



*City of Naples*

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
APPROVAL OF MINUTES - Regular Meeting - 10/06/82 Special Meeting - 09/30/82			1
ANNOUNCEMENTS - MAYOR BILLICK Special Workshop - 10:00 a.m., October 26, 1982 - Flood Level Elevation changes Request from Naples Area Chamber of Commerce re Clam Pass Referendum			1 1 & 2
<u>RESOLUTIONS</u>			
-Variance Petition 82-V12 - Beardsley - <u>POSTPONED</u> to 11/17/82			2
-Variance Petition 82-V13 - Holland Salley - <u>POSTPONED</u> to 11/17/82			2
-Approve Spec. Ex. 82-S26 - Doane fence		82-4135	2
-Variance Petition 82-V15 - <u>Zayre's Sign</u> - <u>FAILED</u>			3
-Approve denial of Administrative Appeal 82-AD2-Use of room for office at Gulf Coast Inn		82-4136	5
<u>FIRST READING OF ORDINANCE</u>			
-Approve Rezone Petition 82-R4 - Trinity-by-the-Cove to PS	--		3
-Rezone Petition 82-R5 - The Verandah to PUD - RETURNED TO PAB	--		3,4,5
-Approve proposed Ordinance prohibiting <u>diving from bridges</u>	--		5 & 6
<u>PURCHASING</u>			
-Approve renewal of contract with Radtke for <u>curbs &amp; gutters</u>		82-4137	6

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735 Eighth Street South  
Naples, Florida 33940



Time 9:15 a.m.

Date October 20, 1982

Mayor Billick called the meeting to order and presided as Chairman

ROLL CALL: Present: Stanley R. Billick  
Mayor

R. B. Anderson  
C. C. Holland  
Harry Rothchild  
Wade H. Schroeder  
Randolph I. Thornton  
Councilmen

Absent: Kenneth A. Wood  
Councilman

Also present:  
Mark Wiltsie, Assistant to the City Manager  
John McCord, City Engineer  
David W. Rynders, City Attorney  
Reid Silverboard, Chief Planner  
Roger Barry, Community Development  
Norris Ijams, Fire Chief  
Ellen P. Marshall, Deputy Clerk  
Paul Reble, Police Chief

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			X		
Schroeder					
Thornton					
Wood					X
Billick					
C O N S E N S U S					
Anderson					X
Holland					X
Rothchild					X
Schroeder			X		X
Thornton	X				X
Wood					
Billick (0-6)					X
X					
FAILED					

See Attachment #1 - Supplemental Attendance List

INVOCATION: Reverend Walter Lauster, Church of God

APPROVAL OF MINUTES: ITEM 3

Mayor Billick noted that there were minutes for the Special Meeting held September 30, 1982 and the Regular Meeting held October 6, 1982. Mr. Rothchild noted that he had cited an error in the mathematics on the graph showing the Slope of Midpoint Salary Ranges for the proposed increase for Captain and Fire Marshal as attached to City Manager Jones' memorandum. (Corrected graph-Attachment #2).

MOTION: To APPROVE minutes of October 6, 1982 as corrected and minutes of September 30, 1982 as presented

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ANNOUNCEMENTS - Mayor Billick ITEM 4

Mayor Billick noted receipt of a letter from the Federal Emergency Management Agency (Attachment #3) noting their scheduled presentation. Mayor Billick added that there would be a Special Workshop of the Council held in conjunction with their presentation at 10:00 a.m. on Tuesday, October 26, 1982.

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Mayor Billick read a letter from the Naples Area Chamber of Commerce concerning a request for support for the proposed Clam Pass Beach Park referendum. (Attachment #4). Mr. Rothchild suggested that the Council show support by consensus.

MOTION: To ADD this item to the Agenda on an emergency measure.

Prior to the vote on the above motion, discussion was held. Richard Hechler and Jim McGrath, citizens, voiced their opposition to placing this matter on the Agenda on an emergency basis. Charles Andrews, citizen, suggested support for the matter from the Council whether it be on the Agenda or by consensus. Ed McMahon, citizen, asked for support for the

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><u>ANNOUNCEMENTS (Contd.)</u> <span style="float: right;"><u>ITEM 4 (Contd.)</u></span></p> <p>referendum in line with the request for relief for the City's beaches from the Old Naples Association some time ago. Mr. Anderson noted that he did not agree that it should be on the Agenda as an emergency measure. Mr. Rothchild noted criticism that had been made of the use of Ordinance 2512 by Council in the past relating to placing emergency matters on the Agenda. Mayor Billick noted that the matter was going to referendum and all voters would have an opportunity to vote on it.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
<p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD</u> <span style="float: right;"><u>ITEM 5</u></span></p> <p>---<u>RESOLUTION 82-</u> <span style="float: right;"><u>ITEM 5-a</u></span></p> <p>Billick noted petitioner Brian Beardsley's request to have Variance Petition No. 82-V12 postponed until November 17, 1982. It was the consensus of Council to do so.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
<p>---<u>RESOLUTION 82-</u> <span style="float: right;"><u>ITEM 5-b</u></span></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTIONS 5.11(J), 6.15(G) (1) (2) and (10), 6.15(I) (4), AND 3(F) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES AND AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE AT 350 FIFTH AVENUE SOUTH TO FACILITATE THE CONSTRUCTION OF A TWO-STORY ADDITION TO THE EXISTING BUILDING, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Mayor Billick noted a request from petitioner Holland Salley to postpone this item until November 17, 1982. It was the consensus of Council to do so.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
<p>---<u>RESOLUTION 82-4135</u> <span style="float: right;"><u>ITEM 5-c</u></span></p> <p>A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A 6 FOOT HIGH FENCE IN A SINGLE-FAMILY REAR YARD SETBACK AREA AT 791 WEDGE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>James Doane, petitioner, addressed Council in support of his petition and answered questions about the need for privacy.</p> <p><u>MOTION:</u> To ADOPT the resolution as presented.</p>					
Anderson Holland Rothchild Schroeder Thornton Wood Billick (4-2)	X		X X X X X X	X X X X	X
<p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					

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 82- <span style="float:right">ITEM 5-d</span></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.36(G) (2) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, TO PERMIT A WALL SIGN IN EXCESS OF 80 SQUARE FEET AT ZAYRE'S DEPARTMENT STORE IN THE NAPLES SHOPPING CENTER; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Burt Joseph and Ray Behling, representing the petitioner, addressed Council in support of their petition. Charles Andrews and Jim McGrath, citizens, spoke in opposition to the request. Mr. Anderson, Mr. Holland and Mr. Rothchild noted the size of the store as compared to the others in the shopping center. Mr. Schroeder cited the fact that Council had denied Sears and Maas Brothers' request for signs some time back. Mr. Rothchild suggested that a joint meeting with the Planning Advisory Board would give Council the benefit of the discussion held at the Planning Advisory Board meeting inasmuch as they had recommended approval of the variance.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented. *** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p> <p>---FIRST READING OF AN ORDINANCE -Rezone Petition <span style="float:right">ITEM 5-e</span> <u>82-R4</u></p> <p>AN ORDINANCE REZONING PROPERTY LOCATED AT 553 GALLEON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15", RESIDENCE DISTRICT, TO "PS", PUBLIC SERVICE DISTRICT; PROVIDING FOR THE CITY'S ZONING ATLAS TO BE AMENDED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ESTABLISH THE TRINITY-BY-THE COVE CHURCH IN THE PROPER ZONE DISTRICT AND TO ELIMINATE ITS NONCONFORMING STATUS.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted the Planning Advisory Board had approved this request unanimously. Mr. Rothchild again asked for a return to the joint meetings with the Planning Advisory Board.</p> <p>MOTION: To <u>APPROVE</u> the ordinance on First Reading. *** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p> <p>---FIRST READING OF AN ORDINANCE-Rezone Petition <span style="float:right">ITEM 5-f</span> <u>82-R5</u></p> <p>AN ORDINANCE REZONING LOTS 1-24, BLOCK 6, TIER 2, PLAN OF NAPLES, BEING A VACANT BLOCK BOUNDED BY 13TH AVENUE SOUTH, 2ND STREET SOUTH, 14TH AVENUE SOUTH AND GULF SHORE BOULEVARD SOUTH, FROM "R1-10", RESIDENCE DISTRICT, TO "PD", PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE CITY'S ZONING ATLAS TO BE AMENDED ACCORDINGLY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PERMIT A SINGLE-FAMILY PLANNED DEVELOPMENT ON SAID PROPERTY.</p> <p>Title read by City Attorney Rynders.</p> <p>Tom Peek of Wilson, Miller, Barton, Soll and Peek presented himself to Council to support the request. He noted the presence of Andrea Tobler, developer, and Rich Henderlong from the engineering firm. Mr. Peek reviewed the application and the proposed development. He noted that there were 12</p>					
Anderson				X	
Holland	X			X	
Rothchild		X		X	
Schroeder					X
Thornton					X
Wood					
Billick (3-3)				X	
Anderson		X		X	
Holland			X	X	
Rothchild				X	
Schroeder				X	
Thornton				X	
Wood					
Billick (6-0)			X		X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 20, 1982

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>---FIRST READING OF AN ORDINANCE-Rezone Petition <u>ITEM 5-f (Cont)</u> <u>82-R5 (Cont.)</u></p> <p>units proposed and that under existing zoning, 12 units were allowed. Mr. Rothchild and Mr. Anderson asked Mr. Peek several questions about the proposed project covering ingress and egress, drainage and parking. In response to questions from Council, Community Development Director Roger Barry noted that there would be a Public Hearing in conjunction with the Second Reading of this proposed Ordinance and a hearing before Council on the plat plan. Attorney Ben Parks, representing Addison Fischer who owns a block south and west of this block, spoke in opposition to approval of this ordinance on First Reading. He was of the opinion that there would be wide-spread opposition from the public if this were heard in the month of February rather than at the present time. Mr. Parks also listed his concerns regarding the character of the neighborhood, the change in zoning, fire laws as they affect this, congestion and traffic problems, the height of the proposed structures, drainage, and appearance and esthetics. It was his contention that the project was a horizontal condominium. He asked Fire Chief Ijams about the wooden structures and accessibility for fire fighting to which Chief Ijams stated he did not share Mr. Parks' adverse opinion. In response to Mr. Parks' questions, Mr. Barry stated his opinion that the parking would be better in this type of development than in several single family dwellings in the same area. Mr. Rothchild stated his opinion that it would be a charming addition to Old Naples.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the ordinance as presented on First Reading.</p> <p>Attorney Dudley Goodlette, representing Henry Watkins, Jr., an adjacent neighbor, addressed Council and noted that the "R-1-10" restrictions should be more closely adhered to in order to preserve the character of the neighborhood; such as lot sizes, building heights, building separations and fire protection considerations. Citizen Richard Hechler suggested the project could be redesigned to reduce the objections. He stated his opinion that this was cluster housing. Henry Watkins, Jr., an adjacent landowner, spoke in opposition to the project citing his feeling that there were too many houses, that they were too high, that the lots were sub-standard and that the drainage had not been decided in advance. He criticized the manner in which the Planning Advisory Board had conducted their Public Hearing on the matter at their October 7, 1982 meeting. Lodge McKee, director of the Old Naples Association speaking on behalf of the Board, addressed the Council and noted that a precedent would be set by this particular planned development. He felt it could be redesigned into more conformity and not necessarily brought to maximum development as it now is. Mr. Peek attempted to answer some of the questions that had been brought up. In regard to the character of the neighborhood, he cited The Mariner Motel, the Pier, the Third Street shopping center, three-story multi-family housing and others and noted his opinion that it was a transition zone. He noted the request was for a planned unit development zoning so that a set of regulations peculiar to that proposal may be adopted. He discounted the fire hazard by noting the Fire Department's approval of the separation of units. He further noted that the impact of the arguments against the development had been "too many units and too high". He again noted that present zoning allowed 12 units and the structures could be 30 feet high and that was what they were asking. He further stated that drainage planning was not usually done at the time the zoning was reviewed, but would be submitted at the same time as the final building plans. In response to a question from Mr. Holland, Mr. Peek reviewed the height of the buildings and how it was determined by City ordinance. In response to a question from Mr. Anderson,</p>					
Anderson Holland Rothchild Schroefer Thornton Wood Billick	X		X		N O  V O T E



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		X		
Holland			X		
Rothchild			X		
Schroeder				X	
Thornton		X	X		
Wood					X
Billick			X		
(5-1)					
Anderson		X	X		
Holland	X		X		
Rothchild			X		
Schroeder			X		
Thornton			X		
Wood					X
Billick			X		
(6-0)					

FIRST READING OF ORDINANCE (Cont.) ITEM 6 (Cont.)

noting the need for the ordinance so police officers may do something about the problem. Mr. Schroeder suggested enlarging the wording of the ordinance to cover any loopholes that may crop up. City Attorney Rynders stated his opinion that the present wording was sufficient.

MOTION: To APPROVE the ordinance as presented on First Reading.

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PURCHASING

---RESOLUTION 82-4137

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ITEM 7  
ITEM 7-a

A RESOLUTION AUTHORIZING EXTENSION OF THE EXISTING CONTRACT WITH NANCY RADTKE, d/b/a H. JAMES RADTKE, FOR THE INSTALLATION OF CURBS AND GUTTERS FOR AN ADDITIONAL ONE-YEAR PERIOD; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In answer to a question from Mr. Anderson, Assistant to the City Manager Mark Wiltsie noted that this the third year of a renewable contract that had been negotiated previously.

MOTION: To ADOPT the resolution as presented.

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ADJOURN: 12:48 p.m.

*Janet Cason*  
Janet Cason  
City Clerk

*Stanley R. Billick*  
Stanley R. Billick, Mayor

*Ellen P. Marshall*  
Ellen P. Marshall  
Deputy Clerk

These minutes of the Naples City Council approved on \_\_\_\_\_

## Supplemental Attendance List - Regular Meeting 10/20/82

Reverend Walter Lauster  
 Ed McMahon  
 Floyd Peterson  
 Charles Andrews  
 James Doane  
 Lloyd Sarty  
 Ed Ranney  
 Mr. & Mrs. Craig Kiser  
 John McGregor  
 Bob Tiffany  
 Ray Behling

Burt Joseph  
 Mr. & Mrs. Addison Fischer  
 Don Innis  
 Dan Abercrombie  
 Bob Forsythe  
 Pat Tracy  
 Jim McRae  
 Tom Peek  
 Jeff Evans  
 Rich Henderlong  
 Richard Morris  
 Andrea Tobler

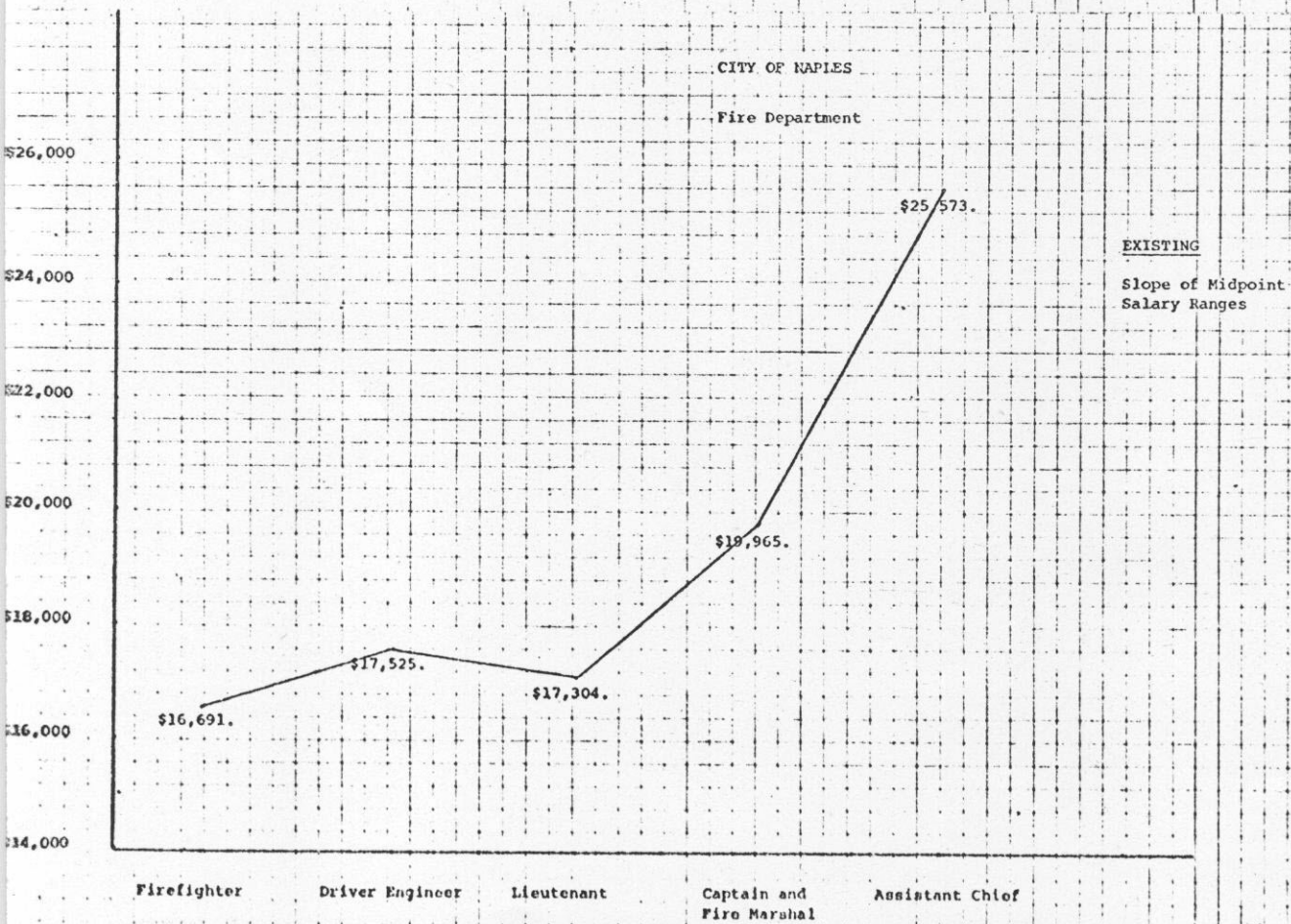
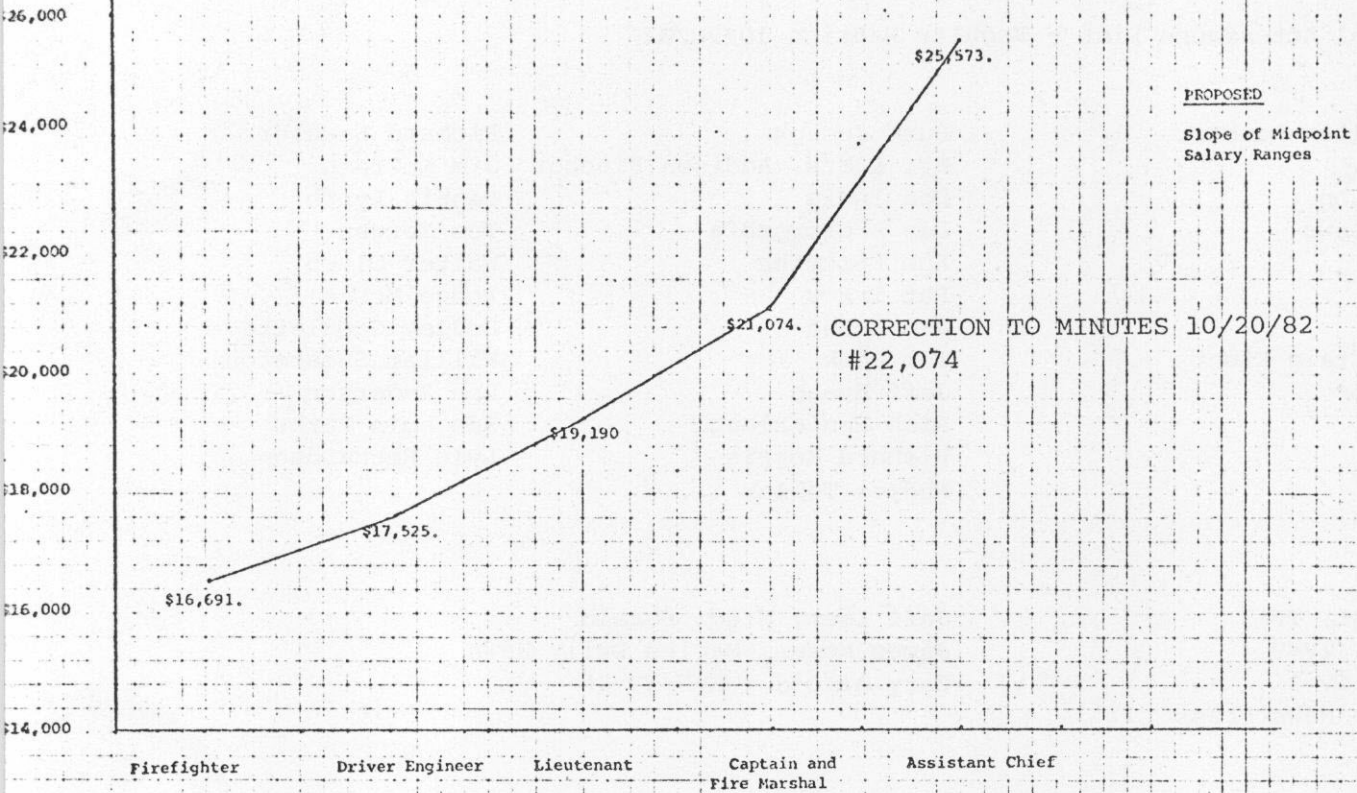
Richard Hechler  
 Jim McGrath  
 Dennis Lynch  
 Tom Morgan  
 Walter Olson  
 Lodge McKee  
 Dudley Goodlette  
 William Shearston  
 Ben Anderson  
 Benjamin Parks  
 Lyle Richardson

## News Media:

Scott Stewart, TV-9  
 Lynn Levine, TV-9  
 Ned Warner, TV-9  
 Denes Husty, News Press

Jeff Leen, Miami Herald  
 James Moses, Naples Daily News  
 Gary Arnold, WEVU-TV 26





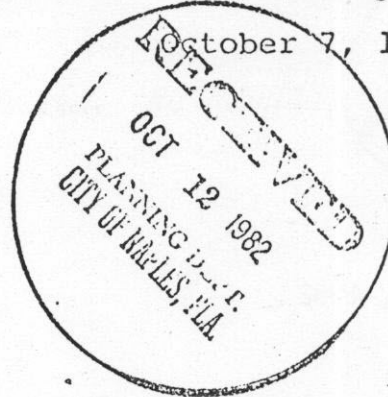


## Federal Emergency Management Agency

Region IV 1375 Peachtree Street, NE Atlanta, Georgia 30309

CERTIFIED MAIL NO. 2886227  
RETURN RECEIPT REQUESTED

Honorable Stanley R. Billick  
Mayor of Naples  
735 Eighth Street S  
Naples, Florida 33940



Dear Mayor Billick:

This is to confirm our meeting scheduled for Tuesday, October 26, 1982, at ~~3:30 p.m.~~ <sup>10:00 a.m.</sup> in the City ~~Hall~~ **COUNCIL CHAMBERS**.


The purpose of the meeting is to review proposed revisions to your Flood Insurance Rate Map (FIRM) resulting from a change in methodology used in determining flood elevations on the Atlantic and Gulf Coasts. Coastal flood elevations shown on your existing FIRM are stillwater levels which do not reflect wave action effects. Copies of the study which consider wave action effects are enclosed for review by the community prior to the meeting. This meeting is in compliance with Section 206 of the Flood Disaster Protection Act of 1973, and Part 1916 of the Code of Federal Regulations relating to community procedures.

The Flood Insurance Study will be used as a basis for the community's continued enforcement of floodplain management criteria required in conjunction with the Program. Therefore, it is important that elected officials and representatives of the planning and engineering offices be in attendance.

In addition, as part of the overall coordination process, the community has a responsibility to widely disseminate information to the public about the Flood Insurance Study and the National Flood Insurance Program. We request that you publicize the meeting via the news media and other means in order that all segments of the community having an interest in flood problems will have an opportunity to attend.

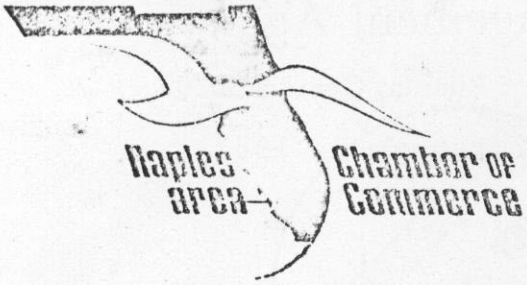
We appreciate your cooperation in this matter, and look forward to meeting with you. In the meantime, if you have questions or need additional information, please do not hesitate to contact either Bob McBeth or me at (404) 881-2391.

Sincerely,

  
C. Richard Mayson, Chief  
Natural Hazards Branch, NTHD

Enclosures

cc: Mr. Rodger J. Barry ✓



1700 NORTH TAMiami TRAIL • NAPLES, FLORIDA 33940 • PHONE (813) 262-6141

October 20, 1982

Mayor Stanley Billick  
City Hall  
735 8th St. S.  
Naples, Fl. 33940

Dear Mayor Billick:

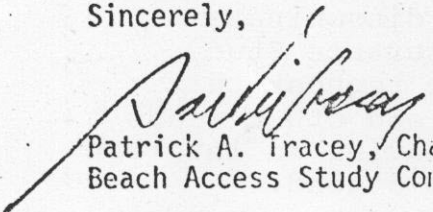
Recently, the Naples Area Chamber of Commerce Board of Directors endorsed the proposed Clam Pass Beach Park Referendum. During our quest for endorsement, significant support from various civic associations has been generated for this valuable land acquisition and development plan.

Needless to say, acquisition of this additional county beach access will go a long way in alleviating the problem the city has experienced with its beaches in recent times.

We respectfully request City Council to consider support and formal endorsement of this important referendum in the November 2, 1982 general election since all residents of Collier County will have the opportunity to vote on this question.

Thank you in advance for your consideration and action in this matter.

Sincerely,

  
Patrick A. Tracey, Chairman  
Beach Access Study Committee

PAT:ch

cc: City Council Members  
City Manager