequently mentioned general reasons supporting the approval of a vacation request include the fact that the City will be relieved of paving and/or maintenance responsibilities, the vacated area will be added to the tax rolls, and the City will receive reasonable compensation for the area to be vacated.

The most frequently mentioned general objections to approving a vacation request include the opinion that all public rights-of-way should be retained indefinitely; that it is difficult, if not impossible to determine whether or not there will be a future need for an area proposed to be vacated; that the land owner requesting vacation stands to gain more in value than the City receives; and will also be able to construct a larger building, or build more units on the subject property if the vacation is approved.

STAFF RECOMMENDATION

We do not feel the same need to change the present criteria or process as the Board does, nor do we fully understand the nature of the policy the Board wishes to suggest to the Council. However, if the Board wishes to go on record as opposing vacations in general and to only recommend approval of such requests under very unique circumstances, we suggest that, in addition to the existing criteria, the Board suggest that vacation petitions only be approved if it can be shown by the petitioner that some public good will result from the vacation.

[Handwritten signature]
RJB:bdj

§ 20-54

NAPLES CODE

§ 20-60

Sec. 20-54. Procedure for vacation and abandonment of streets, alleys, dedicated easements and subdivision plats.

(a) Petitions to vacate, abandon, discontinue or close any public street, alleyway, dedicated easement or subdivision plat, either in whole or in part, may be initiated by the city council, the planning advisory board, city manager or by any person affected thereby.

(b) Such petitions shall be filed with the city manager, or his designee, and shall be accompanied by a legal description of the property or easement proposed to be vacated, certified by a qualified engineer. Petitions to vacate any plat, either in whole or in part, shall be accompanied by an attorney's opinion verifying that the person making application for said vacation owns the fee simple title to the whole or part of the tract covered by the plat sought to be vacated.

(c) A processing fee of one hundred dollars (\$100.00) plus advertising costs pertaining to such petitions shall be borne by petitioner.

(d) The planning advisory board shall hold a public hearing to consider such petitions, and as soon as practicable thereafter, the board shall submit its recommendation in writing to the city council, together with a copy of the minutes of the hearing. The city council shall hold a public hearing to consider said vacation, and shall publish notice thereof in a newspaper of general circulation in the City of Naples in not less than two (2) weekly issues of said paper.

(e) Following said public hearing, the city council may, by resolution, approve said vacation if it is determined that there is no present necessity, or reasonably foreseeable necessity, for the retention of same, and that the right to convenient access of adjoining property owners will not be affected thereby. (Ord. No. 2861, § 1, 1-4-78; Ord. No. 3194, § 1, 3-7-79)

Secs. 20-55—20-60. Reserved.
Supp. No. 51
152.22

Agenda Item # 8

ATTACHMENT #5 RECEIVED DEC 14 1981

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Board of County Commissioners Mgr.

COLLIER COUNTY COURTHOUSE COMPLEX Atty. Clerk

NAPLES, FLORIDA 33942



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WILLIAM J. REAGAN
CLERK

December 14, 1981

Hon. Roland Anderson
Mayor
City of Naples
735 8th Street S.
Naples, FL 33940

Subject: Proposed membership on Metropolitan Planning Organization

Dear Mayor Anderson:

At our regular meeting of December 8, I presented to the Board of County Commissioners the proposal which was developed at our meeting of December 7, regarding membership in the MPO as follows:

- The City council will appoint two members
- The County Commissioner will appoint two members
- The fifth member shall be the County Commissioner who resides within the City and whose district represents the City. This member, therefore, would be Commissioner Wenzel, District 4.

I am pleased to advise you that the Board of County Commissioners voted to support this proposal as an acceptable compromise for all parties involved.

I am advised that our Community Development Division is working on an inter-local agreement which would provide for this arrangement. This agreement can be completed and reviewed by the City Council and the County Board as soon as your Council has acted favorably on same.

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Hon. Roland Anderson -2- December 14, 1981

Thank you for your leadership and assistance in helping to work out what I believe to be a fair and reasonable solution to this important issue.

Cordially Yours,

Russ Wimer
C.R. "Russ" Wimer
Chairman

CWM/CWM/pd

cc: C. William Norman
Terry Virta
Cliff Barksdale



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: PROPERTY TAX RELIEF VIA 1¢ SALES TAX
FLORIDA LEAGUE OF CITIES PROPOSAL

DATE: DECEMBER 11, 1981

The Florida League of Cities Strike Force for Property Tax Relief has proposed that the revenues from a 1¢ state-wide increase in sales tax be distributed to cities and counties through the state revenue sharing trust fund and be used to reduce property or utility taxes. The League has asked us to adopt a resolution supporting that program. The attached resolution explains the general provisions of the proposal. Such a tax and distribution would have the following effect upon the City of Naples:

Our share of the additional sales tax when distributed through the revenue sharing formula would be approximately \$1,125,000. Seventy per cent (or \$787,500) of that would be used to reduce property taxes; the remaining \$337,500 would be general revenues to the City and could be used for any purpose.

There are several advantages to this program, one of which is the fact that approximately 30% of all sales tax is paid by non-Florida residents. This was the basis on which the League decided to propose that 30% of the revenue be used for general purposes.

In addition, because sales tax is collected on the basis of current prices for goods and services, it would provide cities a revenue source tied to the growth of the economy. Sales tax is also based more on the ability to pay because basic needs such as housing, food and medicines are not taxed.

The position that the League has taken is that the Legislature must find some method to provide property tax relief to Florida citizens or to support increases in property tax so that cities can continue to provide the necessary services. Our adoption of this resolution will indicate our support to our local legislative delegation of such a position.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
City Manager

FCJ/tan