



# City of Naples

## City Council Minutes

Regular Meeting August 18, 1982

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
APPROVAL OF MINUTES - Workshop Meetings 07/28/82 and 08/03/82 Regular Meeting 08/04/82			1
ANNOUNCEMENTS - MAYOR BILLICK Mayor noted presence of Scott Cameron who asked for telegram to be sent to <u>Girls' Little League Team</u> Announced <u>Sandcastle contest</u> for August 28, 1982 Noted that <u>Vice-Mayor Holland</u> had been appointed to Local Health Council Noted that further suggestions for change to <u>CIP</u> would be received after August 18, 1982			1
RESOLUTIONS -Request DNR to designate " <u>No Wake</u> " areas - <del>DENY</del> -Approval of Administrative Appeal 82-AD1-Collins -Grant Special Exception Pet. 82-S21 for fence - Dudley -Reappoint Lyle Richardson to <u>Carver Finance, Inc.</u> -Appoint <u>Consultant Selection Committee</u> -Wastewater Treatment Plant -Authorize \$500.00 contribution to <u>Little League Girls</u> -Retain Rogers, Wood, Hill, Starman & Gustason - <u>81-82 Audit</u> -Rank top firms for Engineering Services for <u>16" force main-REMOVED</u> -Accept quit claim deed and bill of sale for <u>water right-of-way</u> from Collier County		4084 4085 4086 4087 4088 4089 4090	2 2 & 3 3 4 4 & 5 5 5 6 6

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



Time 9:10 a.m.

Date August 18, 1982

Mayor Billick called the meeting to order and presided as Chairman.

ROLL CALL:

Present: Stanley R. Billick  
Mayor

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

Absent: R. B. Anderson  
Councilman

Also Present:

Franklin C. Jones, City Manager	John McCord, City Engineer
David W. Rynders, City Attorney	Jim Fleagle, Associate
Roger Barry, Community Development Director	Engineer
Reid Silverboard, Chief Planner	Mark Wiltsie, Assistant to the City Manager
Paul Reble, Police Chief	Bill Savidge, Public Works Director
Ellen P. Marshall, Deputy Clerk	

See Attachment #1 for Supplement Attendance List

INVOCATION: Rev. Richard Mapes, Naples United Church of Christ  
APPROVAL OF MINUTES ITEM 3

MOTION: To APPROVE the minutes of the Workshop Meetings of July 28, 1982 and August 3, 1982 and the Regular Meeting of August 4, 1982.

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ANNOUNCEMENTS - Mayor Billick

ITEM 4

Mayor Billick noted the presence of Scott Cameron who addressed Council regarding the Girls' Little League Team, the Naples Braves, who were participating in the World Series. He asked that a supportive telegram be sent to them in Kalamazoo, Michigan

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Mayor Billick announced the Naples Board of Realtors' Sandcastle contest on August 28, 1982 and noted that some City officials would be judges.

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Mayor Billick noted that the Board of County Commissioners had appointed Vice-Mayor Holland as the Collier County representative to serve on the Local Health Council.

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Mayor Billick noted that it had been stated that August 18th would be the cut-off date for suggested changes to the Capital Improvement Program; but that suggested changes would still be accepted and that if there were any, a workshop would be set up to discuss them.

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson					X
Holland					
Rothchild					
Schroeder					
Thornton	X				
Wood					
Billick (6-0)					
C O N S E N S U S					

COUNCIL MEMBERS	M	S	VOTE		A
			Y	N	
	O	E	S	O	B
	T	C			S
	I	O			E
	N	N			N
	D	D			T

PUBLIC HEARING

---RESOLUTION 4084

ITEM 5

A RESOLUTION REQUESTING THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF MARINE RESOURCES, TO DESIGNATE CERTAIN AREAS ALONG THE BEACHES IN THE CITY OF NAPLES AS RESTRICTED ZONES FOR THE PURPOSE OF REGULATING BOAT SPEEDS AND WAKES IN SUCH AREAS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:17 a.m. Closed - 9:38 a.m.

Police Chief Paul Reble spoke about concerns he had regarding the hazards of buoys and/or pilings for the signs. Ed McMahon, Lodge McKee and Richard Hechler, citizens, spoke in support of the restrictions and the enforcement of them.

MOTION: To DENY passage of the resolution.

Anderson					X
Holland				X	
Rothchild	X		X		
Schroeder				X	
Thornton				X	
Wood		X	X		
Billick				X	
(2-4)					
FAILED					

It was noted that this was the first step in a long procedure to obtain the permission to post these areas. City Engineer McCord pointed out that the City had just received final permission for such restricted areas in Naples Bay that were applied for months ago. City Attorney Rynders pointed out that if the DNR established the restricted areas, the City was accepting the responsibility for enforcing them.

MOTION: To ADOPT the resolution as presented.  
(Motion by Mr. Rothchild to amend this motion to provide that the City was not committed to this action died for lack of a second.)

Anderson					X
Holland			X		
Rothchild			X		
Schroeder	X		X		
Thornton		X	X		
Wood				X	
Billick			X		
(5-1)					

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COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING  
ADVISORY BOARD

ITEM 6.

---RESOLUTION

ITEM 6-a

NAPLES PLANNING ADVISORY BOARD RECOMMENDATION TO DENY NON-CONFORMITY PETITION NO. 82-N3 AND ADMINISTRATIVE APPEAL NO. 82-AD1 - Petitioner William Collins, Jr. NO RESOLUTIONS PREPARED

John Smith, representing the Old Naples Association, noted that the problem had been brought to the City's attention four years ago and the Association wanted all the zoning enforced more stringently. In response to a question from Mr. Rothchild, City Attorney Rynders stated that if there was no compliance by the petitioner within a reasonable period of time, such as a week, the matter could be turned over to the State Attorney's office to obtain a court order for compliance. Mr. Smith suggested increasing the zoning enforcement personnel and permitting them to issue citations such as is done in the County. In response to a question

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---RESOLUTION _____ (Cont.)</p> <p style="text-align: right;">ITEM 6-a (Cont.)</p> <p>from Mr. Thornton about the magnitude of the problem as stated by Mr. Smith, Roger Barry, Community Development Director, stated that they were following up on formal complaints.</p> <p><u>MOTION:</u> To <u>ACCEPT</u> the recommendation of the Planning Advisory Board to deny the petitions.</p>					
<p>Anderson</p> <p>Holland</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>					X
<p>Mr. Rothchild suggested that City Manager Jones review the budget with the thought in mind that more zoning enforcement may be necessary. Mr. Smith concurred with the suggestion. Mr. Schroeder suggested a stiffer penalty for obtaining a permit after construction. Mr. Wood noted his agreement with Mr. Rothchild's suggestion and Mayor Billick suggested that the City Manager give the matter some consideration. In response to a comment from Mr. Holland about enforcement, Mr. Barry noted that the building, electrical and plumbing inspectors would be doing some checking on competency cards while they are doing their inspections. He further noted that they are going to attempt to make sure the license number is on a person's vehicle before new competency card is issued, beginning with the yardman category.</p> <p>***</p>					
<p>---RESOLUTION 4085</p> <p style="text-align: right;">ITEM 6-b</p> <p>A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A 6'5" HIGH FENCE IN A PORTION OF THE REQUIRED FRONT YARD AT 1666 THIRD STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Schroeder repeated his opinion that the ordinance should be changed.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented</p>					
<p>Anderson</p> <p>Holland</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(5-1)</p>					X
<p>***</p> <p><u>PUBLIC HEARING AND SECOND READING OF ORDINANCE</u></p> <p>---ORDINANCE _____</p> <p style="text-align: right;">ITEM 7</p> <p>AN ORDINANCE RELATING TO OCCUPATIONAL LICENSE FEES; AMENDING SECTION 12-47, ENTITLED "SCHEDULE OF LICENSE TAXES", AND SECTION 12-48, "AUTHORITY TO IMPOSE LICENSE TAX LIMITED" OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.</p> <p>PURPOSE: TO INCREASE THE OCCUPATIONAL LICENSE FEES FOR CERTAIN BUSINESSES, OCCUPATIONS AND PROFESSIONS PURSUANT TO SECTION 205.043, F.S. AND TO REPEAL SUBSECTION (a) OF SECTION 12.48.</p> <p>Title read by City Attorney Rynders.</p> <p>Public Hearing: Opened - 10:14 a.m. Closed - 11:15 a.m.</p>					
<p>Anderson</p> <p>Holland</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(5-1)</p>					X

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---ORDINANCE (Cont.) ITEM 7 (Cont.)</p> <p>Augie Longo, president of the Contractors' Association, addressed Council in opposition to this increase because of the hard economic times and the lack of enforcement. Mr. Thornton noted his feeling that in the long run it was an additional tax on the people. Mr. Holland indicated his opinion that there would be no objections if there had been enforcement of occupational licensing and competency cards. Mr. Rothchild made a lengthy statement in opposition to the proposed ordinance (a portion of which is on file in the City Clerk's office in the packet for this meeting). He noted that the City received a portion of the occupational license tax levied by the County. Jim McGrath, citizen, spoke noting that the licenses were meant to protect the businesses paying for them. Bill Shearston of the Contractors' Association spoke against the proposal because of the excessive increase and the lack of enforcement. J. Sandy Scatena, a Fifth Avenue South businessman, spoke against the increase and stated that he was speaking for fourteen other businesses on his block. He noted that the Fifth Avenue Association and the Third Street Association had not been contacted for input at the same time as the Chamber of Commerce. He further noted that it was a "Naples Area" Chamber of Commerce which included many businesses not affected by the increase.</p> <p>MOTION: To ADOPT the Ordinance on Second Reading.</p> <p>***</p>					
Anderson					X
Holland				X	
Rothchild				X	
Schroeder	X		X		
Thornton				X	
Wood		X	X		
Billick (3-3)			X		
FAILED					
<p>---RESOLUTION 4086 ITEM 8</p> <p>A RESOLUTION APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF CARVER FINANCE, INCORPORATED, AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To ADOPT resolution appointing Lyle Richardson.</p> <p>***</p>					
Anderson					X
Holland	X		X		
Rothchild			X		
Schroeder			X		
Thornton			X		
Wood		X	X		
Billick (6-0)			X		
<p>---RESOLUTION 4087 ITEM 9</p> <p>A RESOLUTION APPOINTING A CONSULTANT SELECTION COMMITTEE FOR THE PURPOSES HEREINAFTER SET FORTH, RELATING TO DESIGN WORK FOR THE WASTEWATER TREATMENT PLANT EXPANSION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To nominate Edward J. Kant</p>					
Anderson					X
Holland		X	X		
Rothchild	X		X		
Schroeder			X		
Thornton			X		
Wood			X		
Billick (6-0)			X		
<p>MOTION: To nominate Floyd D. Peterson</p>					
Anderson					X
Holland			X		
Rothchild			X		
Schroeder		X	X		
Thornton			X		
Wood	X		X		
Billick (6-0)			X		

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---RESOLUTION 4087 (Cont.) <span style="float: right;">ITEM 9(Cont.)</span></p> <p><u>MOTION:</u> To nominate Charles A. Stokes</p> <p>Richard Hechler, citizen, stated his opinion that the Committee should consist of an odd number of people and suggested appointing another interested citizen.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution appointing the three suggested staff members and the three nominated citizens.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson					X
Holland				X	
Rothchild				X	
Schroeder	X			X	
Thornton		X		X	
Wood				X	
Billick				X	
(6-0)					
<p>---RESOLUTION 4088 <span style="float: right;">ITEM 10</span></p> <p>A RESOLUTION AUTHORIZING A CONTRIBUTION OF \$500.00 TO THE GREATER NAPLES LITTLE LEAGUE GIRLS SOFTBALL ALL-STARS; AUTHORIZING THE TRANSFER OF SAID SUM FROM THE CONTINGENCY FUND; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented .</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson					X
Holland				X	
Rothchild				X	
Schroeder	X			X	
Thornton		X		X	
Wood				X	
Billick				X	
(6-0)					
<p>---RESOLUTION 4089 <span style="float: right;">ITEM 11</span></p> <p>A RESOLUTION RETAINING AN ACCOUNTING FIRM TO PERFORM THE CITY AUDIT FOR THE FISCAL YEAR 1981-82; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson					X
Holland				X	
Rothchild				X	
Schroeder		X		X	
Thornton				X	
Wood	X			X	
Billick				X	
(6-0)					

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---RESOLUTION _____ ITEM 12</p> <p>A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PERFORM ENGINEERING SERVICES RELATING TO THE CONSTRUCTION OF A 16" FORCE MAIN; DIRECTING THE CITY MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>City Manager Jones asked that this item be removed from the Agenda inasmuch as the engineering firms had not been notified to appear to make a presentation. Mr. Savidge, Public Works Director, stated that he notified them that the matter would be presented to Council on this date, but he did not know about the proposed presentations. In response to a question from Mr. Rothchild about the reason for the ranking of firms #1 and #2 cited in the Summary of the Selection Committee Meetings (Attachment #2), City Attorney Rynders confirmed that was as per state statute. Mr. Holland voiced his objection to the oversight in notifying the firms.</p> <p>MOTION: To REMOVE this item from the Agenda.</p> <p>*** *** ***</p>					
Anderson					X
Holland					
Rothchild			X		
Schroeder		X	X		
Thornton	X		X		
Wood			X		
Billick			X		
(5-1)					
<p>---RESOLUTION 4090 _____ ITEM 13</p> <p>A RESOLUTION ACCEPTING A QUIT-CLAIM DEED AND BILL OF SALE FROM COLLIER COUNTY FOR WATER FACILITIES LOCATED WITHIN THE COMMERCIAL BOULEVARD RIGHT-OF-WAY EASEMENT IN THE COLLIER COUNTY PRODUCTION PARK; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To ADOPT the resolution as presented.</p> <p>*** *** ***</p>					
Anderson					X
Holland			X		
Rothchild			X		
Schroeder	X		X		
Thornton			X		
Wood		X	X		
Billick			X		
(6-0)					
<p>ADJOURN: 11:50 a.m.</p> <p style="text-align: center;"><i>Stanley R. Billick</i> Stanley R. Billick, Mayor</p> <p>Janet Cason City Clerk</p> <p><i>Ellen P. Marshall</i> Ellen P. Marshall Deputy City Clerk</p> <p>These minutes of the Naples City Council approved on <u>09-15-82</u></p>					

## Supplemental Attendance list - Regular Meeting August 18, 1982

Reverend Richard Mapes	Glenn Mackay	Mary Springrose
Charles Andrews	Scott Cameron	Lodge McKee
George Mohlke	Bob Hartnett	Bob Bushman
Mr. & Mrs. Craig Kiser	Marty Roepstorff	Mr. & Mrs. Smith
Sam Aronoff	Augie Longo	Ed Kant
Ed Ranney	Lyle Richardson	Sandy Scatena
Ed McMahon	Floyd Peterson	Jim McGrath
Ed Hannam	Jim Weigel	Howard Hugus
Alvin Ziegler	Morgan Jones	Bruce Green
Bill Shearston		Mary Brandt

News Media: Ben Garrett, WBBH-TV	Scott Stewart, TV-9
Peter Michaelson, Naples Star	Lynn Levine, TV-9
Denes Husty, News Press	James Moses, Naples Daily News

Other interested citizens and visitors



SUMMARY OF THE SELECTION COMMITTEE MEETINGS  
OF JULY 9, 1982 and JULY 29, 1982  
REGARDING THE 16" FORCE MAIN CONSTRUCTION - - - - -

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At the July 9, 1982, meeting it was the consensus of the Selection Committee that all nineteen engineering firms submitting proposals were qualified to do the engineering work. Each committee member selected four firms for consideration. On the first ballot the three firms who received three votes of the committee were short listed and scheduled for interviews on July 29, 1982.

On July 29, 1982, the interviews were all done in a timely and professional manner. By unanimous vote, the committee ranked the firms in order of preference.

No. 1 and No. 2 were local firms, both having extensive experience in designing the existing facilities involved.

Bruce Green and Associates, Inc. was ranked No. 1 in that preference was given in an effort to effect an equitable distribution of contracts between the two firms. This is a factor that is to be considered as outlined in Chapter 287.055, 4B, F.S. 1981.

# FORM 4 MEMORANDUM OF VOTING CONFLICT

LAST NAME - FIRST NAME - MIDDLE NAME HOLLAND, Cyrus C.			AGENCY is unit of: <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> MUNICIPALITY <input type="checkbox"/> OTHER	DATE ON WHICH VOTE OCCURRED 08/18/82
MAILING ADDRESS 1054 6th Lane N				NAME OF PERSON RECORDING MINUTES Ellen P. Marshall
CITY Naples	ZIP 33940	COUNTY Collier		TITLE OF PERSON RECORDING MINUTES Deputy City Clerk
NAME OF AGENCY City of Naples				SPECIFY

## MEMORANDUM OF CONFLICT OF INTEREST IN A VOTING SITUATION [Required by Florida Statutes §112.3143 (1979) ]

If you have voted in your official capacity upon any measure in which you had a personal, private, or professional interest which inures to your special private gain or the special private gain of any principal by whom you are retained, please disclose the nature of your interest below.

1. Description of the matter upon which you voted in your official capacity:

Second Reading of ordinance amending Code of Ordinances to increase occupational license fees

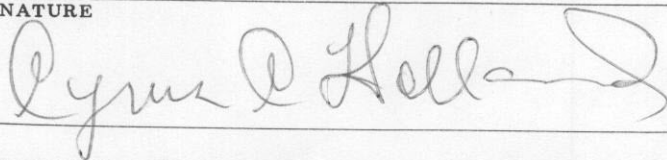
2. Description of the personal, private, or professional interest you have in the above matter which inures to your special private gain or the special private gain of any principal by whom you are retained:

I am licensed under the City occupational licenses.

3. Person or principal to whom the special gain described above will inure:

a.  Yourself    b.  Principal by whom you are retained: \_\_\_\_\_  
(NAME)

SIGNATURE



DATE ON WHICH FORM 4 WAS FILED WITH THE PERSON RESPONSIBLE FOR RECORDING MINUTES OF THE MEETING AT WHICH THE VOTE OCCURRED:

August 18, 1982

### FILING INSTRUCTIONS

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict. Florida law permits but does not require you to abstain from voting when a conflict of interest arises; if you vote, however, the conflict must be disclosed pursuant to the requirements described above.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1979), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.



# City of Naples

## --- MEMO ---

December 20, 1982

TO: Pat Marshall  
FROM: Dave Rynders  
RE: Conflict of Interest Forms

You have indicated to me that a conflict of interest form has been executed by several of the Councilmen in connection with voting on the occupational license tax ordinance and that the form was attached to the minutes of the first reading of the ordinance. This is sufficient record of the filing of the form and it is not necessary to attach another form to the minutes of the second reading.

  
David W. Rynders, City Attorney

DWR:bh