



City of Naples

Regular Meeting 11/17/82

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
APPROVAL OF MINUTES - Workshop Meeting 11/02/82 Regular Meeting 11/03/82			1
ANNOUNCEMENTS - MAYOR BILLICK None			
<u>RESOLUTIONS</u>			
-Consider Variance Pet. 82-V12, Beardsley - FAILED			2
-Consider Variance Pet. 82-V13, Holland Salley - FAILED			2
-Sustain Administrative Appeal 82-AD3, denying Boyd petition		82-4148	3 & 4
-Approve limitation of discussion by Councilmen		82-4150	4
-Approve authorization for CH2M Hill to do study on TTH control		82-4151	6
-Approve ranking of firms - Wastewater Treatment Plant Expansion		82-4152	6
-Approve ranking of firms - Effluent Disposal		82-4153	6 & 7
-Elect Vice-Mayor - Wade H. Schroeder		82-4154	1 & 7
-Appoint Lyle S. Richardson to Metropolitan Planning Organization		82-4155	8
<u>FIRST READING OF ORDINANCES</u>			
-Rezone Pet. 82-R5 and Preliminary S/D Plat Approval 82-SD2 Verandah CONTINUED TO DEC. 1, 1982	82-		3
-Determine line of command-Emergency situations	82-		5
-Authorize Zoning & Fire Inspectors to issue Notices to Appear	82-		5
<u>SECOND READING OF ORDINANCE</u>			
-Increase rates for garbage & trash collection		82-4149	4
<u>DISCUSSION</u>			
-Request to fish for shark at Naples Pier			7
<u>PURCHASING</u>			
-Award bid for repairs to City Pier - Kelly Brothers		82-4156	8
-Award bid for improvements to Public Works comples		82-4157	8
-Award bid for (1) light duty pick-up truck		82-4158	8
-Authorization to waive bidding for traffic controllers		82-4159	9
-Authorization to waive bidding for repair parts for sludge thickner		82-4160	9

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:06 a.m.

Date November 17, 1982

The Mayor called the meeting to order and presided as Chairman

ROLL CALL: Present: Stanley R. Billick
Mayor
R. B. Anderson (arrived 2:05 pm)
Lyle S. Richardson
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Kenneth A. Wood
Councilmen

Also present:
Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Mark Wiltsie, Assistant to the City Manager
Roger Barry, Community Development Director
Reid Silverboard, Chief Planner
Norris Ijams, Fire Chief
John McCord, City Engineer
Ellen P. Marshall, Deputy Clerk
Max Hasse, Assistant Parks & Recreation Director
Bill Hanley, Finance Dir.
Bill Savidge, Public Works Director
Randy Davis, Parks & Recreation Director
Wayne Martin, Fire Inspector

See Attachment #1 - Supplemental Attendance List

INVOCATION: Reverend John White, First Christian Church

APPROVAL OF MINUTES: ITEM 3

Mayor Billick noted the minutes of the Workshop Meeting of November 2, 1982 and the Regular Meeting of November 3, 1982. Inasmuch as there were no corrections or additions, the Mayor stated they would be approved by consensus.

ANNOUNCEMENTS - Mayor Billick ITEM 4

None

SWEARING-IN CEREMONY ITEM 5

Mayor Billick noted the presence of Judge Tom Trettis and Judge Trettis proceeded conduct the swearing-in ceremony for Lyle S. Richardson, newly elected Councilman.

ELECTION OF VICE-MAYOR ITEM 6

A RESOLUTION ELECTING A MEMBER OF THE CITY COUNCIL VICE-MAYOR; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To elect Councilman Wood as Vice-Mayor

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					
Richardson					
Rothchild	X		X		
Schroeder					X
Thornton					X
Wood			X		
Billick			X		
(3-3)					
FAILED					

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Date November 17, 1982

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COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
	<u>MOTION:</u> To <u>elect</u> Councilman Schroeder as Vice-Mayor.				
Anderson Richardson			X		X
Rothchild				X	
Schroeder			X		
Thornton	X		X		
Wood				X	
Billick				X	
(3-3)					
FAILED					
	Mayor Billick directed that this matter would be held over until there was a full Council present.				
	***	***	***		
	<u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD</u>				
					ITEM 7
	<u>---Variance Petition No. 82-V12</u>				ITEM 7-a
	City Attorney Rynders noted that since the Planning Advisory Board had recommended denial, no resolution had been prepared. (Attachment #2)				
	Petitioner Brian Beardsley appeared before Council in support of his petition. Attorney William Donovan addressed Council for his client, Mr. Beardsley. Malcolm Holdridge, tenant in petitioner's building, also spoke in support of the petition. Ed McMahon, representing the Old Naples Association, spoke in opposition to the petition on the basis that it would be precedent setting. Jim Zand, owner of an adjacent building spoke in favor of enforcing all ordinances equally.				
	<u>MOTION:</u> To <u>APPROVE</u> Variance Petition No. 82-V12				
	***	***	***		
	<u>---Variance Petition No. 82-V13 and Non-conformity Petition No. 82-NS</u>				
					ITEM 7-b
	City Attorney Rynders noted that since the Planning Advisory Board had recommended denial, no resolution had been prepared. (Attachment #2)				
	Bill Vines, representing the petitioner, addressed Council and read a lengthy statement into the record (Attachment #3) in support of the petition. At the request of Mr. Rothchild, Mr. Vines read into the record a letter from Jim McGrath, citizen (Attachment #4). Scott Salley, petitioner, spoke in support of his petition. Ed McMahon, citizen, suggested a change in designation of the building could possibly bring the parking requirements to a number that could be met. Dick Morris, architect for the petitioner, suggested the same remedy. It was noted that the suggested designations were not allowed uses in the zoning of that area.				
	<u>MOTION:</u> To <u>APPROVE</u> the above petitions.				
	***	***	***		
	Mr. Wood left Council table - 10:48 a.m.				
	***	***	***		
Anderson Richardson				X	X
Rothchild		X	X		
Schroeder	X			X	
Thornton			X		
Wood			X		
Billick				X	
(1-5)					
FAILED					

	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 ITEM 7-c</p> <p><u>ORDINANCE 82-</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>Mayor Billick noted that the petitioner had requested that this matter be continued to December 1, 1982 (Attachment #5)</p> <p><u>MOTION:</u> To <u>CONTINUE</u> this item to December 1, 1982</p> <p>*** *** ***</p> <p>Mr. Wood returned to the Council table - 10:50 a.m.</p> <p>*** *** ***</p> <p>Henry Watkins, adjacent property owner, requested that the information on this proposed development be circulated to civic associations in the area. Ed McMahon, representing the Old Naples Association, noted that this request had been made before and their association had not received anything. He further noted a potential problem with the drainage in the area. Tom Peek of Wilson, Miller, Barton, Soll & Peek, Inc., representing the developer, noted that they had met with some of the individuals who opposed the project. He also noted the expense of a drainage study and that the developer would prefer to have the approval of the rezoning prior to going to that expense. John Smith, citizen, spoke in favor of circulating the information to other property owners' groups. In response to a suggestion from Mr. Richardson that the matter be continued to the second meeting in December, Andrea Tober, developer, noted that the delays already encountered had caused a hardship. Richard Hechler, citizen, suggested continuing the matter until more of the season residents were here to obtain their input. Dennis Lynch, Chairman of the Planning Advisory Board, spoke for himself in opposition to this suggestion. Mr. Rothchild stated his opinion that the Planning Advisory Board had not taken enough time on this matter; to which Mr. Lynch noted that after the Planning Advisory Board action, there would be two readings before Council for an ordinance. Mr. Watkins again asked for the matter to be circulated to the civic associations. Mayor Billick suggested notifying them that the material was available at City Hall for their perusal.</p> <p>*** *** ***</p> <p>---RESOLUTION 82-4148 ITEM 7-d</p> <p>A RESOLUTION SUSTAINING THE ADMINISTRATIVE DECISION RELATING TO CERTAIN ZONING VIOLATIONS ON PROPERTY LOCATED AT 131 BROAD AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Thomas Boyd, son of the petitioner, spoke in support of his father's request to be allowed to continue renting his units even though the property was zoned Single-family Residential. Roger Barry, Community Development Director, noted that the only petition filed was for relief from the Administrative Decision.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p>					
Anderson Richardson			X		X
Rothchild			X		
Schroeder		X	X		
Thornton	X		X		
Wood					X
Billick (5-0)			X		
Anderson Richardson			X		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 82-4148 (Cont) ITEM 7-d (Cont)</p> <p>John Smith, resident in Old Naples, reviewed with Mr. Barry the status of other complaints of a similar nature that the Old Naples Association had brought to the attention of the Zoning Department. There was further discussion about prospective buyers checking zoning prior to their purchase.</p> <p>***</p> <p><u>PUBLIC HEARING AND SECOND READING OF ORDINANCE</u> ITEM 8</p> <p>---ORDINANCE 82-4149</p> <p>AN ORDINANCE AMENDING SECTION 10-9 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO CHARGES FOR COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE SCHEDULE OF FEES FOR COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE.</p> <p>Title read by City Attorney Rynders.</p> <p>Public Hearing: Opened - 11:18 a.m. Closed - 11:19 a.m. No one present to speak for or against</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented on Second Read Reading</p> <p>***</p> <p>Anderson Richardson X Rothchild X Schroeder X Thornton X Wood X Billick X (6-0)</p>					
<p>---RESOLUTION 82-4150 ITEM 9</p> <p>A RESOLUTION ESTABLISHING A PROCEDURE RELATING TO DISCUSSIONS DURING COUNCIL MEETINGS AND WORKSHOP SESSIONS; PLACING A LIMITATION ON THE LENGTH OF SPEECHES OR DECLAMATIONS BY MEMBERS OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted his reasons for requesting this. Mr. Schroeder noted his reasons for concurring with the proposed resolution. Citizens John Smith, Mary Brandt, David Pierson, Jim Weigle, Jim McGrath, Richard Hechler, Gilbert Weil, Sandy Scatena and Terry Kehoe spoke in opposition to the proposed resolution, noting support of Mr. Rothchild and support of freedom of speech in general. Citizen Gilbert Blanquart spoke in support of the proposed resolution. Mr. Rothchild made a lengthy statement (Attachment #6) in opposition to the proposal and stated that it may be tested in the courts. Mr. Wood and Mr. Thornton indicated their feelings that possibly the same goal could be achieved in other ways.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>***</p> <p>Anderson Richardson X Rothchild X Schroeder X Thornton X Wood X Billick X (5-1)</p>					
<p>Recessed for lunch - 12:42 p.m. Reconvened - 2:05 p.m. All Councilmen present including Mr. Anderson. *</p> <p>***</p>					

*AMENDMENT AS PER REGULAR MEETING-12/01/82: Mr. Rothchild asked that the minutes of 11/17/82 reflect that Mr. Anderson stated that he had been present, he would have voted in favor of Agenda Item 9 - Resolution 82-4150 making the vote 6-1.

CITY OF NAPLES, FLORIDA

City Council Minutes

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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	
<u>FIRST READING OF ORDINANCES</u>						
<u>---ORDINANCE 82---</u>						
AN ORDINANCE DESIGNATING THE MAYOR, OR VICE-MAYOR IN HIS ABSENCE, AS THE OFFICIAL TO DECLARE A STATE OF EMERGENCY IN THE EVENT OF A NATURAL DISASTER OR THE IMMINENT THREAT THEREOF; AUTHORIZING THE MAYOR, OR VICE-MAYOR IN HIS ABSENCE, TO TAKE CERTAIN EMERGENCY MEASURES RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO DESIGNATE A CITY OFFICIAL TO DECLARE A STATE OF EMERGENCY IN THE EVENT OF A NATURAL DISASTER AND TO AUTHORIZE CERTAIN ACTION WITH REGARD THERETO.						
Title read by City Attorney Rynders.						
Confirming a statement by Mayor Billick, Fire Chief Norris Ijams addressed Council and stated that this had been his idea. He reviewed his reasons for the proposal. Mr. Schroeder noted that Sections 1 and 4 included "or Vice-Mayor in his absence" and he suggested including that in Section 2. It was the consensus of Council to do this. Mr. Rothchild noted that the chain of command should go further in the case of the absence of both the Mayor and the Vice-Mayor. It was the consensus of Council to add "the City Manager or his designee in the absence of both the Mayor and the Vice-Mayor" throughout the ordinance.						
<u>MOTION:</u> To <u>APPROVE</u> the ordinance as amended on First Reading as per the discussion above.						

<u>---ORDINANCE 82---</u>						
AN ORDINANCE RELATING TO ENFORCEMENT OF ZONING, BUILDING AND FIRE PROTECTION ORDINANCES OF THE CITY OF NAPLES; AUTHORIZING THE CITY MANAGER TO DESIGNATE CERTAIN EMPLOYEES OF THE CITY AS CODE ENFORCEMENT OFFICERS; AUTHORIZING SAID OFFICERS TO ISSUE NOTICES TO APPEAR; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR THE ISSUANCE OF NOTICES TO APPEAR FOR VIOLATIONS OF CERTAIN ORDINANCES OF THE CITY.						
Title read by City Attorney Rynders.						
City Manager Jones reviewed the information in his memorandum of November 10, 1982 (Attachment #7). In response to a question from Richard Hechler, citizen, Community Development Director Roger Barry explained that these notices were not intended for "use" violations such as rental units in single-family zoning because correcting these violations was a complicated process. Ed McMahon spoke on behalf of the Old Naples Association and stated their opinion that this was a good move. He suggested various methods that these inspectors might bring pressure to bear on illegal rentals such as health hazards. City Manager Jones confirmed Mr. Rothchild's statement that the City did not have a health department; however, both Mr. Rothchild and Mr. McMahon suggested such rental violations that might seem to pose a health problem could be turned over to the County Health Department. Mr. Rothchild again asked if there would be any hazard incurred with the issuing of these notices to which Mr. Barry responded that he had discussed it with Police Chief Reble and they did not feel there was any extra hazard involved.						
<u>MOTION:</u> To <u>APPROVE</u> the ordinance on First Reading as presented.						

Anderson
Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(7-0)

Anderson
Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(7-0)

COUNCIL MEMBERS	MOTION	VOTE		ABSENT
		YE S	NO	
<p>---<u>RESOLUTION 82-4151</u> <u>ITEM 11</u></p> <p>A RESOLUTION ACCEPTING THE PROPOSAL OF CH2M HILL TO PROVIDE ENGINEERING SERVICES RELATING TO A TRIHALOMETHANE CONTROL PROGRAM FOR THE CITY'S WATER SYSTEM; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Dr. Fred Eidsness of CH2M Hill reviewed the information contained in the packet which is on file in the City Clerk's office. City Manager Jones noted his memorandum dated October 27, 1982 (Attachment #8). Dr. Eidsness noted that some of the work could be done in-house which would reduce the estimated cost. Ed Kant, citizen, expressed his opinion that this should possibly have been done under the Consultants Competitive Negotiation Act. City Manager Jones pointed out that it met the criteria for being done by CH2M Hill under the continuing contract. Richard Hechler, citizen, also asked about using the Consultants' Competitive Negotiations Act. He further suggested that the City hire a utility engineer as reflected in the budget so this work could be done in-house. Bill Savidge, Public Works Director, noted his opinion that this was too new a field for a utility engineer to be able to handle it and that the study should be done by a qualified firm.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>				
Anderson	X	X		
Richardson		X		
Rothchild		X		
Schroeder		X		
Thornton		X		
Wood	X	X		
Billick		X		
(7-0)				
<p>---<u>RESOLUTION 82-4152</u> <u>ITEM 12-a</u></p> <p>A RESOLUTION RANKING THE TOP FIRMS IN ORDER OF PREFERENCE TO PROVIDE ENGINEERING SERVICES RELATING TO WASTEWATER PLANT ADDITIONS; DIRECTING THE CITY MANAGER TO NEGOTIATE A FEE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted the excellent work done by the Consultant Selection Committee and that he agreed with their recommendation.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>				
Anderson	X	X		
Richardson		X		
Rothchild		X		
Schroeder		X		
Thornton		X		
Wood		X		
Billick		X		
(7-0)				
<p>---<u>RESOLUTION 82-4153</u> <u>ITEM 12-b</u></p> <p>A RESOLUTION RANKING THE TOP FIRMS IN ORDER OF PREFERENCE AS BEING THE MOST QUALIFIED TO PROVIDE ENGINEERING SERVICES FOR THE WASTEWATER PLANT EFFLUENT DISPOSAL PROJECT; DIRECTING THE CITY MANAGER TO NEGOTIATE A FEE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick again noted his agreement with the Consultant Selection Committee, even though the firm ranked first was different from the firm ranked number one for the wastewater treatment plant expansion. He felt input from two firms would be beneficial. Mr. Schroeder stated his opinion that the same firm should do both projects. Mr. Anderson and Mr. Richardson concurred.</p>				

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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	
<p>---RESOLUTION 82-4153 (Cont.)</p> <p>MOTION: To ADOPT the resolution ranking the firms in the following order:</p> <ul style="list-style-type: none"> 1. Camp, Dresser and McKee 2. Post Buckley, Schuh and Jernigan 3. Wilson, Miller, Barton, Soll & Peek and CH2M Hill <p>***</p>		<p>ITEM 12-b (Cont)</p>				
	Anderson Richardson Rothchild Schroeder Thornton Wood Billick (6-1)	X		X X X X X X		X
<p>DISCUSSION OF SHARK FISHING AT NAPLES FISHING PIER. Requested by Wallace D. Regel, President, Naples Sharkers.</p> <p>Wallace D. Regel addressed Council in support of his request to permit shark fishing at the Pier. He outlined his reasons for his request and the behavior standards that would be required of participants in this sport. Glen MacKay, Chairman of the Parks & Recreation Advisory Board, addressed Council in opposition to the request. Ed McMahon, citizen and resident of the Old Naples area, spoke against the request.</p>		<p>ITEM 13</p>				
	Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)	X		X X X X X X		
<p>MOTION: To obtain a CONSENSUS of Council to take no action and to, in essence, disapprove of the request.</p> <p>***</p>						
<p>Mr. Thornton requested that Council take up Agenda Item #6 at this time and consider the below titled resolution.</p>						
<p>---RESOLUTION 82-4154</p> <p>A RESOLUTION ELECTING A MEMBER OF THE CITY COUNCIL VICE-MAYOR; AND PROVIDING AN EFFECTIVE DATE.</p>		<p>ITEM 6</p>				
	Anderson Richardson Rothchild Schroeder Thornton Wood Billick (3-4)		X		X X X X	
<p>MOTION: To ELECT Wade H. Schroeder as Vice-Mayor</p>						
	Anderson Richardson Rothchild Schroeder Thornton Wood Billick (5-2)		X		X X X X X	X
<p>Mayor Billick suggested making the vote unanimous; however, Mr. Rothchild stated his opposition to this.</p> <p>***</p>						
<p>RETURN TO REGULAR AGENDA</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 82-4155 ITEM 14</p> <p>A RESOLUTION APPOINTING A MEMBER OF THE CITY COUNCIL TO SERVE ON THE METROPOLITAN PLANNING ORGANIZATION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To ADOPT the resolution appointing Lyle S. Richardson to the MPO.</p> <p>*** *** ***</p>					
Anderson	X		X		
Richardson			X		
Rothchild				X	
Schroeder		X	X		
Thornton			X		
Wood			X		
Billick (6-1)			X		
<p>*** *** ***</p> <p>PURCHASING ITEM 15</p> <p>---RESOLUTION 82-4156 ITEM 15-a</p> <p>A RESOLUTION AWARDED THE BID FOR REPAIRS TO THE CITY PIER; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT THEREFOR; 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		X		
Richardson			X		
Rothchild			X		
Schroeder		X	X		
Thornton			X		
Wood			X		
Billick (7-0)			X		
<p>*** *** ***</p> <p>---RESOLUTION 82-4157 ITEM 15-b</p> <p>A RESOLUTION AWARDED BIDS FOR VARIOUS IMPROVEMENTS TO THE MASTER FUEL STATION LOCATED IN THE PUBLIC WORKS COMPLEX; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; 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		X		
Richardson			X		
Rothchild			X		
Schroeder			X		
Thornton		X	X		
Wood			X		
Billick (7-0)			X		
<p>*** *** ***</p> <p>---RESOLUTION 82-4158 ITEM 15-c</p> <p>A RESOLUTION AWARDED THE BID FOR ONE (1) LIGHT DUTY PICKUP UTILITY VEHICLE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; 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		X		
Richardson			X		
Rothchild			X		
Schroeder			X		
Thornton		X	X		
Wood			X		
Billick (7-0)			X		

CITY OF NAPLES, FLORIDA

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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	
<p>---RESOLUTION 82-4159 ITEM 15-d</p> <p>A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) REPLACEMENT TRAFFIC SIGNAL CONTROLLERS UNDER STATE CONTRACT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson	X		X		
Richardson			X		
Rothchild			X		
Schroeder			X		
Thornton			X		
Wood		X	X		
Billick			X		
(7-0)					
<p>---RESOLUTION 82-5160 ITEM 15-e</p> <p>A RESOLUTION AUTHORIZING THE PURCHASE OF REPAIR PARTS FOR THE SLUDGE THICKENER PUMPS AT WATER PLANT NO. 2; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson		X	X		
Richardson			X		
Rothchild			X		
Schroeder			X		
Thornton			X		
Wood		X	X		
Billick			X		
(7-0)					
<p><u>CORRESPONDENCE AND COMMUNICATIONS</u></p> <p>City Manager Jones reviewed the information contained in his memo dated November 17, 1982 concerning a shortfall on the anticipated revenue from the fifth cent sales tax. (Attachment #9)</p> <p>ADJOURN: 4:15 p.m.</p>					
<p style="text-align: right;"><i>Stanley R. Billick</i> Stanley R. Billick, Mayor</p> <p><i>Janet Cason</i> Janet Cason City Clerk</p> <p><i>Ellen P. Marshall</i> Ellen P. Marshall Deputy Clerk</p>					
<p>These minutes of the Naples City Council approved on _____</p>					

Supplemental Attendance List - November 17, 1982 Regular Meeting

Reverend John White	Ed McMahon	John A. Smith
Charles Andrews	Jim Weigle	Bill Vines
William Donovan	Hubert Howard	Mary Brandt
Brian Beardsley	Ed Ranney	Tom Peek
D. C. Williams	Anders Sandquist	William Shearston
P. H. Hockwalt	Andrea Tober	Mr. & Mrs. Craig Kiser
Philip Sowersby	Joseph Kingsley	Dudley Goodlette
Scott Salley	Jim MacRae	Henry Watkins
Holland Salley	Dennis Lynch	Scott Foster
Jess Ziegler	Thomas Trettis	John Nagel
Jim Zand	James Boyd	Jim McGrath
John McGregor	Thomas Boyd	Gilbert Blanquart
R. A. Anderson	George Cecil	William Edixon
H. E. Anderson	Walter Olson	Glen Mackay
Bob Del Re	Richard Hechler	Ed Kant
Victor Pujals	Chuck Moehlke	Bill Johnson
Chuck Bolton	Sandy Scatena	Dr. Nivas
Dave Regel	Dave Pierson	Malcolm Holdridge
George Kroening	Floyd Peterson	Bill Barton
Mr. & Mrs. Littell	Daniel Spina	Terry Kehoe
Gilbert Weil	Richard Morris	Dr. Fred Eidsness

News Media:

Scott Stewart, TV-9	Gary Arnold, WEVU-TV	Jeff Leen, Miami Herald
Lynn Levine, TV-9	James Moses, Naples Daily	
Jerry Pugh, TV-9	News	

Other interested citizens and visitors

AGENDA ITEMS
7-a & 7-b
11/17/82



City of Naples

--- MEMO ---

November 9, 1982

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Holland Salley Variance Petition
Brian Beardsley Variance Petition

In view of the recommendations of the staff and Planning Advisory Board to deny these petitions and the circumstances relating thereto, no resolutions approving the petitions have been prepared.

In the event that the Council determines to grant either of these petitions, the appropriate resolution can be prepared during the Council meeting.

David W. Rynders
David W. Rynders
City Attorney

DWR:bb

Vines & Associates Inc
urban planning • land planning

715 tenth street south
naples florida 33940
813-262-4164

William R Vines, president
member, AICP

November 16, 1982

RE: Variance Petition 82-V13
and Non Conformity Petition
82-NS

Comments for the HOLLAND SALLEY petition.

Holland Salley's request to Council is fairly complex in that it involves a request for a variance from four sections of the zoning ordinance as well as a request to expand a nonconformity.

Evaluation of the petition is not particularly complex, however. It simply requires a determination of whether expansion of the existing Holland Salley building along it's Fifth Avenue frontage to the west property line and reorganization and landscaping of the existing offstreet parking facilities constitutes a reasonable improvement project or whether it poses a public problem.

The fact that the Holland Salley building and it's offstreet parking facility lie in two different zoning districts and are separated by an alley will not be improved, worsened, or changed in any way, regardless of whether the petition is approved or denied.

The number of onsite parking spaces available to serve the existing building and the planned building expansion is inadequate according to the zoning ordinance parking standard; more than adequate according to actual use requirements.

The discrepancy between the number of parking spaces required by the zoning ordinance and the number of spaces functionally needed by the Holland Salley business is related to the peculiarity of the business itself. It simply is not a business which generates the customer parking volume characteristic of retail shops, which is what the zoning ordinance parking standard is based on. Holland Salley's business is not a retail shop. It's a showroom; it's a warehouse; it's a designer work area; it's a drapery fabrication area; it's a business office; it's a high quality full service interior decorating business. It's a big building which never has many people in it and doesn't need much parking. A great deal of the services it provides involves the business being taken to the clients homes and apartments, rather than the clients coming to the building on Fifth Avenue. The existing parking lot, through reorganization, could accommodate at least 30% more automobiles than it is presently designed for, but no reorganization has occurred simply because the existing inefficiently planned lot is never more than half filled and most of the time substantially

Comments for Holland Salley petition.
November 16, 1982
Page 2.

less than half filled. This circumstance is in stark contrast to most Fifth Avenue businesses which have fewer offstreet parking spaces than the code requires, but unlike the Salley building, cannot accommodate all of their employees and customers during peak shopping periods.

At the Salley's request, I have spoken to a number of zoning administrators in cities around the state and I've also spoken to Dr. Ernest Bartley who specializes in municipal zoning ordinance matters. There's a lot of variation in the manner that Florida cities handle required offstreet parking in central business areas, but the consensus opinion is that the best available zoning ordinance practice involves standards much like those in the Naples code. There is also consensus agreement that there's tremendous variation in the actual number of parking spaces needed by the many different kinds of businesses which occur in central business areas, and that there's no way in the world to write an ordinance which takes into account the specialized parking requirements of all the different kinds of businesses. The agreed best practice is to do precisely what you're doing, which is to deal with individual business parking requirements variations through the zoning ordinance variance procedure, which gives you the opportunity to make a specific determination of actual parking needs and to either grant or deny a requested variance based upon that determination.

The central thrust of the five conditions set forth in the zoning ordinance for grant of variance is that special conditions and circumstances must exist which are not generally applicable to other lands and structures in the same district; and that granting of the variance would not be contrary to the basic intent and purpose of the zoning ordinance. In this instance, the special circumstances are the uniquely low actual parking requirements of the Holland Salley business. The intent of the zoning ordinance is to insure adequacy of parking for all businesses. In the case of the Holland Salley business, the intent of the ordinance can be accommodated with fewer than normal spaces.

I think there is little question but that you will come to the conclusion that the offstreet parking area reorganization and landscaping proposed by the Salley's represent a welcome improvement to that parking area, particularly in light of the fact that it extends into a residential area.

I also expect you to have no difficulty concluding that the number of parking spaces planned by the Salley's will be entirely adequate in practice to serve the existing business and the proposed building addition, even though there are fewer spaces than the ordinance requires for a retail business the size of the Salley building.

Comments for Holland Salley petition
November 16, 1982
Page 3.

That leaves the question of whether a parking space inadequacy problem might arise if and when the present use of the Salley building is modified. The consensus opinion of Dr. Bartley and those zoning administrators to whom I spoke was that, in such circumstances, a use change of the building should be subject to the then existing zoning ordinance requirements. If the proposed new use cannot meet the standards of the code, an application for a variance similar to the one which the Salley's have filed can be submitted to the city. At that time, the city will have all pertinent facts in hand and will be able to determine whether to grant the requested variance or deny it. The important point here is that granting the variance requested by the Salley's does not open the door to future misuse of that variance, whereby the use of the building is changed to another use which requires a great many more parking spaces than the current use requires. Proper administration of the City Zoning Code will prevent that kind of problem from arising.

ATTACHMENT #4-page 1

The McGraths
Cecile and Jim

650 BANYAN CIRCLE
NAPLES, FLORIDA 33940

813-281-7176

November 17, 1982

Mayor Billick and City Councilmen:

Re: Holland Salley, Inc. Variance Petition

The undersigned is unable to attend this morning's meeting of Council but interested people have asked me to state my opinion as a citizen on the variance.

Having spent my life in retailing I would like to address the first objection by the Planning Department.

- 1) The parking is 12 spaces short, yet there are many parking spaces provided on Fifth Avenue South that have not been taken into consideration. These spaces have a constant turnover, unlike off street parking, and are patroled by the Naples Police Department, and are certainly a lot nearer to the retail outlets than parking spaces in Shopping Centers. I also believe all City Planners throughout the country allocate too many spaces to parking. They want the maximum space for the maximum traffic volume, and that occurs only a few times a year among major retailers so that for the rest of the year we see nothing but acres of black top.
- 2) Holland Salley, Inc. only has one loading platform. I ran a 112,000 sq. ft. store with heavy volume and constant turnover of merchandise and yet had only one loading platform, and we surely had many more trucks loading and unloading than Holland Salley's business. Most of their business is done in the home, people don't carry out the merchandise. One aside -- major retailers are very sensitive to open access to the rear or the stock receiving area as much theft is attributed to this area. In my region, districts and stores, it was forbidden that anyone, including officials, be allowed to exit through the loading gate.

It is important that we keep in mind that what Holland Salley, Inc. are requesting will improve the area by tasteful building

ATTACHMENT #4-page 2

- 2 -

In re: Holland Salley, Inc.
Variance Petition

November 17, 1982

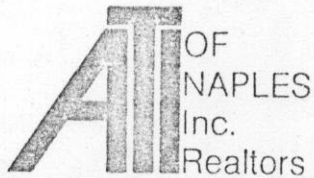
the arm for the Fifth Avenue South area; and they will do nothing that will hurt the area.

Holland Salley is one of Naples original retail families, and has done much to enhance the community. You will recall that we granted special exception to Henry Watkins, Sr. for the Beach Club Hotel expansion for the same reasons. I can assure you that those exceptions have enhanced not only the Beach Club but Naples community life.

I beg you to consider this variance in the same light.

Sincerely,





November 17, 1982

Dear Mayor Bilick
and Members of the Council,

I hereby request that our petition for change of zone #82-R5 The Verandahs be continued from today's first reading to a first reading on December 1st in order that a full council be present for the hearing.

Thank you,

Sincerely,

Andrea Stone Tober
Developer

Broker: ATI of Naples

"1 of the strongest and most voluminous in the State of Florida.

The story of the conflicts which arose in connection with the Paul Shore Resort Club is well worth reading. It was at that time that an attempt was made to introduce into our ownership in a proposed Gordon mine. Once again I found myself in strong opposition to General Anderson, Dave Rynders and some members of General Anderson's team. It was during that period that General Anderson and his subscription followers were able to censure me. The vote was 4 to 3 but most votes were 4 to 3 at that time. I consider that censure vote as a medal of honor.

The shabby history of the collaboration of General Anderson and Mr. Rynders in instituting the practice of charging for the vacation of streets and alleys is worth reading. We are presently awaiting an opinion from the Attorney General on the subject.

I was almost in the fight to prevent the City from selling the two commercially zoned lots in the Lower Side. When an attempt was made by General Anderson and his team to remove the Jim Tate Nursery from those two lots. We successfully fought that attempt and now the Nursery has a 10 year lease at a [redacted] a year. There were not many bottles - General Anderson is a high fiddle and [redacted]

There is an inscription on a monument in Boston which honors William Lloyd Garrison; who was called "The Liberator" was an abolitionist - The inscription reads

"I am in earnest. I will not equivocate; I will not excuse; I will not retreat a single inch, and I will be heard." And he was.

I have spoken out on a number of controversial subjects - most of them I was in the minority - many times alone, but I persevered and the record shows my efforts have served the best interests of the City of Naples and its residents.

Just to mention a few - The auction ordinance. Like the ordinance on Fifth Ave + 3rd Street South how they felt when Mayor Anderson and City Attorney Rynders almost succeeded putting the vilest ordinance on our books which would have entitled Bruce Vernon Slope to open an auction house at the corner 5th Ave South and the Transit. Among my only absence from Council meeting Anderson + Rynders succeeded in passing their ordinance at first reading by a vote of 6 to 0. Upon my return I led the fight to defeat this shameful attempt to grant a special privilege to a few people at the expense of our [redacted] merchants. At my invitation we would have one

3. At the present time there is a problem which for some strange reason is being avoided like the plague. I refer to the questions raised about the Tennis facility at Cambria Park. ~~There~~ We were told at the regular meeting held on NOV 3 that the tennis question would be the subject of a workshop meeting to be held on NOV 16s. On NOV 10 I presented a written request to the City Manager asking for an item to be placed on the agenda for the meeting being held today. The item was Discussion/Action with respect to the Tennis facility at Cambria Park.

~~At the workshop discussion on Tennis at the present time~~

Both of these tennis discussions were summarily cancelled.

Once again the interested citizens have been frustrated. There is only one way to dissipate the doubts and dissatisfactions which have been generated by the dilatory methods which have been employed to avoid finding out the truth about the entire tennis operation at Cambria Park. The doubts which have been raised do not reflect credit on the City Manager and the City Council. We do not need a Naples Tennis gate before we attempt to clarify the problem. It needs the strong sunlight of publicity and it needs it now.

I have every reason to believe that my protest in seeing that ^{the} ~~the~~ problem is met before it festers is the real cause for this

I am proud of my participation in this battle. My election to the City Council was the cause of a great disturbance to General Anderson and his mounted "Team". I chose to think for myself - I did not nod any allegiance to General Anderson or any one else on the City Council or in the City Administration. My only allegiance then and now is to the citizens of Naples. They elected me and they are the only ones who will determine whether I continue on this Council. If I decide to run again it will be with the same understanding - that I shall think for myself - ~~and speak for~~ ^{and speak for} I consider to be the best interest of our lovely city.

If I am gagged you will be gagging the citizens who elected me and you will be depriving them of their right as provided in the Federal Constitution and in the Florida Constitution. Any attempt to gag me will be immediately tested in the Courts.

Having said all of the above I believe it is now time for us to get going on our City business.

~~News as to the resolution itself~~

~~Looked for Roberts' rule of order~~

Agenda Item #103



City of Naples

MEMO

Honorable Mayor and Members of City Council

Franklin C. Jones, City Manager

Proposed "Notice to Appear" Ordinance

November 10, 1982

Background:

In April of this year, the City Council discussed a draft ordinance relative to giving certain employees the ability to issue "Notices to Appear" in an effort to improve the staff's enforcement of various City regulations. One of the concerns expressed in the discussion had to do with the far-reaching nature of the proposal in that the proposed ordinance involved virtually every department and a variety of employees.

The proposed ordinance has been revised to include only the Fire Department and the Community Development Department; and both of these departments still feel that the ability to issue a "Notice to Appear" will greatly assist them in the elimination of various code violations.

Analysis:

The following comments are intended to further clarify the need for this ordinance, and to address other comments made during the Council discussion in April:

Fire prevention is an important responsibility of the Fire Department that often is dependent upon the quick elimination of code violations.

The only staff positions that will have the ability to issue "Notices to Appear" are the Zoning Enforcement Officer in the Building Division, and the Fire Marshal and/or Fire Inspector positions in the Fire Department. These positions are already responsible for enforcing City regulations, so the subject ordinance will not add to their responsibilities, but it will provide them with another means to better accomplish their job.

The subject staff will be trained to properly use the new forms and procedures, and they will wear a uniform. The present Zoning Enforcement Officer is a former City pier guard; and as such, was trained and had the ability to issue "Notices to Appear".

There is a need for the Notice to Appear procedure because of the gap which presently exists in our enforcement procedures. In most cases, the first step in trying to eliminate a violation is simply to inform the proper person that there is a violation, and ask them to eliminate it voluntarily. Most people cooperate. If someone

Honorable Mayor and Members of City Council
Franklin C. Jones, City Manager
"Notice to Appear" Ordinance

chooses not to cooperate, the only practical next step is to send them a written notice advising them of the violation, request that it be eliminated, and warn them that if it is not eliminated, a formal complaint will be filed against them with the State Attorney's office.

If a violator knows that we can issue a "Notice to Appear" without any delay, they are more likely to eliminate the violation when they are first informed of it.

We don't expect to issue a large number of these notices, simply warning a violator that we will issue one will often be sufficient.

Processing a complaint through the State Attorney's office is time-consuming, and it could be 9 to 12 months before the offender has to appear in court. The offender enjoys the benefit of the violation all this time, and others, perhaps in a similar business, wonder why we are not doing something about the offense. Such a situation is unfair to those who abide by the rules, and encourages certain people to ignore them.

Many offenders will simply wait out the time involved and just before the case is scheduled to go to court, they will eliminate the offense and that ends the matter.

Dave Rynders has discussed this matter with the State Attorney's office and it is our understanding that they have no objection to our initiation of this process.

Recommendation and Council Action:

We recommend the introduction and First Reading of the attached ordinance at the Council meeting of November 17, 1982; and the Second Reading, Public Hearing, and adoption at the Council meeting of December 1, 1982.

Prepared by:

M. C. Jones
Morris Ijames, Chief
Fire Department
[Signature]
Roger V. Barry
Community Development Director

Respectfully submitted:
[Signature]
Franklin C. Jones
City Manager

AGENDA ITEM #11
11/17/82

City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER, FRANKLIN C. JONES
 DATE: OCTOBER 27, 1982
 SUBJECT: ENGINEERING SERVICES, TWM CONTROL PROGRAM

BACKGROUND:

On November 29, 1979, the Environmental Protection Agency (EPA) promulgated an amendment to the National Interim Primary Drinking Water Regulations requiring certain water suppliers serving 10,000 to 75,000 people to control the concentration of total trihalomethanes (TTHMs) in the water served to their customers at or below 100 parts per billion (PPB). A compliance schedule was set up whereby monitoring must be achieved by November 29, 1982, and compliance must be achieved by November 29, 1983. The Naples treated water exceeds the 100 PPB limit. In order to meet the requirements of the regulations, it will be necessary to revise our treatment processes at the Water Plant.

Attached is a proposal for Engineering Services defining the Scope of work for analysis and design services for the Trihalomethane Control Program.

ANALYSIS:

The program as proposed is a result of changes in D.E.R. policy and does benefit from numerous control programs that have been completed in Florida. It is the most cost effective approach as other alternatives are more complicated and more expensive in terms of both capital and operating costs.

The facilities will be interim facilities which can be used as permanent facilities subject to the pilot and demonstration study.

CONCLUSION AND RECOMMENDATION:

It is recommended the proposal as submitted by CH2M Hill be approved in accordance with Amendment No. 1, Article 28, of our current agreement with CH2M Hill.

The capital costs involved with the proposed method of treatment is estimated to be less than \$15,000. Therefore, Resolution No. 3973 regarding Consultant Competitive Negotiations is not applicable.

\$28,000 is budgeted in the 1982-83 Budget for this work.

Respectfully submitted

Franklin C. Jones
City Manager

Prepared by:

W. F. Savio
W. F. Savio, Public Works Director
WFS/nll



City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: REVENUE FROM FIFTH CENT SALES TAX
 DATE: NOVEMBER 17, 1982

We have just received revised projections on the half-cent sales tax distribution for this fiscal year from the Florida Department of Revenue. These projections reflect a decrease in our estimated distribution from \$805,128 to \$633,263. This is a reduction of \$171,865, or 21%.

The explanation from the state was that the reduced estimate is due to three factors. The first is a 7.1% reduction in state-wide sales tax collections due to economic conditions. The second was a reduction of \$70,000 due to refunds to contractors who had binding contracts in effect on or before April 19, 1982, which allowed them to exempt the materials covered by those contracts from the additional one cent sales tax. The state also calculated ordinary refunds of sales taxes to be \$50,000 for the year.

I feel that it is premature to take any action at this point in response to the revised estimates. The state is working with only one month's actual collections for this fiscal year; namely, the month of September. Until the state and city have had a chance to review the collections from several more months, which would include a portion of the winter season, we should not make a final estimate of our revenue from this source.

We had reserved approximately \$40,000 of the \$805,128 estimated revenue during the budget process. During the next several weeks we will be looking at several methods to insure that our budget plan for this fiscal year can accommodate the approximately \$130,000 shortfall of revenue, if the estimates prove to be correct. I will keep you posted as to any changes in this situation.

I have also been notified that our federal revenue sharing has been adjusted upward in the amount of \$20,000 and this would be one of the sources that we would be thinking about using to offset any shortfall in the sales tax.

Sincerely,

Franklin C. Jones
City Manager

FCJ/tan