



# City of Naples

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - None			
-CITY MANAGER JONES			
Special Airport Bill to Legislative Delegation			1
Publication date of City Council Agenda			1
Telephone service to Police Department cut off by accident			1
<u>APPROVAL OF MINUTES</u> - Regular Meeting 01/19/83			2
<u>RESOLUTIONS</u>			
-Approve lease w/P.A.L. for fieldhouse in Fleischmann Park		83-4204	2
-Approve agreement w/D.N.R. - grant for beach improvements		83-4205	2
-Approve contract w/Kelly Bros. for beach improvements		83-4206	2
-Appoint Donald Franke to Blue Ribbon Panel		83-4207	3
-Approve Vacation Petition 81-A9, National Trust - unimproved streets & alleys between 5th Av No and 8th Av No		83-4215	6
-Approve Record Subdivision Plat No. 83-SD1, Seaboard S/D Downtown		83-4216	6
-Approve Record Subdivision Plat No. 83-SD2, Seaboard S/D Uptown		83-4217	7
-Approve proposed connection of Gulfshore Blvd No & Seagate Drive and oppose connection of Seagate Drive to Crayton Road		83-4218	7
-Approve agreement w/County re State Attorney, 82-83		83-4219	8
<u>PURCHASING</u>			
-Award bid - annual sod requirement		83-4208	3
-Award bid - annual requirements - curbs & gutters		83-4209	3
-Award bid - one diesel engine		83-4210	3
<u>SECOND READING OF ORDINANCES</u>			
-Authorize issuance of revenue bonds for CIP	83-4211		4
-Amend Code - re '82 editions Building, Electrical, Plumbing & Mechanical codes	83-4212		4
-Amend sewer service area - remove certain unincorporated areas	83-4213		5
-Amend Code - Section 6, Subsection 45 - Timeshare as permitted use	83-4214		5
<u>DISCUSSION</u>			
-Variance Petition 82-V12 - Brian Beardsley - POSTPONED			7

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735 Eighth Street South  
Naples, Florida 33940



Time 9:08 a.m.

Date February 2, 1983

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

ROLL CALL: Present: Stanley R. Billick  
Mayor

R. B. Anderson  
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  
Roger Barry, Community Development Director  
John McCord, City Engineer  
Mark Wiltsie, Assisant to the City Manager  
Reid Silverboard, Chief Planner  
Ellen P. Marshall, Deputy Clerk

See Attachment #1 - Supplemental Attendance List

INVOCATION: Pastor H. Peter Lyberg, Shepherd of the Glades Lutheran Church ITEM 1

ANNOUNCEMENTS: ITEM 3

Mayor Billick - None

City Manager Jones -

---noted that he knew of no special acts to present to the Legislative Delegation at their Public Hearing; but that the Airport Authority was going to ask to have the power to put a lien on an aircraft for unpaid bills.

---noted his memorandum of January 28, 1983 (Attachment #2) about a different publication date for the City Council Agendas.

---announced that construction crew had inadvertently cut a wire on Goodlette Road and that at the present time the Police Department did not have telephone service. He added that they could be contacted through the Sheriff's Department through the 911 line for emergencies.

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CONSENT AGENDA .ITEMS 4 thru 9-c

Mayor Billick listed the items included in the Consent Agenda. Mr. Rothchild noted that he had been out of town until late the night before and had not had his packet for review and wished to address each item individually.

MOTION: To ADOPT all items on the Consent Agenda

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		
Richardson			X		
Rothchild					
Schroeder					
Thornton					
Wood					
Billick					

Mayor Billick noted that under the guidelines for the Consent Agenda, any Councilman could request individual consideration.

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	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>APPROVAL OF MINUTES</u> <span style="float: right;"><u>ITEM 4</u></span></p> <p>---Minutes of the Regular Meeting of January 19, 1983</p> <p><u>MOTION:</u> To <u>APPROVE</u> the minutes as presented.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p> <p>---<u>RESOLUTION 83-4204</u> <span style="float: right;"><u>ITEM 5</u></span></p> <p>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE BETWEEN THE CITY OF NAPLES AND NAPLES POLICE ATHLETIC LEAGUE, PROVIDING FOR THE LEASING OF AN AREA WITHIN FLEISCHMANN PARK FOR CONSTRUCTION OF A FIELD HOUSE BY THE NAPLES POLICE ATHLETIC LEAGUE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In response to questions from Mr. Rothchild, City Manager Jones noted that the lease could be cancelled if a need for the property arose and the P.A.L. could move the building if necessary. Mr. Schroeder suggested amending the lease to reflect that ten years' rent had been paid by him in advance. City Attorney Rynders stated he knew of no legal requirement for that information to be included in the lease.</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> <p>---<u>RESOLUTION 83-4205</u> <span style="float: right;"><u>ITEM 6</u></span></p> <p>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF NATURAL RESOURCES RELATING TO STATE FUNDING ASSISTANCE FOR BEACH IMPROVEMENT PROJECTS; 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> <p>---<u>RESOLUTION 83-4206</u> <span style="float: right;"><u>ITEM 7</u></span></p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S BEACH IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; 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>	<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick</p>	<p>X</p>	<p>X</p>	<p>C O N S E N S U S</p>	<p></p>
<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X</p>	<p></p>	<p></p>
<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X</p>	<p></p>	<p></p>
<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X</p>	<p></p>	<p></p>

COUNCIL MEMBERS	MOTION	S	E	VOTE		A	B	S	E	N
				Y	N					
<p>---RESOLUTION 83-4207 <span style="float:right">ITEM 8</span></p> <p>A RESOLUTION APPOINTING A CITIZEN TO SERVE ON THE BLUE RIBBON PANEL, PURSUANT TO SECTION 1A-167 OF THE CODE OF ORDINANCES, FOR THE PURPOSE OF REVIEWING QUALIFICATIONS OF PERSONS WHO MAY DESIRE TO SERVE ON THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION AND RECOMMENDING TO THE CITY MANAGER THOSE PERSONS BEST QUALIFIED TO SERVE AS COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In response to questions from Mr. Rothchild, City Attorney Rynders explained that there were no set terms of office on the Blue Ribbon Panel and that the members served until they resigned or Council chose to change the panel. He also explained that they did not have regular meetings on which to report.</p> <p>MOTION: To <u>ADOPT</u> the resolution appointing Donald Franke as per City Manager Jones' recommendation.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p>										
Anderson	X			X						
Richardson		X		X						
Rothchild				X						
Schroeder				X						
Thornton				X						
Wood				X						
Billick (7-0)				X						
<p>PURCHASING <span style="float:right">ITEM 9</span></p> <p>---RESOLUTION 83-4208 <span style="float:right">ITEM 9-a</span></p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S ANNUAL REQUIREMENTS OF SOD; 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>*** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p>										
Anderson				X						
Richardson				X						
Rothchild				X						
Schroeder		X		X						
Thornton				X						
Wood	X			X						
Billick (7-0)				X						
<p>---RESOLUTION 83-4209 <span style="float:right">ITEM 9-b</span></p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S ANNUAL REQUIREMENTS OF CONCRETE CURBS AND GUTTERS; 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>*** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p>										
Anderson	X			X						
Richardson		X		X						
Rothchild				X						
Schroeder				X						
Thornton				X						
Wood				X						
Billick (7-0)				X						
<p>---RESOLUTION 83-4210 <span style="float:right">ITEM 9-c</span></p> <p>A RESOLUTION AWARDED THE BID FOR ONE (1) DIESEL ENGINE; 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>*** <span style="margin-left: 150px;">***</span> <span style="float:right">***</span></p>										
Anderson				X						
Richardson	X			X						
Rothchild				X						
Schroeder				X						
Thornton				X						
Wood		X		X						
Billick (7-0)				X						

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

ADVERTISED PUBLIC HEARINGS

PUBLIC HEARINGS and Second Reading of Ordinances ITEM 10

---ORDINANCE 83-4211 ITEM 10-a

AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 1451 ENTITLED: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,880,000 UTILITIES SERVICES TAXES REVENUE CERTIFICATES OF THE CITY OF NAPLES, FLORIDA, TO FINANCE THE COST OF THE CONSTRUCTION OR ACQUISITION OF VARIOUS MUNICIPAL IMPROVEMENTS IN SAID CITY AND THE REFUNDING OF A NOTE IN THE PRINCIPAL AMOUNT OF \$238,027.95 HERETOFORE ISSUED FOR SUCH PURPOSES; PLEDGING UTILITIES SERVICES TAXES COLLECTED BY THE CITY TO THE PAYMENT THEREOF; AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID CERTIFICATES", DULY ENACTED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, ON MARCH 5, 1969, AS AMENDED AND SUPPLEMENTED, TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$5,000,000 PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1983, OF THE CITY TO PAY THE COST THEREOF; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR THE ISSUANCE OF \$5,000,000 REVENUE BONDS.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:30 a.m.. Closed - 9:50 a.m.  
No one to speak for or against.

City Attorney Rynders noted his memorandum dated January 28, 1983, outlining the changes made by Council at the First Reading (Attachment #3) and memorandum dated February 1, 1983, containing a suggested change made by the bond counsel, John L. McWilliams (Attachment #4). City Manager Jones explained that this ordinance had been prepared only in anticipation of a final decision to issue bonds after Council decides how much of the capital improvement program they want to do at an earlier date than originally scheduled. Mr. Rothchild asked if an opinion or recommendation had been received from the outside auditor to which the City Manager responded that it was not a normal function for auditors to advise when and how to issue a debt instrument. Mr. Rothchild further outlined various objections to the proposed ordinance and to the accelerated street program. He noted his feeling that the streets listed for the current year should not be included in the bond issue. He again noted the City Manager's memo of September 15, 1982 in which the cost of an accelerated program was outlined (Memo is Attachment #5 of the minutes of January 19, 1983). City Manager Jones stated his feeling that this approach to a possible bond issue was good financial planning.

MOTION: To ADOPT the ordinance as amended on Second Reading.

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---ORDINANCE 83-4212

ITEM 10-b

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO THE BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE AND MECHANICAL CODE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADOPT THE 1982 EDITIONS OF THE STANDARD BUILDING CODE, PLUMBING CODE AND MECHANICAL CODE AND TO AMEND AND CLARIFY CERTAIN PROVISIONS OF CHAPTER 8 RELATING TO THE BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE AND MECHANICAL CODE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:51 a.m. Closed - 9:52 a.m.  
No one present to speak for or against.

MOTION: To ADOPT the ordinance as presented on Second Reading.

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Anderson				X	
Richardson				X	
Rothchild					X
Schroeder	X		X		
Thornton		X	X		
Wood			X		
Billick			X		
(6-1)					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder		X	X		
Thornton	X		X		
Wood			X		
Billick			X		
(7-0)					

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>---ORDINANCE 83-4213 <span style="float: right;">ITEM 10-c</span></p> <p>AN ORDINANCE AMENDING ORDINANCE NO. 2699 AND ORDINANCE NO. 2775 RELATING TO THE CONSTRUCTION AND EXTENSION OF THE CITY'S SEWER SYSTEM INTO CERTAIN UNINCORPORATED AREAS OF COLLIER COUNTY, REDEFINING THE BOUNDARIES OF SAID SEWER SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REMOVE CERTAIN UNINCORPORATED AREAS OF COLLIER COUNTY FROM THE CITY'S SEWER SERVICE AREA.</p> <p>Title read by City Attorney Rynders.</p> <p>Public Hearing: Opened - 9:53 a.m. Closed - 9:54 a.m. No one present to speak for or against.</p> <p>Mr. Thornton noted his opinion that the County should be put on notice about this ordinance and told that the City would assist them in their attempts to create sewer service in the unincorporated area. Mr. Anderson and Mr. Richardson concurred in this.</p> <p>MOTION: To <u>ADOPT</u> the ordinance as presented on Second Reading.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson				X	
Richardson		X		X	
Rothchild				X	
Schroeder	X			X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					
<p>---ORDINANCE 83-4214 <span style="float: right;">ITEM 10-d</span></p> <p>AN ORDINANCE AMENDING SUBSECTION 45, ENTITLED "TIME-SHARE LODGING FACILITIES" OF SECTION 6, "SUPPLEMENTARY DISTRICT REGULATIONS", AND SUBSECTION "A", "DEFINITION OF NONCONFORMITY", OF SECTION 4, APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO DECLARE THAT WHERE A TRANSIENT LODGING USE IS A NONCONFORMING USE, A CHANGE IN SUCH USE TO A TIME SHARE USE IS A CHANGE IN USE AND TO PROVIDE THAT WHERE A PERMITTED USE BECOMES A SPECIAL EXCEPTION USE, ANY SUCH USE EXISTING AT THE TIME OF SUCH CHANGE BECOMES NONCONFORMING.</p> <p>Title read by City Attorney Rynders.</p> <p>Public Hearing: Opened - 10:01 a.m. Closed - 10:12 a.m.</p> <p>Edward Hannam, resident of Village Green, addressed Council about his concern that part of Village Green may attempt to become a time-share facility. Mayor Billick noted that Village Green was zoned multi-family and would have to undergo a zoning change before Council before any attempts could be made along those lines. Mr. Rothchild again stated his feeling that this was a weak ordinance that would not stand up in court.</p> <p>MOTION: To <u>ADOPT</u> the ordinance as presented on Second Reading.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p> <p>BREAK: Recess - 10:15 a.m. Reconvene - 10:29 a.m. All Council members present.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p> <p>City Manager Jones announced that Naples was under a warning for severe weather with hail and winds between 40 and 60 mph with possible tornadoes.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder	X	X		X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					

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><u>PETITIONS BY NATIONAL TRUST COMPANY, N.D. ITEM 11</u></p> <p>Location: Portions of former Seaboard Coast Line Railroad right-of-way lying between 1st Avenue South and 8th Avenue North extended.</p> <p>---<u>RESOLUTION 83-4215</u> <u>ITEM 11-a</u></p> <p>A RESOLUTION VACATING AND ABANDONING CERTAIN UNIMPROVED PLATTED STREET AND ALLEY RIGHTS-OF-WAY LYING BETWEEN 5TH AVENUE NORTH AND 8TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Jack Conroy, petitioner, presented himself to Council to answer any questions. In response to questions from Mr. Rothchild, Mr. Conroy acknowledged that he had been instrumental in the Seaboard Railroad deeding several acres to the City between 8th Avenue North and 14th Avenue North. He also noted that the dedication of this land was not contingent upon the granting of his various petitions. Mr. Rothchild suggested that Council's policy of receiving compensation for vacations could be invoked for the above request. Mayor Billick commented that Mr. Rothchild's statements had no relevance to this petition. In answer to a question from the Mayor, Mr. Conroy stated that he was in agreement with the revisions listed in a memo from City Manager Jones dated January 28, 1983 (Attachment #5), except that there was an existing sewer at the corner of lot 1 on 5th Avenue North and Goodlette Road. Roger Barry, Community Development Director, stated that the language used was broad enough to cover the issue.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p>					
Anderson		X	X		
Richardson			X		
Rothchild			<del>X</del>	X	
Schroeder		X	X		
Thornton			X		
Wood			X		
Billick			X		
-(7-0)- (6-1)					
<p>Upon reconsideration of the content of the resolution, Mr. Rothchild asked to change his vote to "No". Mayor Billick ruled that Mr. Rothchild's vote was changed to a "No".</p> <p>*** *** ***</p> <p>---<u>RESOLUTION 83-4216</u> <u>ITEM 11-b</u></p> <p>A RESOLUTION APPROVING THE RECORD PLAT FOR A SUBDIVISION CONSISTING OF APPROXIMATELY 9.16 ACRES, LOCATED BETWEEN FIRST AVENUE SOUTH AND FIFTH AVENUE NORTH, BEING A PORTION OF THE FORMER SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY, SUBJECT TO THE REVISIONS SET FORTH HEREIN; ACCEPTING A SPECIAL WARRANTY DEED FROM THE NATIONAL TRUST COMPANY FOR LOTS 3,7,10 AND 13 OF SAID SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Albert Bayer, local resident, addressed Council to ask what the impact of this development would be on the surrounding area residents.</p> <p>*** *** ***</p> <p>Mr. Wood left the Council Chambers - 10:58 a.m.</p> <p>*** *** ***</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson			X		
Richardson			X		
Rothchild			X		
Schroeder		X	X		
Thornton		X	X		
Wood					X
Billick			X		
(6-0)					

---RESOLUTION 83-4217

ITEM 11-c

A RESOLUTION APPROVING THE RECORD PLAT FOR A SUBDIVISION CONSISTING OF APPROXIMATELY 10.995 ACRES, LOCATED NORTH OF FIFTH AVENUE NORTH AND SOUTH OF EIGHTH AVENUE NORTH, BEING A PORTION OF THE FORMER SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY, SUBJECT TO THE REVISION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to questions from Mr. Rothchild, Mr. Conroy stated that the multi-family housing would be condominiums which would be sold. Mr. Rothchild suggested a statement of intent which would eliminate the possibility of time-share units; however, both Mr. Conroy and City Attorney Rynders pointed out that the land was zoned multi-family and would have to be rezoned and receive a special exception before it could become time-share.

MOTION: To ADOPT the resolution as presented.

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VARIANCE PETITION No. 82-V12

ITEM 12

---Petitioner: Brian Beardsley

City Manager Jones noted that petitioner's counsel had requested another postponement because it was anticipated that there may not be a full Council sitting today. Mayor Billick stated his opinion in favor of a postponement. Ed McMahon, Old Naples Association, addressed Council to again emphasize the Association's opposition to this petition. Mr. Schroeder voiced his opinion that another hearing was not necessary.

MOTION: To POSTPONE reconsideration of the petition to a date ascertained by the City Manager that would afford a hearing before a full Council.

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---RESOLUTION 83-4218

ITEM 13

A RESOLUTION ENDORSING THE PROPOSED CONNECTION OF GULF SHORE BOULEVARD NORTH WITH THE WESTERLY TERMINUS OF SEAGATE DRIVE AND OPPOSING ANY CONNECTION OF SEAGATE DRIVE DIRECTLY WITH CRAYTON ROAD SOUTH OF THE EXISTING INTERSECTION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

David Bennett, member of the Board of Directors of the Park Shore Association, Ed Marker, president of the Crayton Road Association, and local residents Paul Reichert, Gilbert Weil, John Powers and Ed Ranney spoke in support of the connection of Gulfshore Boulevard to Seagate Drive, but in opposition to connecting Seagate Drive to Crayton Road. Lloyd Sarty and Charles Andrews, local residents, were opposed to both connections. Ed Marker read a portion of a letter from the Crayton Road Association dated January 20, 1983 (Attachment #6). Jim McGrath, citizen, suggested that those objecting should go to the County Commissioners with their objections.

MOTION: To ADOPT the resolution as presented.

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Mr. Wood - returned to Council Chambers - 11:37 a.m.

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

---RESOLUTION 83-4219

ITEM 14

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN COLLIER COUNTY, THE CITY OF NAPLES AND THE STATE ATTORNEY, AS AMENDED, RELATING TO THE PROSECUTION OF CITY AND COUNTY ORDINANCE VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders noted his memorandum of January 28, 1983, and that the proposed resolution contained the amendment referred to. He suggested that the agreement as approved by the County could be adopted without the amendment and the matter could be agreed to verbally. Mr. Anderson and Mr. Schroeder indicated their desire to have the agreement amended and not to depend on a verbal agreement. Joseph D'Alessandro, State Attorney of the Twentieth Judicial Circuit, presented himself to Council to answer questions about the agreement. He stated his opinion that it was a valid contract. Mr. Anderson moved the approval of the amended agreement, seconded by Mr. Richardson.

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Mr. Anderson left the Council Chambers - 11:50 a.m.

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Ed McMahon, citizen, asked questions about cases pending with the State Attorney's office, in particular the Collins case. Mr. D'Alessandro responded that this case was about to proceed. Sandy Scatena, resident and businessman, addressed Council at length in opposition to the contract and the deficiencies that had existed in the past year or so. He presented 21 exhibits for Council's information (all exhibits are on file in this meeting packet in the City Clerk's office). Mr. Rothchild noted his agreement with Mr. Scatena's objections; one of them being the payment of secretarial salary for the assistant State Attorney doing the City's work.

MOTION: To ADOPT the resolution as presented; the agreement not to take effect until the County Commissioners approve the amended agreement.

\*\*\* \*\*

ADJOURN: 12:38 p.m.

*Janet Cason*

Janet Cason  
City Clerk

*Ellen P. Marshall*

Ellen P. Marshall  
Deputy Clerk

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

These minutes of the Naples City Council approved on 02-16-83

## Supplemental Attendance List - Regular Meeting 02/02/83

Pastor H. Peter Lyberg  
 Charles Andrews  
 Arthur Nelson  
 Paul Reichert  
 Egon Hill  
 Edward Hannam  
 Lloyd Sarty  
 Herbert Anderson  
 Sam Aronoff

Dennis Lynch  
 Robert Russell  
 Ed Kant  
 Charles Mohlke  
 Jack Conroy  
 Ed Ranney  
 Ed McMahon  
 Gilbert Weil  
 Bruce Kixmiller  
 Sandy Scatena

John Powers  
 Charles Meyer  
 David Bennett  
 Albert Bayer  
 Katharine Motley  
 Edward Marker  
 George Schnohenberg  
 James McGrath  
 Joseph D'Alessandro  
 Jim Weigle

## News Media:

Pat Cumerford, TV-9  
 Lynn Levine, TV-9  
 Jerry Pugh, TV-9  
 Jeff Leen, Miami Herald

Denes Husty, News Press  
 Tish Gray, Naples Star  
 Skip Moses  
 Gary Arnold, WEVU, TV-26

Other interested citizens and visitors



INFORMATION  
2/2/83

# City of Naples

## MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: PUBLICATION OF CITY COUNCIL AGENDA

DATE: JANUARY 28, 1983

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For your information, I have changed the day that the City Council agenda is advertised in the Naples Daily News from the Saturday-Sunday edition to the Monday edition. This will still comply with our City Code requirements that the agenda be published at least two days but not more than seven days before the meeting. It will however provide our staff with one additional day in formulating the final agenda.

An advertisement in the Saturday-Sunday edition must be at the newspaper by noon on Thursday. Very often agenda information is not finalized until after that time and can lead to some confusion. Publishing on Monday will enable us to deliver the advertisement at noon on Friday and will allow us to have available the same information that will be delivered to the Council members in their agenda packets at the time the agenda is finalized.

We began the Monday agenda publication schedule with the February 2, meeting. Other agenda deadlines are not affected.

Sincerely,

Franklin C. Jones  
City Manager

FCJ/tan



AGENDA ITEM #10-a  
2/2/83

*City of Naples*

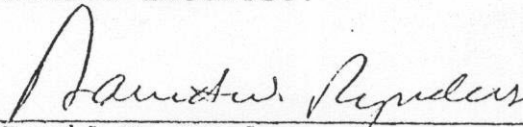
MEMO

January 28, 1983

TO: Hon. Mayor and Members of Council  
FROM: David W. Rynders, City Attorney  
RE: \$5,000,000 Public Service Tax Revenue  
Bonds

The attached ordinance has been revised to reflect comments made during first reading of the ordinance at the last Council meeting. The underscoring denotes the changes and/or additions. In most instances they are minor changes reflecting scrivener's errors and other corrections.

The change on page two is in the definition of "project". It deletes the reference to "street" improvements and makes reference to "municipal" improvements. It also allows the City, at its discretion, to modify and change the various improvements listed or to be listed in Schedule A of the ordinance. The change on page three corrects an erroneous reference to "County" by substituting the word "City". On page seven the change allows the bonds to mature either on January 1 or July 1. This is a suggestion by the City's fiscal agent, and it in turn necessitated the changes on page 18. The change on page 20 permits capitalized interest on the bonds for a period up to 36 months. The ordinance previously required three years' capitalized interest.

  
\_\_\_\_\_  
David W. Rynders  
City Attorney

DWR:bh



# City of Naples

## MEMO

February 1, 1983

TO: Hon. Mayor and Members of Council  
FROM: David W. Rynders, City Attorney  
RE: \$5,000,000 Public Service Tax  
Revenue Bonds

The City's fiscal agent has suggested an additional change in the bond ordinance, which is reflected in the attached revised page 20. Also attached is a copy of the letter from our bond counsel explaining this change.

David W. Rynders  
City Attorney

DWR:bh

Att.

*Freeman, Richardson, Watson & Kelly, P. A.*

JUDSON FREEMAN  
 RAY W. RICHARDSON, JR.  
 JOHN F. KELLY  
 A. GRAHAM ALLEN  
 JOHN L. MCWILLIAMS, III  
 JUDSON FREEMAN, JR.  
 ROBERT O. FREEMAN  
 WILLIAM D. BRINTON  
 PETER L. DAME

1200 BARNETT BANK BUILDING  
 JACKSONVILLE, FLORIDA 32202  
 (904) 353-1264

GILES J. PATTERSON  
 (1885-1963)  
 FRANK L. WATSON  
 OF COUNSEL

January 31, 1983

VIA PUROLATOR

David W. Rynders, Esq.  
 735 8th Street  
 Naples, Florida 33940

Re: Not exceeding \$5,000,000 City of Naples,  
 Florida, Public Service Tax Revenue Bonds,  
 Series 1983

Dear David:

I am enclosing several copies of a new page 20 of the Ordinance authorizing the issuance of the above-captioned bonds marked to show an additional change given to me on Friday by Courtland Rudolph of Arch W. Roberts & Co.

The change is one with which I concur completely. As previously drafted the changed subsection was ambiguous with respect to the maximum amount of the Reserve Account established for the 1983 Bonds. The change enables the City to fund a specific amount from bond proceeds and build to an amount equal to the maximum bond service requirement on all outstanding Obligations.

I trust that you will receive the changed page in time to insert it into the Ordinance for second reading this week.

With best regards, I am

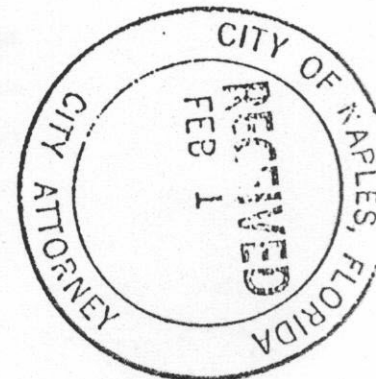
Sincerely,

*Jack*  
 John L. McWilliams, III

JLMcW, III/cnc

Enclosures

cc: Mr. Franklin C. Jones  
 Mr. C. Courtland Rudolph



Moneys in the Reserve Fund shall be used only for the purpose of the payment of maturing principal of or interest on the Obligations issued hereunder when the other moneys in the Sinking Fund are insufficient therefor and for no other purpose.

Any withdrawals from the Reserve Fund shall be subsequently restored from the first moneys available in the Utilities Services Tax Fund after all required payments for the Sinking Fund and Reserve Fund, including any deficiencies for prior payments, have been made in full.

SECTION 15. APPLICATION OF PROCEEDS OF OBLIGATIONS.

The Issuer shall provide for the application of the proceeds, including accrued interest, received from the sale of the Obligations, as follows:

A. All interest accrued from the dated date of the Obligations to the date of delivery of such Obligations and to accrue on the Obligations for up to 36 months after the delivery thereof shall be deposited in the Sinking Fund and used solely to pay such interest.

B. An amount equal to \$80.00 per \$1,000 par value of Obligations issued and sold shall be deposited in the Reserve Fund created herein for the Obligations.

C. The Issuer shall next pay all engineering fees, legal fees, fees of financial advisors, municipal bond insurance premiums, costs of the issuance of the Obligations, and all other similar fees and costs incurred in connection with the issuance of the Obligations.

D. The remaining balance of proceeds shall be deposited in the Construction Fund, hereinafter created and established.

SECTION 16. CONSTRUCTION FUND. A special fund is hereby created, established and designated as "The City of Naples, Florida, Public Service Tax Revenue Bonds, Series 1983 Construction Fund" (herein called the "Construction Fund"). There shall be paid into the Construction Fund the balance of the



# City of Naples

## MEMO

TO: Honorable Mayor and Members of City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Street and Alley Vacation Petition No. 81-A9  
Record Subdivision Plat No. 83-SD1  
 Seaboard Downtown Subdivision  
Record Subdivision Plat No. 83-SD2  
 Seaboard Uptown Subdivision

PETITIONER: National Trust Company, N.D.

DATE: January 28, 1983

Background:

At the March 17, 1982 meeting, the City Council granted Preliminary Subdivision Plat approval for the Seaboard Downtown Subdivision and Seaboard Uptown Subdivision. In addition, the Council held a public hearing and indicated that it would vacate several unimproved platted streets and alleys in the "Uptown" portion of the subject properties, provided certain conditions were met prior to approval of the above-referenced Subdivision Plats. (See attached Resolutions No. 3963, 3964, and 3965.)

The petitioner has submitted, for Council approval, Record Subdivision Plats for both the "Downtown" and "Uptown" Subdivisions; and has fulfilled all of the conditions relative to the Street and Alley Vacation requests.

Analysis:

The Seaboard Downtown Subdivision contains 14 lots totaling 9.16 acres, and is located on a portion of the former Seaboard Coastline Railroad right-of-way between 1st Avenue South and 5th Avenue North. Access to Goodlette Road from Lots 1, 2, 4, 5, 6, and 8 will be restricted as previously agreed to by the petitioner and City Council. Fee Simple title to Lots 3, 7, 10, and 13, will be conveyed to the City to accommodate possible future street extensions.

The Seaboard Uptown Subdivision contains 3 lots totaling 10.99 acres, and is located on a portion of the Seaboard Coastline Railroad right-of-way between 5th Avenue North and 8th Avenue North extended. Tract "A" within Lot 3 is to be dedicated to the County as a right-of-way easement, in order to accommodate improvements to the 7th Avenue North/Goodlette Road intersection.

Both plats have been circulated to the various reviewing Departments which have recommended the following revisions:



TO: Mayor and City Council  
 FROM: F. C. Jones, City Manager

2.

- (1) The notation on the Seaboard Downtown Subdivision Plat, relative to water and sewer service should be revised as follows:

"Water service is available to this Subdivision; however, in some cases a main extension may be required.

No sewer service is available to the subdivision at the present time unless the lots are made part of a parcel which now has sewer service available. Otherwise, a main extension would be necessary."

- (2) The Uptown Subdivision Plat should be revised to indicate the purpose for "Tract A" as an easement for street improvements.

Provided the petitioner agrees to these revisions, the Council can take final action, and the Plats can be revised accordingly before the necessary signatures are obtained and the plats are recorded in the Official Records at the Courthouse.

A Warranty Deed for Lots 3, 7, 10, and 13, in the Downtown Subdivision, will be provided to the City Manager's office before the Council meeting.

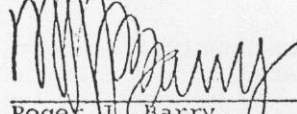
Staff Recommendation:

We recommend that Record Subdivision Plat No. 83-SD1 and Record Subdivision Plat No. 83-SD2 be approved, subject to the revisions outlined above. We also recommend that the City Council grant final approval to Street and Alley Vacation Petition No. 81-A9.

Respectfully submitted:

  
 Franklin C. Jones,  
 City Manager

Prepared by:

  
 Roger J. Barry,  
 Community Development Director  
 B:d

attachs.

## CRAYTON ROAD ASSOCIATION, INC.

P. O. BOX 396 • NAPLES, FLORIDA 33939

January 20, 1983



Mayor Stanley Billick  
 City of Naples  
 City Hall, 3th Street  
 Naples, Fla. 33940

Dear Mr. Mayor:

Thank you for your telephone call this morning. As you suggested we are writing regarding what we consider to be a potential incursion of one of our fine residential neighborhoods on Crayton Road.

Specifically, it involves the recent approval by the Collier County Commissioners to proceed with preliminary planning and right-of-way acquisition for a connector road between Gulf Shore Blvd. and Seagate Drive. (This proposal is covered in detail in the Executive Summary of the Collier County Public Works Div., Alternate Plan 2, dated 1/11/83).

First it should be said that we do not oppose the connection between the north end of Gulf Shore Blvd. and Seagate Dr. It is probably necessary and inevitable.

However our position on the proposed roadway design is as follows:

1. Alternate Plan 2, as approved by the County Commission, projects a roadway running straight West to East from the end of Gulf Shore Blvd. and connecting into Crayton Rd. south of Whispering Pines Lane. This would bring a new, heavily travelled road practically into the front yards of a built-up residential section of Crayton Rd.

2. Such a road would almost certainly have an unfavorable affect on property values in the adjacent area.

3. A traffic signal at the intersection would surely be required. This would further increase congestion and inconvenience on an already high traffic street, particularly on Sunday -- with drivers going and coming from three directions to the four churches in the area.

4. The county's own Public Works Division report lists these disadvantages of Plan 2:

- increasing traffic within residential area with possible adverse effects ( noise, congestion, vandalism, crime, etc.)
- right-of-way concerns within Crayton Rd. area.

5. The additional intersecting road would inevitably increase Crayton's already heavy traffic load.

(2)

It is our understanding that the city of Naples would have to grant permission to the county to proceed with the proposed intersection, as the city controls the right-of-way on both sides of Crayton. And the intersection would be within the city limits.

We hereby respectfully request that such permission be denied by you and the city council, when and if the right-of-way request is made by the county.

There are other ways, although possibly more costly, to solve the road design problem, rather than just dumping all the traffic load onto Crayton Road.

If anything further is needed from us, please let us know. And we will greatly appreciate your cooperation and support, and that of council, on this matter.

Very truly yours,

*Edward M. Marker*  
Edward M. Marker, President  
CRAYTON ROAD ASSOCIATION, INC.

CCS: All City Councilmen