

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, JANUARY 20, 1982, 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
John McCord, City Engineer
Reid Silverboard, Chief Planner

Roger Barry, Community Development
Director
Randy Davis, Parks & Recreation
Director

Arndt Mueller
Ed Kant
Charles Andrews
Dudley Goodlette
Bruce Kixmiller
Philip Sowersby
Mr. & Mrs. Lou Kibsgard
Eloise Stevens
Mary Springrose
Terry Dunlap
Ross Bartuccio, Jr.
Lew Parks
Chuck Mohlke
Mr. & Mrs. Sam Hazard
John Deans
Mr. & Mrs. Clarke Swanson
John Smith
Jane Byrd
Herb Smith
Mrs. E. S. McKinlay
Robert E. Lee Hall
Mary Brandt
Robert Russell
Joe Gaynor
Richard Hechler
Sam Aronoff

Gilbert Weil
Lyle Richardson
Glenn MacKay
Ruth Brashear
Jack Miller
Bruce Simpson
Ed Verdesca
Larry Dunstan
Otus Albright
Alice Bowling
John McGregor
Mr. & Mrs. Luis Frank
Robert Johnson
William Chambers
Lucy Zaugg
May Zaugg
Mr. & Mrs. Edmond Drayer
Mr. & Mrs. Julius Keil
Mr. & Mrs. Nelson Rose
Mr. & Mrs. Craig Kiser
Frank Keyes
Mary Pierson
Paul Lees
Mr. & Mrs. Robert Palmer

News Media: Dennis Oberstar, TV-9
Lynn Levine, TV-9
Jerry Pugh, TV-9
Phil Lengyl, WEVU-TV
James Moses, Naples Daily News
Susan Gardner, TV-9

Tish Gray, Naples Star
Dory Owen, Miami Herald
Steve Kaskovich, News Press
Brad Rittner, WBBH-TV
Steve Cole, WBBH-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Councilman Kenneth Wood delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Workshop Meeting held January 5, 1982; whereupon Mr. Schroeder moved approval of the minutes as presented, seconded by Mr. Wood and carried by consensus. Mayor Anderson then called Council's attention to the minutes of the Regular Meeting held on January 6, 1982; whereupon Mr. Schroeder moved approval of the minutes as presented, seconded by Mr. Twerdahl and carried by consensus of Council. Mayor Anderson finally called Council's attention to the minutes of the Special Meeting held on January 13, 1982; whereupon Mr. Schroeder moved approval of the minutes as presented, seconded by Mr. Twerdahl and carried by consensus of Council.

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

AGENDA ITEM 4-a. Petitioner: National Trust Company/Jack Conroy Location: Portions of former Seaboard Coast Line Railroad right-of-way lying between 1st Avenue South and 14th Avenue North.

(1) PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Street and Alley Vacation Petition No. 81-A9 Request to vacate unimproved platted streets and alleys lying in a portion of the former Seaboard Coast Line Railroad right-of-way between 5th Avenue North and 8th Avenue North.

(2) PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Preliminary Plat Plan No. 81-SD1 Request to approve a proposed Subdivision of approximately 8.33 acres of the former Seaboard Coast Line Railroad right-of-way lying north of 1st Avenue South and south of 5th Avenue North.

(3) PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Preliminary Plat Plan No. 81-SD2 Request to approve a proposed Subdivision of approximately 11 acres of the former Seaboard Coast Line Railroad right-of-way lying between 5th Avenue North and 8th Avenue North extended.

(4) PUBLIC HEARING and second reading of ordinance. Comprehensive Plan Amendment No. 81-CP3 Request to amend the City of Naples Comprehensive Plan to accommodate a proposed office development on a portion of the former Seaboard Coast Line Railroad right-of-way lying between 5th Avenue North and 6th Avenue North extended.

An ordinance amending the Future Land Use Element of the City's Comprehensive Plan to accommodate a proposed office and multi-family development on a portion of the former Seaboard Coast Line Railroad right-of-way lying north of 5th Avenue North and south of 6th Avenue North; and providing an effective date. Purpose: To amend the Future Land Use Element and Future Land Use Plan Map of the Comprehensive Plan to permit a proposed general office and multi-family development on the above-described property.

(5) PUBLIC HEARING and second reading of ordinance.

Rezone Petition No. 81-R11 Request for a Change of Zone from "C3", Heavy Business, and "R1-7.5", Single-family Residential, to "PD", Planned Development and designated for general office and Mutli-family Residential uses, for a portion of the former Seaboard Coast Line Railroad right-of-way lying between 5th Avenue North and 8th Avenue North extended.

128 An Ordinance rezoning property located north of 5th Avenue North and south of 8th Avenue North, being a portion of the former Seaboard Coast Line Railroad right-of-way, from "C3", Heavy Business and "R1-7.5", Single-family Residential, to "PD", Planned Development, designated for general office and Multi-family Residential uses; 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 in order to accommodate a proposed general office and Multi-family development.

Mayor Anderson noted that this was still a Public Hearing to consider the above titled ordinances and the below captioned resolutions.

A RESOLUTION RELATING TO THE VACATION OF CERTAIN UNIMPROVED PLATTED STREET AND ALLEY RIGHTS-OF-WAY LYING BETWEEN 5TH AVENUE NORTH AND 8TH AVENUE NORTH; PROVIDING THAT FINAL ACTION ON THE PETITION TO VACATE IS NOT APPROPRIATE AT THIS TIME AND THAT THE COUNCIL WILL APPROVE SAID PETITION AT SUCH TIME AS THE CONDITIONS HEREINAFTER REFERRED TO HAVE BEEN MET; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED SUBDIVISION CONSISTING OF APPROXIMATELY 8.33 ACRES, LOCATED BETWEEN 1ST AVENUE SOUTH AND 5TH AVENUE NORTH, BEING A PORTION OF THE FORMER SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY, SUBJECT TO THE CONDITIONS OUTLINED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED SUBDIVISION CONSISTING OF APPROXIMATELY 10.995 ACRES, LOCATED NORTH OF 5TH AVENUE SOUTH AND SOUTH OF 8TH AVENUE NORTH, BEING A PORTION OF THE FORMER SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

There being no one to speak for or against, the Mayor noted the request of the petitioner (Attachment #1) for a continuance and he continued the Public Hearing on all items until February 3, 1982 with approval by consensus of Council.

AGENDA ITEM 4-b. First Reading of and Ordinance, and Naples Planning Advisory Board recommendation to approve: Amendment to a Previously Approved Development Plan No. 82-R1; Petitioner: United Church of Christ Location: 5200 Crayton Road Request to Amend a Previously Approved Development Plan from "PD", Planned Development and designated for "Church Site", to "PD", Planned Development and designated for "Church and School Site"; in order to permit the establishment of a private school at the Naples United Church of Christ facility.

An ordinance amending the previously approved Park Shore Development Plan to permit the Community School of Naples, Inc. to use the existing United Church of Christ classrooms and certain office space located at 5200 Crayton Road, subject to the conditions set forth herein; and providing an effective date. Purpose: To permit a church and school use on a site specifically designated for church use.

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. Mayor Anderson noted the information in the packet and the recommendation of the Planning Advisory Board to approve this ordinance. Clarke Swanson, petitioner, presented himself to Council to answer questions. Mary Brandt, local resident, questioned the amount of traffic that would be generated by students arriving and leaving the school. John McCord, City Engineer, stated his opinion that he expected much of the transportation to be in the form of car-pooling and he did not foresee a significant impact on the traffic. Mr. Schroeder asked Mr. McCord for any records he may have of the traffic volume in that area for the morning and afternoon hours that the children would be arriving at the school or leaving. Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Rothchild 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-c. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Alley Vacation Petition No. 82-A1 Petitioner: James and Estella Walsh
 Location: Block bounded by 9th Street North on the west; 8th Avenue North on the north; 10th Street North on the east; and 7th Avenue North on the south. Request to vacate a 20 foot portion of an east/west alley in Block 29, Tier 10, Plan of Naples; in order to correct an error in a legal description of a prior Vacation which occurred in 1958.

Mayor Anderson opened the Public Hearing at 9:29 a.m.; whereupon City Attorney Rynders read the below titled resolution for consideration by Council.

A RESOLUTION VACATING AND ABANDONING A PORTION OF AN EAST/WEST ALLEY LOCATED IN BLOCK 29, TIER 10, NORTHEAST OF 9TH STREET AND 7TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Attorney Dudley Goodlette, representing the petitioner, noted his presence in case there were any questions. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:30 a.m.; whereupon Mr. Thornton moved to adopt Resolution 3924, 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 4-d. Petitioner: Grand Central Station Shopping Plaza
 Location: Grand Central Station Shopping Plaza, northwest corner of U.S. 41 and Goodlette Road.

(1) Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S2 Request to permit "Dancing and Staged Entertainment" in conjunction with the operation of a restaurant, in Suite #611 at the Grand Central Station Shopping Plaza.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT DANCING AND STAGED ENTERTAINMENT IN SUITE NO. 611 OF THE GRAND CENTRAL STATION SHOPPING PLAZA, LOCATED AT THE NORTHWEST CORNER OF ROUTE 41 AND GOODLETTE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Joseph Gaynor, representing the petitioner, presented himself to Council to answer their questions. Mr. Rothchild noted his opinion that passage of any of these four items might be contingent upon the discussion of all of them together. It was the consensus of Council to discuss the above captioned resolution and the below referenced resolutions together.

(2) Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S3. Request to permit "Dancing and Staged Entertainment" in conjunction with the operation of a restaurant, in Suite #1200 of the Grand Central Station Shopping Plaza.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT DANCING AND STAGED ENTERTAINMENT IN SUITE NO. 1200 OF THE GRAND CENTRAL STATION SHOPPING PLAZA, LOCATED AT THE NORTHWEST CORNER OF ROUTE 41 AND GOODLETTE ROAD; AND PROVIDING AN EFFECTIVE DATE.

(3) Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S4. Request to permit an "Amusement Parlor having Coin-operated Amusement Games", at Suite #501 of the Grand Central Station Shopping Plaza.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A COIN-OPERATED AMUSEMENT PARLOR IN SUITE #501 OF THE GRAND CENTRAL STATION SHOPPING PLAZA, SUBJECT TO THE LIMITATION PROVIDED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(4) Naples Planning Advisory Board recommendation to approve; Variance Petition No. 82-V4 Appeal from Section 6.29(B) of the Zoning Ordinance which requires that no certificate of occupancy shall be issued to any applicant for consumption or sale of liquor, either on or off the premises, if the place of business of such applicant is situated less than 500 feet from an established licensee; in order to permit a retail package liquor store and lounge in Suite #401 of the Grand Central Shopping Plaza, and which is less than 500 feet from an established licensee.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.29(b) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES TO PERMIT THE ESTABLISHMENT OF A PACKAGE STORE/LOUNGE IN THE GRAND CENTRAL SHOPPING PLAZA WITHIN 210 FEET OF A RESTAURANT WHICH WILL SELL ALCOHOLIC BEVERAGES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild noted his opinion that these items should have been discussed at the same time the Planned Development was first discussed and that better planning would have precluded the need for special exception and variance petitions. Mr. Schroeder also noted his feeling that the petitioner could have complied with the ordinance rather than ask for these special exceptions and the variance. He indicated that he did not feel the criteria for the special exceptions and variance had been met. Roger Barry, Community Development Director, noted that the staff reports and the Planning Advisory Board's recommendations indicated that the staff and the Planning Advisory Board had apparently felt that the criteria had been met. Mr. Holland stated that he couldn't understand the developer submitting the petitions rather than the tenants. City Attorney Rynders noted that these special exceptions and the variance would run with the property and not with the tenant. Mr. Gaynor spoke in support of the variance by stating his opinion that the ordinance had been written without taking a shopping center or Planned Development into consideration. Roger Barry added that staff had felt that the existing ordinance did not take Planned Developments into consideration. City Attorney Rynders noted that granting the variance for the package store could set a precedent for granting other variances for other package stores under similar circumstances. Mayor Anderson suggested considering the first three and discussing the fourth request (the variance) separately. He noted the one year review condition in the special exception request for the amusement parlor to which Mr. Gaynor responded that they had no objection to that. In response to Mr. Holland's repeated questions about who would be operating the restaurants for which the special exceptions were being requested, lessee George Kanelopoulos, presently operating The Village Hero and Bakery, addressed Council about his prospective place of business. He also noted that Mike Kokkinos, present owner of Cafe Europa, would be the other principal in this business. Ruth Brashear, citizen, speaking as a representative of the group who preserved The Depot, spoke in support of Council's maintaining the standards of any development near The Depot. Mayor Anderson suggested a provision be put in the first two special exceptions similar to the one in the third one allowing for the permit to be granted for 12 months and to be reconsidered at that time. Mayor Anderson moved adoption of Resolution 3925 as amended to include the 12 month review, Resolution 3926, as amended to include the 12 month review and Resolution 3927, seconded by Mr. Twerdahl. John A. Smith, citizen, addressed Council, noting that he was not John D. Smith who is associated with Coastland Mall. He further noted his opposition to all the petitions. City Attorney Rynders read the three above titled special exception resolutions by title for Council's continued consideration. He further noted that at the review after the 12 months, the Council would have to find there was a negative impact on the community in some reasonable way before it could decide to revoke the permission for the special exceptions. Motion carried on roll call vote, 4-3; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, no; Mayor Anderson, yes.

City Attorney Rynders read the above titled resolution concerning the request for a variance (4-d(4)) for Council's consideration. Mr. Thornton moved adoption of this resolution, seconded by Mr. Schroeder and failed on roll call vote, 0-7; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, no; Mr. Thornton, no; Mr. Twerdahl, no; Mr. Wood, no; Mayor Anderson, no.

Let the record show that Mayor Anderson recessed the meeting at 10:54 a.m. and reconvened it at 11:01 a.m. with Mr. Holland and Mr. Rotchild still away from the Council table.

AGENDA ITEM 4-e. Naples Planning and Advisory Board recommendation to approve: Special Exception Petition No. 82-S1 Petitioner: William E. Thorne III
Location: 2505 10th Street North Request to permit a 6 foot high wood fence in a portion of the required rear yard area where fences are normally limited to 5 feet in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A 6 FOOT HIGH FENCE IN A REAR YARD SETBACK AREA AT 2505 10TH STREET NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3928, seconded by Mr. Wood and carried on roll call vote, 5-0; Mr. Holland, absent; Mr. Rothchild, absent; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

Let the record show that Mr. Rothchild returned to the Council table at 11:03 a.m. during the voting and noted his feeling that Council "defer any further action until I am informed as to what took place".

AGENDA ITEM 4-f. Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S5 Petitioner: Mr. and Mrs. George A. Ott
Location: 20 8th Avenue South Request to construct a 5 foot high wood fence in a portion of the required front yard setback area where fences are normally limited to 3 feet in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A 5 FOOT HIGH FENCE IN A FRONT YARD SETBACK AREA AT 20 8TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Let the record show the Mr. Holland returned to the Council table at 11:04 a.m.

Mr. Thornton moved adoption of Resolution 3929, 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-g. Naples Planning Advisory Board recommendation to approve: Special Exception No. 82-S6 Petitioner: Barnett Bank Trust Company, as Trustee under Land Trust No. 36-8992 Location: Southeast corner of West Lake Drive and Fifth Avenue South Request to use a proposed off-site parking lot located within 600 feet of a proposed commercial development, to meet a portion of the required parking needed for the proposed commercial development.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT BARNETT BANK TRUST COMPANY TO UTILIZE OFF-SITE PARKING AT THE SOUTHEAST CORNER OF 5TH AVENUE SOUTH AND WEST LAKE DRIVE, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3930, seconded by Mr. Twerdahl. City Attorney Rynders noted that the bank had delivered to him the appropriate recordable Declaration of Restrictions. Motion carried 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-h. Naples Planning Advisory Board recommendation to approve: Variance Petition No. 82-V1 Petitioner: James C. Burritt Location: 3868 Crayton Road Appeal from Section 5.3(F)(3) of the Zoning Ordinance which requires a rear yard setback of 25 feet; in order to facilitate the construction of an addition to a single-family residence which will encroach to within 20 feet of the rear property line.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.3(F)(3) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES, TO PERMIT CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT 3868 CRAYTON ROAD; WHICH WILL ENCROACH TO WITHIN 20 FEET OF THE REAR PROPERTY LINE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3931, 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 4-i. Naples Planning Advisory Board recommendation to approve: Variance Petition No. 82-V2 Petitioner: Ross Bartuccio, Jr. Location: 626 Fountainhead Way Appeal from Section 6.35(A)(1) of the Zoning Ordinance which permit screen-enclosed swimming pools to encroach to within 15 feet of a rear property line; in order to permit construction of a screen enclosure for an existing non-conforming swimming pool which encroaches to within 10 feet of the rear property line.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.35(A)(1) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES, TO PERMIT ENCROACHMENT OF A SCREEN-ENCLOSURE FOR AN EXISTING NONCONFORMING SWIMMING POOL AT 626 FOUNTAINHEAD WAY TO WITHIN 10 FEET OF THE REAR PROPERTY LINE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3932, 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-j. Naples Planning Advisory Board recommendation to approve: Variance Petition No. 82-V3 Petitioner: Bruce L. and Madeleine H. Simpson Location: 2675 Treasure Lane Appeal from Section 5.2(F)(2) of the Zoning Ordinance which requires a 15 foot side yard setback for a two-story structure in the "R1-15", Single-family residential district; in order to convert a portion of the attic space of a single-family residence which has a side yard setback of 12.66 feet, into second-story habitable floor area.

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, TO PERMIT ATTIC SPACE IN AN EXISTING ONE-STORY RESIDENCE AT 2675 TREASURE LANE TO BE CONVERTED INTO A SECOND-STORY HABITABLE AREA, WITH A SIDE YARD SETBACK OF 12.66 FEET; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3933, 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.

Mr. Rothchild noted a political contribution by Mr. Simpson, petitioner, to one of the Councilmen and added his opinion that he would not have voted on the matter if he had received a similar donation. In response to an inquiry by Mayor Anderson, both Mr. Simpson and Mr. Twerdahl indicated their belief that there had been no conflict of interest.

AGENDA ITEM 4-k. Naples Planning Advisory Board recommendation to approve: Variance Petition No. 82-V5 Petitioner: Gerald Fineis Location: 19279 4th Street South Appeal from Section 5.3 (F)(2) of the Zoning Ordinance which requires a 10 foot side yard setback for a two-story structure in the "R1-10", Single-family residential district; in order to construct a second-story addition to an existing one-story structure having a side yard setback of 7.5 feet.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.3(F)(2) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES, TO PERMIT THE ADDITION OF A SECOND STORY TO AN EXISTING ONE-STORY RESIDENCE AT 1979 4TH STREET SOUTH, WITH A SIDE YARD SETBACK OF 7.5 FEET; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3934, seconded by Mr. Twerdahl. Mr. Schroeder noted he had not changed his mind about compounding or creating a nonconformity. 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.

AGENDA ITEM 4-l. 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 Mobil 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 December 16, 1981. (Petitioner has requested continuance of this item to Regular Council meeting of February 3, 1982.)

City Attorney Rynders noted petitioner's request to have this item continued (Attachment #2). Mr. Thornton moved to continue this matter to the February 3rd Council Meeting, seconded by Mr. Twerdahl and carried by consensus of Council.

AGENDA ITEM 9. Request to rescind resolution which designated oak tree at 2535 Tenth Street North as a "Specimen Tree" and that the tree be removed. Requested by Mr. & Mrs. Luis Frank.

Mayor Anderson called Council's attention to the request of Mr. & Mrs. Luis Frank. Mr. Frank addressed Council supporting his request. Mr. Rothchild called Council's attention to memoranda from Terry Fedelem, Parkways & Services Superintendent, (Attachment #3) to Roger Barry, Community Development Director. Raymond Link, biologist and local resident, and Otus Albright, citizen, spoke against the request and in support of preserving the tree. Arndt Mueller, president of the local Audobon Society, read a letter from the Society into the record (Attachment #4). Mr. Thornton moved to deny the request to remove the tree, seconded by Mr. Rothchild 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.

It was the consensus of Council to continue on to Agenda Item 10 in view of the people present who had waited to speak on this issue.

AGENDA ITEM 10. Discussion/action regarding parking meters along Fifth Avenue South. Requested by Fifth Avenue South Business Association.

Larry Dunstan, president of the Fifth Avenue South Downtown Business Association, addressed Council and noted that a petition had been presented to the City and that their request was outlined in his letter dated November 19, 1981 (Attachment #5). He further noted City Manager Jones' response (Attachment #6) and stated that he did not agree with the figures as interpreted in that letter. The City Manager reiterated the objections he had put forth in his letter. Ed Verdesca, owner of a business on Fifth Avenue, also spoke in support of the removal of the meters. Mayor Anderson suggested sending the matter back to City Manager Jones to see if something "in between could be worked out". After further discussion Mr. Thornton moved to refer it back to the City Manager and have the Fifth Avenue Association and the City Manager get together and come to Council when they had some program worked out, seconded by Mr. Twerdahl. Mr. Holland was of the opinion that Council should act on the matter now and suggested doing without the meters for a one year trial period. Mr. Rothchild felt there should be a time limit on when the matter should come back before Council. Richard Hechler, citizen, noted that the meters were a nuisance to him as a customer as pointed out by the Fifth Avenue Association. Motion carried on roll call vote, 4-3; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, no; Mayor Anderson, yes.

Let the record show that Mayor Anderson recessed the meeting for a lunch break at 12:39 p.m. and reconvened it at 2:16 p.m. with all Council members present except Mr. Holland. It was the consensus of Councilmen present to take up Agenda Item 12 at this time.

AGENDA ITEM 12. Discussion/action regarding continuation of negotiations with Handicapped In Action relative to settlement of complaint at issue in recent law suit, filed by that group. Requested N. P. Rose, Handicapped In Action.

Mayor Anderson noted the presence of many members of Handicapped In Action. Mr. Nelson Rose, president, addressed Council outlining the background of this problem and noted their desire to resume negotiations between their attorney and City Attorney Rynders relative to resolving the issue. It was the consensus of Council that the City Attorney resume these negotiations and try to resolve the problem.

AGENDA ITEM 11. Permit to distribute commercial handbills under Chapter 2, Article II, Code of Ordinances of the City of Naples. Requested by Thomas Poelker, Manager, Interval Promotions, Inc., Ft. Myers, for Lynn Kaiser.

City Manager Jones noted a request similar to the one made by Thomas Poelker at the January 6, 1982 meeting. Mr. Schroeder moved to approve the permit to expire the same day as Thomas Poelker's permit, seconded by Mr. Twerdahl and carried on roll call vote, 5-0; Mr. Holland, absent; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, absent; Mayor Anderson, yes.

Me. Rothchild asked City Attorney Rynders to give him a copy of the pages he had referred to and read into the record during Agenda Items 7 and 8.

AGENDA ITEM 13. Discussion regarding amendment of Section 11 of the City's Zoning Ordinance to require an affirmative vote of five members of the City Council for adoption of ordinances rezoning property or amending the Comprehensive Plan and request for Planning Advisory Board to process petition for such amendment. Requested by Councilmen Schroeder and Twerdahl.

At Mayor Anderson's request, Mr. Twerdahl explained why he had asked that this be on the Agenda.

Let the record show that Mr. Wood returned to the Council Chambers at 4:05 p.m.

Mr. Twerdahl noted his opinion that this matter should be referred to the Planning Advisory Board for their study and recommendations. Mr. Schroeder noted that he had come to a similar conclusion because the Collier County Commission had been working with a like problem and had also asked for it to be on the Agenda. Mr. Rothchild questioned the timing and the motives behind these requests. Mr. Thornton moved to turn it over to the Planning Advisory Board for their consideration and any action that they wish to make, seconded by Mr. Twerdahl. Mr. Rothchild stated his interpretation of the Agenda Item was that Council could not take action to which City Attorney Rynders replied that the Council could direct that the matter be referred to the Planning Advisory Board. Motion carried on roll call vote, 5-1; Mr. Holland, absent; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Richard Hechler, citizen, wondered if developers would attempt to obtain some sort of rezoning before the suggested amendment could be accomplished to which the City Attorney responded that petitions by developers made in the interim could be postponed until any action is decided.

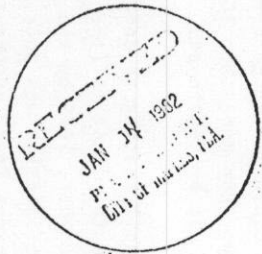
AGENDA ITEM 14. Discussion/action regarding pending state legislation (HB-109, SB-153) providing for non-criminal "inspection warrants" for building code enforcement. Requested by City Attorney.

City Attorney Rynders noted his memorandum dated January 15, 1982 (Attachment #9). It was the unanimous consensus of Council that Mayor Anderson write a letter in support of these proposed bills (HB 109 and SB 153).

ATTACHMENT #2

LAW OFFICES
MONACO, CARDILLO, KEITH & VOLPE
A PROFESSIONAL ASSOCIATION

5550 SOUTH TAMiami TRAIL
NAPLES, FLORIDA 33945-4099
TELEPHONE (813) 774-3229



DANIEL R. MONACO
JOHN P. CARDILLO
WILLIAM D. KEITH
MICHAEL J. VOLPE

January 13, 1982

Mr. Reid Silverboard
Planning and Zoning Department
City of Naples
735 8th Street South
Naples, Florida 33940

Re: Lee M. Light - Application
850 Central Avenue Building

Dear Reid:

Further our conversation of this morning, please be advised that we wish for the City Council to continue the hearing on Dr. Light's application for special exception until the February 3, 1982 City Council meeting.

As I explained, Dr. Lights request to Mobil Oil for the approval of the proposed lease of the six offset parking places at Frank's Mobil has been forwarded by the Mobil office in Fort Lauderdale to the office of its legal counsel which is located in Valley Forge, Pennsylvania. At the time that the proposed lease was forwarded to Pennsylvania we were informed that it may take as long as four weeks to obtain an answer from Mobil's legal counsel.

We appreciate the City Council's continued indulgence.

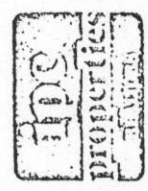
Very truly yours,

MONACO, CARDILLO, KEITH & VOLPE, P.A.
Michael J. Volpe

Michael J. Volpe
MJV:gd

cc: Dr. Light

ATTACHMENT #1



investment properties corporation

specializing in investment real estate

January 14, 1982

Mr. Roger Barry
Director - Community Development
County Government - Bldg. F
3301 Tamiami Trail East
Naples, FL 33942

Re: Seaboard Coastline Rezoning
Preliminary Platting

Dear Mr. Barry:

The City Council suggests the continuation of the petitions for Platting and comprehensive plan changes to January 20, 1982. As I described shortly after the Council made this decision, I was unsure whether I could attend the meeting on January 20th due to previous plans to in Chicago during that week.

It has become impossible for me to change the plans for Chicago because of the multitude of other people who are depending upon me to be there; and, a hearing with City Council on such an important matter without my being present would be unthinkable.

I, therefore, respectfully request that the Seaboard Coastline matter be placed on the February 3rd Agenda in lieu of the Jan. 20th Agenda.

I also enclose a copy of the proposed revisions to the Agreement and the Declaration of Covenants about which we spoke last week. Our attorney has directed a copy of these documents directly to Mr. Rynders, but I submit these for your approval. I have also sent a copy of these proposed agreements to Mr. McCord for his information.

Thank you for your assistance in this matter.

Sincerely,
John T. Conroy, Jr.
John T. Conroy, Jr., CCIM

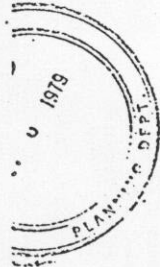
Enclosures
cc: Mr. McCord
Mayor Anderson
Mr. R. Silverboard
1391 Third Street South • Naples, Florida 33940 (813) 261-3400



City of Naples

755 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PUBLIC WORKS



ATTACHMENT #3

TO: ROGER BARRY, DIRECTOR OF COMMUNITY DEVELOPMENT

FROM: TERRY L. FEDELEM, PARKWAYS & SERVICES DIV. SUPT.

SUBJECT: OAK TREE ON 10TH STREET, N.

DATE: NOVEMBER 5, 1979

The live oak across the Street from 2530 10th Street, N. is on City right-of-way. The tree has a circumference of 6'10" measured at four feet above the ground. The age of the oak is in excess of one hundred years. The local forest ranger will assist in finding a more accurate age.

The oak tree is practically centered in front of the undeveloped lot. There should be no interference of driveways if a home is constructed on the vacant lot.

The tree is very stately and adds character to the street. I agree that this is a good example of a "specimen" tree and support the idea of proclaiming it a protected tree.

Terry L. Fedelem
TERRY L. FEDELEM

TLF/nlf

ATTACHMENT #4

Collier County
AUDUBON
Society



20 January 1982

City of Naples City Council
Naples, Florida

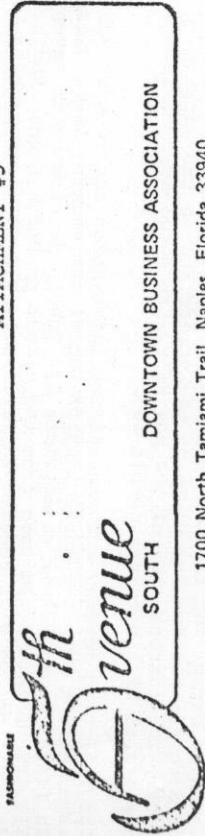
Dear Councilmen:

The Collier County Audubon Society urges the Naples City Council not to rescind the City's resolution which protects the noble rare oak located at 2535 Tenth St. North. This tree is a living historical monument of the environmental beauty and conservation concerns of all the citizens of Naples and Collier County. For more than 100 years this splendid tree has existed. It must not be destroyed.

The oak tree can not attend the Council meeting to defend itself. If it were we are sure it would state the fact that it (the tree) had been designated a "Specimen Tree " in December, 1979 by the State of Florida, Department of Forestry and the designation was approved by the City Council. The tree was named a "Specimen Tree" before a home was built near it. The tree in fact might even request the City Council to remove the home near it. To paraphrase a pertinent poem, we in the Collier County Audubon Society requests,

"Council, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now."

Angela M. Mueller
AM



November 19, 1981

City Manager
City Hall
735 8th Street S.
Naples, Florida 33940

This letter, accompanied by the enclosed petition, formally requests the removal of parking meters from Fifth Avenue South. It is not our intention to open up Fifth Avenue South to an unorganized effort to controlled parking. The meters are no longer necessary to perform the function for which they were installed. They now are the cause of dissatisfaction among the merchants on Fifth Avenue and to the customers who visit our shopping area. We recognize the need for controlled parking and for this reason, we propose an alternative to the now frustrating situation. Upon the elimination of said parking meters, we suggest the installation of two hour parking be initiated and enforced. We also suggest that the fine for any violation be increased from its current two dollars to four dollars. The fine being more substantial, would compensate for possible loss revenue from the meter. At the same time our customers who legitimately shop and respect the new regulation will enjoy the environment 5th Avenue South has to offer.

It is essential that you and your council take immediate action on our request as we are now entering the season which will benefit the merchants and the City respectively.

Your anticipated cooperation is appreciated and we stand ready to assist you as a vital and supportive area to our community.

Yours respectfully,

Larry Dunstan
Larry Dunstan
President

LD:ch

Encl:



City of Naples

735 EIGHTH STREET, SOUTH · STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

January 5, 1982

Mr. Larry Dunstan, President
Fifth Avenue South Downtown Business Assoc.
1700 North Tamiami Trail
Naples, Florida 33940

Dear Mr. Dunstan:

This letter will follow up on our recent meeting concerning the parking meters on Fifth Avenue South and provide you with more information which you can take to your members.

A good place to begin is to outline the background involved in establishment of our parking authority and taxing district and its dissolution in October, 1981. The district and authority were established in response to a problem; namely, inadequate parking for the businesses in the area of Fifth Avenue South. These entities provided the means of acquiring property for parking lots and the basis for an assessable group that would provide the money to retire the loans which were used to purchase the property.

In establishing the parking authority, all other metered parking facilities in the City were included so that there would be a guarantee of sufficient revenues to support the loans. My impression of the original intent was that the revenues from the meters would serve to provide for the operation and maintenance costs while the assessments from the properties would provide for the retirement of the loan. At some point during the operation of the district, however, revenues from the meters and fines were used to retire the debt. Included were revenues which should have gone directly to the City's general fund. As a result of this, in 1980 the authority found itself with a substantial surplus of money which would have allowed them to liquidate the loans and cease any assessments to the properties in the taxing district. It was at this time that the parking authority and the City Council decided to dissolve the taxing district and the authority and place the parking operation under the general operation of the City.

ATTACHMENT #6 - page 2

Mr. Larry Dunstan
January 5, 1982
Page 2

The need for metered parking in the area is based on the lack of off-street parking available to the businesses to meet parking requirements. Even with the addition of the publicly owned off-street parking lots, there still are not sufficient parking places to meet the requirements of our zoning ordinances.

The City conducted a study in 1976 which showed that 1,328 parking spaces would be needed within the district to meet the ordinances that were then in effect. Businesses within the district had provided 976 parking spaces on private property and the authority provided 365 spaces in the off-street lots. This total of 1,241 is still 87 short of the ordinance requirements. This deficit is made up by informally allowing the businesses to use the public parking in the right-of-way on Fifth Avenue to meet this requirement. In order for these parking spaces to meet the requirements, however, there must be some assurance that there is sufficient turnover in the use of them. This is done through the use of two-hour metered spaces along Fifth Avenue.

Our position is that we would oppose the removal of the meters because there would not be a more efficient method of providing the required parking and enforcement of parking restrictions available to us. We estimate that by merely signing the area as a two-hour parking zone, we would double our enforcement costs. Increasing the fine for parking violation from \$2.00 to \$4.00 would not provide sufficient revenue to operate the parking areas. We also feel that the present system seems to be fairly effective in that, except for the peak seasonal periods, there appears to be adequate parking available on the street and in the parking lots. The current rate of 10¢ per hour with a two-hour maximum appears to be a very reasonable fee.

The following revenue and expenditure information should give you some insight into the current operation of our parking facilities. In fiscal year 1981-82 we estimate \$34,000 in parking meter revenue; \$19,000 of this would come from the meters on Fifth Avenue South. In addition, we will receive approximately \$16,000 from parking fines. These revenues will be used in support of the parking operation as follows:

- \$24,161 will be spent for parking checker and clerk.
- \$ 4,125 for operation and maintenance.
- \$ 5,400 for the purchase of new meters.
- 500 for landscaping improvements, sealing and striping the City lot between Seventh and Eighth Streets South.

ATTACHMENT #6 - page 3

Mr. Larry Dunstan
January 5, 1982
Page 3

In addition, while not directly charged to the parking operation expenses, the City is maintaining the landscaping along a portion of Fifth Avenue South. The expenses for that were about \$15,000 in fiscal year 1980-81.

I trust this information will help you in reviewing the advantages and disadvantages of having metered parking along Fifth Avenue South and I look forward to meeting with you and your board to discuss this in the near future.

Sincerely,

Franklin C. Jones
Franklin C. Jones
City Manager

FCJ/tan



City of Naples

January 13, 1982
Page 2

--- MEMO ---

January 13, 1982

TO: Franklin C. Jones, City Manager
FROM: David W. Rynders, City Attorney
RE: Dominion Satellite Network
Development Plan Approval.
Ordinance No. 3872

The attached material pertains to a request by Mr. Robert Johnson, Chairman of Dominion Satellite Network, for Council reconsideration of water and sewer service restrictions imposed on Dominion Satellite Network when its property was rezoned in June, 1981.

This material consists of:

1. A copy of Mr. Johnson's letter of December 8, 1981, with attachments.
2. A copy of Ordinance No. 3782 as it was adopted, together with staff background material presented to the Council with Ordinance No. 3782.
3. A copy of a memo from Wayne Martin, City Fire Marshall, relative to certain water needs.
4. Engineering memo #80-5, with attachments.
5. A draft of an Agreement which Mr. Johnson is proposing to provide for the allocation of design, construction and maintenance costs of a lift station he proposes to be built to serve the property of Dominion Satellit Network.
6. An ordinance which could be used to amend Ordinance No. 3782.
7. A copy of the development plan approved in June, 1981.
8. A copy of the City's resolution imposing a moratorium on sewer main extensions.
9. A memo from the Fire Department to the Planning Department, dated May 28, 1981.

Mr. Johnson has several requests. First, with regard to sewer service, he requests performance by the City of an obligation

described in a contract between the prior owners of Dominion Satellite Network's property and the City, dated September 21, 1971, which provided, among other things, that the City would build a lift station to connect the property with a sewer force main constructed across it (with a \$5000.00 contribution toward construction costs by the property owner) at such time as a suitable development plan is presented by the owner to the City. Mr. Johnson points out that a development plan for a part of parcel #3 (out of a total of six parcels on the property) was approved by the City in Ordinance No. 3782. It has been my view that the 1971 contract contemplated a suitable development plan for the entire property; and, since the City has had to impose a moratorium on sewer main extensions (of which this would be one) since April 2, 1980, no pre-existing agreement to serve the property was triggered. If you will recall, the moratorium on sewer main extensions was designed to apply to all extensions except where a pre-existing commitment to serve had been made by the City. In addition, it has been incumbent on the City to be very conservative in permitting any exceptions to the moratorium so as to impress upon the DER that we are earnestly attempting to reduce loading on our treatment facilities. This presents a very close question and Mr. Johnson has requested that the City interpret its moratorium and 1971 agreement so as to permit the lift station to be built now to serve Dominion Satellite Network's property, regardless of the fact that no site plans have actually been presented yet for parcels 1, 2, 4, 5, 6 and the remaining portion of parcel 3.

I have questioned those persons who were most privy to the agreement of September, 1971, on behalf of the City: Bill Savidge and Ted Smallwood; and I have to conclude that it was probably the intention of the parties to that agreement that a commitment to serve the property was triggered by Council approval of the present site plan in Ordinance No. 3782. I therefore recommend that the Council accept Mr. Johnson's offer to participate in the design, construction and maintenance of the lift station as set forth in the attached agreement, and amend Ordinance No. 3782 accordingly.

Second, Mr. Johnson asks for some relief of the requirement of subsection (5) of Ordinance No. 3782 requiring him to complete the loop extension of the Avion Park Water service main back to the 8" main now serving the new Airport Terminal. Mr. Johnson points out that the expansion of the Avion Park Water System Improvement Assessment District to include up to eight "residential lots" of Dominion Satellite Network's property (described in Engineering Memo #80-5) should give him a right to some service, although service to the rest of Dominion Satellite Network's property may require completion of the loop extension later.

From my research of the records and studies made prior to development plan approval last June, it appears that the requirement for a loop extension was based on both the Fire Department's recommendation and the Avion park water needs study performed by CH2M Hill.



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: DOMINION SATELLITE NETWORK
DEVELOPMENT PLAN APPROVAL
DATE: JANUARY 15, 1982

On June 3, 1981, the City Council adopted Ordinance 3782 which rezoned the property and approved a development plan for the property south of Avion Park owned by the Dominion Satellite Network. Included in the approval of the development plan were two conditions concerning water and sewer service. Mr. Robert Johnson, Chairman of Dominion Satellite Network, is now asking the Council to reconsider those conditions.

The conditions set out in Section 2(4) of Ordinance 3782 stated that the City's moratorium on sewer main extensions was applicable to this development and that the development plan would provide for on-site treatment of sewage. Mr. Johnson has given us a copy of an agreement between the City and the prior owners of this property which he suggests is a commitment to provide sewer service which was executed in September, 1971, prior to the City's establishing a limited sewer hookup moratorium. The situation has been researched and we now find that this agreement would constitute a prior commitment to serve that property.

Mr. Johnson is asking you to amend Section 2(4) to read:

For purposes of sewer service, this property may be served by the force main constructed across it after a lift station to connect the property with the line is designed and constructed as provided for in that certain Agreement between the City of Naples and Dominion Satellite Network, a copy of which is attached hereto and incorporated herein.

Based on the prior commitment to serve, it appears that this property would not be subject to the sewer main extension moratorium. Mr. Johnson has also agreed to pay a portion of the lift station construction cost in the amount of \$25,000 or one-half of the cost, whichever is less.

Section 2(5) of Ordinance 3782 provides that the property owner would furnish a loop extension of the existing water service main from the property to the line which is serving the new terminal facility at the airport. That provision was included as a condition in the ordinance based on the water service needs of the entire development. This property was also included in the Avion Park water assessment district and was assessed to provide water service to a portion of the area. Mr. Johnson has asked to be able to use the water service that was included in the assessment district project for his initial development of this property by constructing an eight-inch pipe extension of the existing water service main serving Avion Park. When

At that time the Fire Marshall indicated that insufficient information was available to make a proper determination of needed water flow. (See attached memo from Matthew Patton, Fire Marshall, to Reid Silverboard.) This information has recently been provided and the present City Fire Marshall has indicated that development of parcel #3 with water service from the existing main may proceed in view of the representations made by Mr. Johnson. Based on the Fire Department's position and a comparison of the water usage of eight residential lots with the proposed commercial structures, Mr. Smallwood has confirmed that the Network office, attached studio and electronics center approved for the south half of parcel 3 as depicted on the site plan would not exceed the water "allocation" to Dominion Satellite Network's property provided for in the Avion Park Assessment district expansion. It therefore appears that an appropriate amendment to the pertinent provision of Ordinance No. 3782 may be in order. An ordinance setting forth the recommended amendments is attached hereto for Council consideration.

Dominion Satellite Network's last request, for a boat ramp to be permitted on the property, would require site plan amendment approval. This can only be accomplished through the procedure for such amendments set out in the zoning ordinance. Since Dominion Satellite Network will be coming back to the Council in the future for site plan amendments for the use of its remaining parcels, it is recommended that Dominion Satellite Network include this request in a future petition.

Mr. Johnson has asked for early Council consideration of this matter. In view of the two meetings required for adoption of an amendatory ordinance, the proposed agreement for construction of the lift station can be considered as a draft at the first reading of the ordinance. If you can schedule this on the Agenda for January 20, 1982, I am sure that Mr. Johnson will be grateful.

David W. Rynders
David W. Rynders
City Attorney

DWR:bh

Att.

ATTACHMENT #9

Agenda Item #14
1/20/82



City of Naples

MEMO

January 15, 1982

ATTACHMENT #8 - page 2

Mayor and Council
January 15, 1982
Page 2

additional development is proposed, the owner would then complete the loop extension. This has been reviewed by the Fire Department and the Public Works Department and is acceptable to them.

I have discussed this matter with Roger Barry and we feel that these requests are consistent with the prior Planning Advisory Board recommendation for approval and, in that they do not involve real use-related matters, need not be taken back to the Planning Advisory Board for review and approval.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
City Manager

FCS/tan
encs.

TO: HON. MAYOR AND MEMBERS OF COUNCIL
FROM: DAVID W. RYNDERS, CITY ATTORNEY
RE: AGENDA ITEM #14
HB 109 (Inspection Warrants)

I have referred the attached Bill to Frank Jones, Roger Barry, Paul Reble and Norris Ijams for their comments and they all agree that this would be a good idea. We therefore recommend that the City Council request the Mayor to write to our Senators and Representatives urging their support of this Bill.

David W. Rynders

David W. Rynders
City Attorney

DWR:bh

Att.

The Garden Club would appreciate
hearing from you.

Sincerely,

Virginia B. Cottrill
Legislative Chairman
Naples Garden Club

STB

January 20, 1982

Item #9

To the Mayor and members of Council:

The Naples Garden Club wishes to go on record supporting the full intent of the tree ordinance protecting old, exceptional, designated trees.

The tree at 2535 10^{1/2} Street North has been amputated and cobbled in concrete while supposedly protected by the prevailing ordinance. Under these dismal circumstances, the tree will have a battle to live - even if you deny the petition to cut it down.

The Garden Club would like to suggest that the Council recommend to the County Commissioners an amendment to the County Tree Ordinance providing continuing inspection and concern which would make the ordinance truly meaningful.

Would the City Council pass a tree ordinance? This seems an even better alternative, and