



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
AWARDS - RECOGNITION OF EMPLOYEES' SERVICE			1
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - Minutes of March 16, 1983 will be in packet for next meeting			1
-CITY MANAGER JONES - None			
<u>RESOLUTIONS</u>			
-Appoint Gilbert Weil to City PERC		83-4250	1
-Authorize corrective quit claim deeds with Naples Community Hospital		83-4251	1
-Accept quit claim deed - water & sewer - World Tennis Center		83-4252	2
-Accept deed - R/W Anthony Park		83-4253	2
-Authorize amendment - DNR agreement for beach improvement project		83-4254	2
-Appoint William Blaikie to Airport Authority		83-4257	3
-Request support for V.A. hospital in southwest Florida from Lawton Chiles, Paula Hawkins, Connie Mack and Tom Lewis		83-4258	4
-Authorize amendment - contract w/Wilson, Miller, Barton, Soll & Peek, Inc. re City Dock		83-4259	5
<u>PURCHASING</u>			
-Award bid - autos and truck		83-4255	2
-Award bid - improvements on 11th Avenue South		83-4256	2 & 3
<u>ORDINANCES - FIRST READING</u>			
-Approve amendment - Handicapped Parking	83-		4
-DEFER ACTION - Amendment to taxicab requirements	83-		4 & 5
<u>DISCUSSION/ACTION - Internal Auditor position - MOTION TO HIRE AN INTERNAL AUDITOR - FAILED</u>			6

CITY OF NAPLES, FLORIDA

City Council Minutes

Date April 6, 1983

COUNCIL MEMBERS	MOTION	VOTE		ABSENT
		YES	NO	
<p>***</p> <p><u>FIRST READINGS OF ORDINANCES</u></p> <p>---ORDINANCE 83---</p> <p>AN ORDINANCE RELATING TO PARKING FOR THE HANDICAPPED; AMENDING SECTION 8-3 OF THE CODE OF ORDINANCES PROVIDING FOR THE AMENDMENT OF PARAGRAPH 3 OF SECTION 508.3(a) OF THE STANDARD BUILDING CODE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CLARIFY CERTAIN LANGUAGE CONTAINED IN PARAGRAPH 3 OF SECTION 508.3(a) OF THE STANDARD BUILDING CODE TO FACILITATE THE PROSECUTION OF VIOLATIONS OF THE CITY'S HANDICAPPED PARKING REQUIREMENTS.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted that this was highly technical and City Attorney Rynders reviewed the information in his memo dated March 28, 1983 (Attachment #2).</p> <p><u>MOTION:</u> To <u>APPROVE</u> the ordinance on First Reading as presented.</p> <p>***</p> <p>---ORDINANCE 83---</p> <p>Mr. Rothchild stated that there were interested parties coming to speak to Agenda Item 12-b and asked if the item could be postponed for a short time to allow them to arrive. It was the consensus of Council to take up Agenda Item 13 at this time.</p> <p>---RESOLUTION 83-4258</p> <p>A RESOLUTION REQUESTING THE SUPPORT OF U.S. SENATORS PAULA HAWKINS AND LAWTON CHILES AND U.S. REPRESENTATIVE CONNIE MACK IN OBTAINING A VETERANS' ADMINISTRATION HOSPITAL COMPLEX IN THE FT. MYERS AREA TO SERVE THE SOUTHWEST FLORIDA AREA; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In response to a question from Egon Hill, citizen, about the resolution only addressing Connie Mack and not including Tom Lewis, Ellen Marshall, alternate co-ordinator for Collier County, explained that Mr. Lewis had been included in a similar resolution passed by the Collier County Commission</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>***</p> <p>Recessed: 9:40 a.m. Reconvened: 9:57 a.m. - All Councilmen present.</p> <p>***</p> <p><u>RETURN TO ITEM 12-b</u></p> <p>---ORDINANCE 83---</p> <p>AN ORDINANCE RELATING TO TAXICABS; AMENDING SECTIONS 25-1, 25-3(a), 25-15(a) AND 25-19 OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE PENALTY FOR VIOLATION OF SAID CHAPTER FROM \$100.00 AND/OR THIRTY DAYS IN JAIL TO \$300.00 AND/OR NINETY DAYS IN JAIL; TO INCREASE THE INDEMNITY BOND AND LIABILITY INSURANCE REQUIRED FOR A TAXICAB LICENSE FROM \$50,000/\$100,000/\$20,000 TO \$100,000/\$300,000/\$50,000; TO INCREASE THE FEE FOR A TAXICAB OPERATOR'S PERMIT FROM \$1.00 TO \$5.00; AND TO CHANGE REFERENCES TO "MUNICIPAL JUDGE" TO "COURT OF COMPETENT JURISDICTION".</p> <p>Title read by City Attorney Rynders.</p> <p><u>Motion to approve the ordinance on First Reading made by Mr. Schroeder and seconded by Mr. Richardson.</u></p>	<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>
<p>***</p> <p><u>ITEM 12</u></p> <p><u>ITEM 12-a</u></p>				
<p>***</p> <p><u>ITEM 12-b</u></p>				
<p>***</p> <p><u>ITEM 13</u></p>				
<p>***</p> <p><u>ITEM 12-b</u></p>				
<p>***</p> <p><u>ITEM 12-b</u></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>---ORDINANCE 83- (Cont) ITEM 12-b (Cont)</p> <p>Mr. Rothchild explained his reasons for objecting to the proposed increases in liability insurance requirements. City Attorney Rynders explained the City's reasons for proposing the ordinance; one reason being to get the taxicabs' insurance coverage over the top of the City's liability of \$100,000 and \$300,000 because of the large judgments handed down recently. Ocy Richardson, owner of Yellow Cab Company; Kenneth Mastrodomenico, representing City Cab and Gary Mastro, owner of Maxi-Taxi spoke in opposition to the proposed increase in liability insurance requirements, stating that the increased premiums would be more than they could afford to pay. It was the consensus of Council that more information would be necessary, such as insurance requirements in other municipalities and comparative premiums for such insurance. Mr. Richardson asked that the taxicab companies be notified when this information is compiled and on what date this proposed ordinance would be rescheduled.</p> <p>MOTION: To DEFER any action until the above mentioned information is compiled.</p> <p>***</p> <p>RETURN TO REGULAR AGENDA</p> <p>---RESOLUTION 83-4259 ITEM 14</p> <p>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH WILSON, MILLER, BARTON, SOLL & PEEK, INC. RELATING TO ENGINEERING SERVICES FOR RECONSTRUCTION OF THE CITY DOCK; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Anderson noted that this contract was being proposed because the City had a permit for 76 slips and there was not enough time to obtain a permit for 99 slips before the application for the grant was due. Sam Aronoff, citizen, questioned the choice of wooden construction rather than concrete construction and suggested moving the bulkhead line to allow more space. City Manager Jones responded that a request to vacate the turning basin had been made to the Corps of Engineers. Dr. William Johnson, Wilson, Miller, Barton, Soll & Peek, Inc., responded to Mr. Aronoff, stating that wood construction was comparable to concrete construction and with the vacation of the turning basin, there would be room for expansion at a later date. Dr. Johnson cited the reasons he felt an application for a grant might be successful if it were submitted to the Department of Natural Resources by April. Ed McMahon, president of the Old Naples Association, addressed Council concerning some of the Association's suggestions (Attachment #3). Phillip Morse, citizen, spoke against any taxpayers' money being used for the dock, to which Mr. Schroeder responded by stating his feeling that if it were not done by revenue bonds, he would also not be in favor of it. Mr. Morse also suggested that a committee of local marine contractors be asked for opinions and comments about other approaches to the problems at the existing dock. Arnold Lamm, citizen, noted his objection to proceeding with this project while his street still needed repair. He again asked for an outside C.P.A. to verify the figures involved and noted his agreement with Mr. Morse about a committee of local marine contractors being asked for alternate solutions. Mayor Billick and Councilman Anderson pointed out that the City could arrive at the actual cost only by having complete designs and putting it out to bid; and Council could decide on a method of financing at that time.</p> <p>MOTION: To ADOPT the resolution as presented.</p> <p>***</p>					
Anderson	X			X	
Richardson				X	
Rothchild			X	X	
Schroeder				X	
Thornton				X	
Wood				X	
Billick (7-0)				X	
Anderson	X			X	
Richardson				X	
Rothchild				X	X
Schroeder				X	
Thornton				X	
Wood				X	X
Billick (5-2)		X		X	

CITY OF NAPLES, FLORIDA

City Council Minutes

Date April 6, 1983

DISCUSSION/ACTION with reference to implementation ITEM 15 of internal auditor position. Requested by City Manager.

City Manager Jones reviewed the material presented to Council in the meeting packet, copies of which are on file in the City Clerk's office. Mr. Rothchild noted an editorial from the Naples Daily News April 5, 1983 edition (Attachment #4) which he requested be made a part of the minutes. He pointed out that he endorsed the editorial which advocated that the internal auditor report to the Council rather than the City Manager. Mr. Anderson noted that he was in favor of an internal auditor in theory but that he did not think the City was in a financial position to institute the position at this time. He stated he would like to hear City Manager Jones' presentation of the mid-year review before he made any decisions about filling that position. Mr. Rothchild repeated his feeling that the City did not need an internal auditor; but if they did have one, that position should report to the Council. He further suggested that the City Manager could enlarge the duties of the Finance Director to include the auditor position if the auditor was to report to the City Manager. Gilbert Blanquart, citizen, stated his opinion that there wasn't a need for an internal auditor in a city the size of Naples. Mr. Schroeder stated his feeling that an internal auditor would be beneficial to the operation of the City.

MOTION: To hire an internal auditor at this time.

*** **

CORRESPONDENCE & COMMUNICATIONS

None

*** **

Mr. Rothchild asked that an item be put on the next agenda to discuss the concession stand at the City Pier.

*** **

ADJOURN: 12:10 p.m.

Janet Cason

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
City Clerk
Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council approved on 04-20-83

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					X
Schroeder	X		X		
Thornton		X	X		
Wood					X
Billick					X
(2-5)					
FAILED					

Supplemental Attendance List - 04/06/83

Reverend Walter Lauster
Charles Andrews
Herb Anderson
Chuck Mohlke
Walter Olson
Gilbert Weil
Egon Hill
Nancy L. Leffingwell
Charles E. Longieliere
Marlin E. Wall

Tish Gray
Floyd Peterson
Edward McMahon
Willie Anthony
Bob Russell
Gilbert Blanquart
Sam Aronoff
Nicholas Smirnov
Paul Sireci
George D. Dampier

Arnold Lamm
Phillip Morse
Ocey Richardson
Ken Mastrodomenica
Gary Mastro
Bill Johnson
Joseph R. Ruggiero
Richard Whidden
Bobby L. Hunter

News Media:

Denes Husty, News Press
Gary Arnold, WEVU, TV 26
James Moses, Naples Daily News
Jeff Leen, Miami Herald

Scott Stewart, TV-9
Jerry Pugh, TV-9
Susan Gardner, TV-9
Leslie Wyatt, Naples Star

Other interested citizens and visitors.



City of Naples

--- MEMO ---

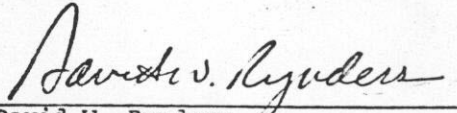
March 28, 1983

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Handicapped Parking Ordinance

In the course of prosecuting some violations, the State Attorney's office has made some suggestions for revising our handicapped parking requirements. I wrote to Mr. William Register, who is the attorney who drafted the ordinance, with a copy to Mr. Nelson Rose, outlining the changes and asking for their comments in connection therewith. A copy of my letter, which more fully explains the purpose of the proposed changes, is attached.

Mr. Rose called our office and indicated that the changes are a good idea. After some considerable period of time, we have still received no comment from Mr. Register; but with Mr. Rose's concurrence, this office feels comfortable in submitting the attached ordinance and recommending its adoption on first reading at the Council meeting on April 6, 1983. The paragraph proposed to be amended is set forth below with the revisions noted.

"All parking lots (whether now existing or hereafter constructed) and-owned used by any business, firm or other person required to be licensed to do business with the public shall be required to comply with the requirements of Section 508.3(a), except that the construction of building ramps, which shall not be construed to include curb cuts and approaches, shall not have retroactive application."



David W. Rynders
City Attorney

DWR:bh

Enc.

On Monday, April 4, the Board of Directors of the Old Naples Association had an in-depth discussion on the proposed re-building of the City Dock.

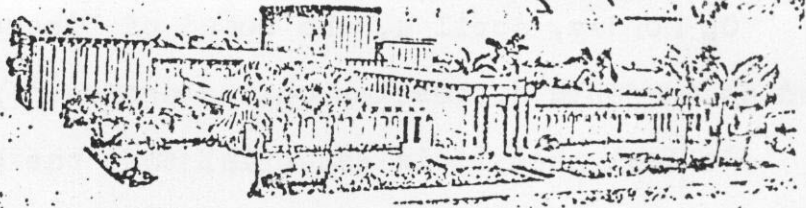
We feel that it is essential that the docks be re-built, and 76 slips looks as if it would be a good manageable number at this location. We feel that any additional docks should be constructed in the area north of the Coast Guard Auxiliary Station with access from the park that already exists behind the time-share lodgings. This would spread out the traffic load. Also it would not tie up parking, that the merchants at the Cove need, with boaters' cars.

For the last two months at various times of the day - evenings as well as weekends - we have been monitoring the use of both park areas at the Naples Landing. We find that very few people use these facilities except for launch boats. We have also discussed the advisability of the park concept at the dock with people who own boats. The feeling seems to be that they would rather have more electrical and water connections than a park that would bring non-boaters who would invade the little privacy they do get - and possibly attract vandals. There are already existing parks for public use in the area and the public could still walk on the docks.

What we DO need is substantial dock space primarily for sailboats, since the commercial mariners provide limited sail dockage. This should include permanent and transient slips with facilities for gas, laundry, rest rooms and basic supplies.

We do not feel that the park should be considered on the basis that if we do not have it we cannot get state funding. This state money is still taxpayer money and we should be able to build our own dock and fund it from slip rental as well as sale of goods to the users.

The Board of Directors has voted that we request the City Council to approve a plan that will construct a new dock with 76 slips without a park area. We also suggest that parking meters be installed at the new parking area adjacent to the Cove Inn and that the meter charge and permit system be the same as we now have in effect at Naples Landing.



Naples Daily News

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Tuos., April 5, 1983

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THOUGHT FOR THE DAY

Education has in America's whole history been the major hope for improving the individual and society.

— Gunnar Myrdal

Auditor Should Report To Mayor, City Council

There is an old saying about no man being able to serve two masters, and we think it is applicable to Naples' proposed new internal auditor.

City Manager Frank Jones, who made the recommendation that an internal auditor be hired, feels the auditor should report to him rather than the City Council.

Mayor Stanley Billick and City Councilmen Harry Rothchild and Eyle Richardson, on the other hand, think the auditor should answer directly to council.

We feel good business practice dictates that the latter position be adopted. Otherwise, it would be like sending the fox to guard the chicken coop.

Under Jones' plan, he not only would hire the internal auditor, he also would be his boss, working with him on a day-to-day basis. Jones would work with the auditor on reports to council, which would include the audit findings as well as suggested ways to correct improper spending and accounting procedures.

Inasmuch as the auditor would

be reviewing the work done by Jones and his various departments, having him report to the very individual he is auditing appears to be unwise.

The city's external auditor, Ron Wood, agrees with the mayor and the two councilmen that the internal auditor should answer to the council for total independence.

We are not in any way questioning Jones' honesty. What we are concerned about is the appearance of impropriety that is possible if the auditor reports to Jones. The public must feel that the auditor is independent if it is to have confidence in his findings.

In addition, we cannot see how having the internal auditor report directly to council hampers Jones in the performance of his duties. In fact, we are hard pressed to find any advantage in doing it Jones' way while there are numerous advantages in having the auditor report to the council.

The issue is expected to come up at Wednesday's City Council meeting. We hope common sense and good business practice prevail.