



# City of Naples

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLYCK - noted upcoming meetings with Camp, Dresser & McKee, Inc., re wastewater treatment plant expansion & effluent disposal proposals			1
-CITY MANAGER JONES - none			
<u>APPROVAL OF MINUTES</u> - Regular Meeting, May 18, 1983			
			1
<u>RESOLUTIONS</u>			
-Approve agreement w/School Board - use of school buses		83-4281	1
-Approve Spec. Ex. 83-57 - Port Royal Club, amending Res. 744		83-4283	2
-Approve one year extension - Spec. Ex. 83-S12, Trail's End Motel		83-4284	2
-Approve amendment to Declaration of Covenants, Seaboard Dwntrn S/D		83-4285	3
-Approve record plant - The Point 82-SD1		83-4286	3
-Approve amendment of date of sale - Revenue Bonds, CIP		83-4287	4
<u>ORDINANCE</u> - Second Reading			
-Approve amending Ord. 3669 - Port Royal Club, relocate tennis facility	83-4282		2
<u>ORDINANCE</u> - First Reading			
-Approve amending Pension Offsets - REMOVED FROM AGENDA	83-_____		3
<u>DISCUSSION</u>			
-Introduction of Becky Drake - winner of George Patterson Scholarship			2
-Speaker Registration at Council meetings			4 & 5
-Report by City Manager - free trash pick-up program			4
-Gas Tax Proceeds			5
-Discussion of permit for circus at Coastland Mall			6

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



Time 9:02 a.m.

Date June 1, 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  
Wade H. Schroeder  
Randolph I. Thornton  
Kenneth A. Wood  
Councilmen

Absent: Harry Rothchild  
Councilman

Also present:  
Franklin C. Jones, City Manager Randy Davis, Parks & Recreation Director  
David W. Rynders, City Attorney Steve Cramer, Chief Planner  
Roger Barry, Community Development Director John McCord, City Engineer  
Mark Wiltsie, Assistant to the City Manager Ellen P. Marshall, Deputy Clerk

See Attachment #1 - Supplemental Attendance List

INVOCATION - Reverend Wilbur W. Coates, Hope Wesleyan Church ITEM 1

ANNOUNCEMENTS ITEM 3

MAYOR BILLICK - noted that Camp, Dresser & McKee, ITEM 3-a the City's consultants for the wastewater treatment plant expansion and effluent disposal project, will make their presentation to Council at a meeting to be held on June 7, at 9:00 a.m. Another meeting will include a question/answer session and is scheduled for June 14, possibly in the evening. A third meeting will be scheduled on or about June 29, for responses from the consultants to questions raised on the 14th; Council may be able to take final action on the proposal at their regular meeting of July 6.

CITY MANAGER JONES - None ITEM 3-b

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-----CONSENT AGENDA-----

APPROVAL OF MINUTES - Regular Meeting, May 18, 1983 ITEM 4

---RESOLUTION 83-4281 ITEM 5

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND THE SCHOOL BOARD OF COLLIER COUNTY, PROVIDING FOR THE USE OF SCHOOL BUSES IN THE CITY'S SUMMER RECREATION PROGRAM; HOLDING THE SCHOOL BOARD HARMLESS FROM ALL LIABILITY BY VIRTUE OF THE USE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda as presented, ADOPTING the resolution.

-----END OF 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					
Richardson					
Rothchild					
Schroeder					
Thornton					
Wood			X		
Billick				X	
					C O N S E N S U S
					X

COUNCIL MEMBERS

MOTION YES NO  
 S E C O N D S O  
 VOTE

A B S E N T

-----ADVERTISED PUBLIC HEARINGS-----

---ORDINANCE 83-4282 ITEM 6

AN ORDINANCE AMENDING ORDINANCE NO. 3669 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE PORT ROYAL CLUB, SUBJECT TO CERTAIN CONDITIONS ENUMERATED THEREIN; AND PROVIDING AN EFFECTIVE DATE.  
 PURPOSE: TO AMEND THE PREVIOUSLY APPROVED DEVELOPMENT PLAN FOR THE PORT ROYAL CLUB AT THE REQUEST OF THE PROPERTY OWNER TO PERMIT THE RELOCATION OF PROPOSED TENNIS COURT FACILITIES SHOWN IN SAID PLAN.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:10 a.m. Closed - 9:11 a.m.  
 No one to speak for or against

MOTION: To ADOPT the ordinance as presented

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

X	X	X		
		X		
X		X		
		X		
		X		
		X		

X

-----END ADVERTISED PUBLIC HEARINGS-----

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ITEM 7  
 ADVISORY BOARD

---RESOLUTION 83-4283 ITEM 7-a

A RESOLUTION AMENDING A PREVIOUSLY APPROVED SPECIAL EXCEPTION FOR THE PORT ROYAL CLUB, INC.; AMENDING RESOLUTION NO.744 TO DELETE CERTAIN PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Billick observed that the resolution was as discussed at the last meeting and contained the condition prohibiting the serving of alcoholic beverages on the east side of Gordon Drive, as requested by Council.

MOTION: To ADOPT the resolution as presented.

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

X	X	X		
		X		
X		X		
		X		
		X		
		X		

X

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Mayor Billick noted the presence of Becky Drake and asked City Manager Jones to make the introduction. The City Manager explained that in memory of the late City Manager George Patterson, a scholarship fund had been established and Naples High School senior Becky Drake had been the recipient this year. She had met various criteria, including acceptance at a Florida college, University of South Florida in Tampa. She has a grade point average at Naples High School of 4.0.

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---RESOLUTION 83-4284 ITEM 7-b

A RESOLUTION GRANTING A ONE YEAR EXTENSION FOR THE SPECIAL EXCEPTION APPROVED FOR THE TRAIL'S END MOTEL ON MAY 5, 1982; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In answer to a question from Mr. Anderson about the intended plans for this facility, Mark Weakley, representing Trail's End Motel, noted that although the plans could eventually be different from what Council had already reviewed, they would like the one year extension of the Special Exception granted last year.

MOTION: To ADOPT the resolution as presented

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

X	X	X		
		X		
		X		
X		X		
		X		

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 83-4285 <span style="float: right;">ITEM 8</span></p> <p>A RESOLUTION APPROVING AN AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS WHICH WERE MADE A PART OF THE RECORD PLAT OF THE SEABOARD DOWNTOWN SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In response to questions from Mr. Anderson and Mr. Schroeder, Community Development Department Director Roger Barry noted that the Planning Advisory Board would review the site plan at its meeting to be held June 2, 1983, and that City Engineer McCord had recommended that a right turn only be permitted from this driveway to reduce any traffic problems. Council asked Mr. Barry to convey to the Planning Advisory Board that it was their consensus to recommend the right turn only.</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>Police Officer Kenneth Lewis distributed to Council members a Notice of Special Council Meeting scheduled for Tuesday, June 7, 1983, at 1:00 p.m.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson	X		X		
Richardson		X	X		
Rothchild					X
Schroeder			X		
Thornton			X		
Wood			X		
Billick (6-0)			X		
<p>---RESOLUTION 83-4286 <span style="float: right;">ITEM 9</span></p> <p>A RESOLUTION APPROVING THE RECORD PLAT FOR THE POINT SUBDIVISION LOCATED SOUTHWEST OF THE SOUTH END OF GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>City Attorney Rynders noted that approval of this ordinance would be contingent upon receipt of security from the developer guaranteeing the completion of required improvements.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution contingent upon receipt of the security from the developer</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="margin-left: 150px;">***</span></p>					
Anderson	X		X		
Richardson			X		
Rothchild					X
Schroeder			X		
Thornton			X		
Wood	X		X		
Billick (6-0)			X		
<p>FIRST READING ORDINANCE 83- <span style="float: right;">ITEM 10</span></p> <p>AN ORDINANCE RELATING TO THE CITY OF NAPLES RETIREMENT SYSTEM; AMENDING PARAGRAPH (e) OF SECTION 18-40 OF THE CODE OF ORDINANCES, ENTITLED "PENSION OFFSETS"; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO RESTRICT THE REMUNERATION OFFSET TO RETIRANTS UNDER THE AGE OF SIXTY-TWO YEARS.</p> <p>Title not read.</p> <p>Mayor Billick noted City Manager Jones' memorandum dated May 27, 1983 (Attachment #2) requesting that this item be removed from the Agenda. City Attorney Rynders explained that the union (A.F.S.C.M.E.) had originally requested this change; but because the final version was slightly different from their request, concurrence by the union had to be confirmed. This had not been finalized according to the City Manager's memo.</p> <p>CONSENSUS OF COUNCIL TO REMOVE THIS ITEM FROM THE AGENDA.</p>					
-3-					



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		
Rothchild					X
Schroeder	X		X		
Thornton			X		
Wood			X		
Billick (6-0)			X		

---RESOLUTION 83-4287 (Cont)

ITEM 13 (Cont)

City Attorney Rynders confirmed for Mayor Billick the correctness of the procedures being used. Mr. Thornton observed that the bond market had been flooded with issues and moving the sale of the bonds from June 1 to June 7 might have cost the City some money. Mr. Anderson noted that the bond consultants had made the mistake in advertising the sale resulting in the date being changed to June 7, but noted that this could also work to the City's advantage. He said, however, he was disappointed that an experienced bond counsel would make such an error.

MOTION: To ADOPT the resolution as presented.

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RETURN TO AGENDA ITEM 11

J. Sandy Scatena, citizen, presented a copy of his statement and exhibits for the record (Attachment #4). He noted his objection to the procedure itself and the wording of the Agenda item. He stated that if the procedure were enacted by ordinance, the courts would find it illegal. Mr. Schroeder outlined his research on procedures of this type and gave the Clerk a copy of the items he quoted (Attachment #5). Mr. Scatena continued his arguments against the proposal for an extended period of time, and Mayor Billick ruled him out of order, recessing the meeting and asking Mr. Scatena to leave.

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BREAK: Recessed - 10:30 a.m. Reconvened - 10:35 a.m.

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Mr. Schroeder continued to outline his suggested procedure which would allow speakers to register until an item was voted on or otherwise disposed of; which would allow the individual five minutes to speak and the Mayor could grant an additional five minutes; and which would allow Council, by a two-thirds vote to grant more time. He added that the two-thirds vote would come out to five affirmative votes. Mayor Billick indicated his preference for a simple majority vote and more flexibility, and Mr. Anderson suggested that the extended time be entirely up to the Mayor's discretion. It was the final consensus of Council, after further discussion, that the Mayor allow extended time after the initial five minutes, and that Council could intervene to extend time, or limit it, by a simple majority vote.

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CORRESPONDENCE AND COMMUNICATION

City Manager Jones reviewed the information in his memorandum dated May 31, 1983 regarding Gas Tax Proceeds (Attachment #6). Mr. Schroeder suggested that Everglades City be invited to sit in on the discussions leading up to the formulation of the inter-local agreement to be executed by the City and the County.

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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	

CORRESPONDENCE AND COMMUNICATIONS (Cont)

Mr. Wood registered his objections to a proposed circus on the Coastland Mall property. Mr. Anderson noted his personal objections and stated he had so advised the City Manager. Mayor Billick stated the opinion that the request should go through normal City procedures and that Council should not interfere. Mr. Schroeder expressed concern about possible traffic problems. Mayor Billick pointed out that Coastland Mall was not a residential section and some of the negative reactions may be "too stodgy."

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ADJOURN: 10:52 a.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 06-15-83

## Supplemental Attendance List - Regular Meeting, June 1, 1983

Reverend Wilbur Coates  
 Ed Kant  
 Bruce Hayhoe  
 Brad Estes  
 Charles Andrews  
 Lloyd Sarty  
 John DeBaun  
 Walter Olson  
 Kenneth Lewis

Sam Aronoff  
 Bob Galloway  
 Mark Weakley  
 Joseph Boggs  
 Al Mott  
 Gene Eary  
 Jean Stephens  
 Becky Drake  
 Tish Gray

Jim McGrath  
 Mae Davis  
 Gilbert Weil  
 Bob Russell  
 Mary Springrose  
 Willie Anthony  
 Ed McMahan  
 John Norman  
 Ron Wood

## NEWS MEDIA

Laurie Fugitt, TV-9  
 Susan Gardner, TV-9  
 Laura Csonka, TV-9

Denes Husty, News Press  
 Jeff Leen, Miami Herald

James Moses, Naples Daily News  
 Gary Arnold, TV-26, WEVU  
 John Buonpane, TV-26, WEVU

Other interested citizens and visitors





# City of Naples

## MEMO

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** CITY MANAGER FRANKLIN C. JONES  
**SUBJECT:** PENSION OFFSETS AMENDMENT  
**DATE:** MAY 27, 1983

---

Because of staff changes in the AFSCME organization, they were unable to officially confirm their concurrence with the Pension Board's suggested ordinance change and we are, therefore, requesting that this item be removed from the agenda. This amendment would restrict pension offsets to those retirants under age 62.

We will reschedule the item once AFSCME can officially confirm that they concur with this amendment.

Sincerely,

Franklin C. Jones  
City Manager

FCJ/tan



*City of Naples*

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: CITY MANAGER FRANKLIN C. JONES  
SUBJECT: FREE CITY TRASH PICK-UP  
DATE: MAY 26, 1983

BACKGROUND

On May 4, 1983, City Council approved the concept of a one-time free trash pick-up for all residents within the City. The program was to be implemented in conjunction with the efforts of the Naples Beautification Council and the proclamation of May 19 - 30 as Beautification Week.

ANALYSIS

After reviewing the program in further detail with Anita Ulter, representing the Naples Beautification Council, we decided to divide the City into five areas and provide the free pick-up one area at a time. Not knowing what response we might receive we estimated it would take several Saturdays to pick-up a particular area.

In an effort to coordinate this free pick-up with Beautification Week we issued the attached News Release on May 20, 1983. As the News Release indicates requests started Monday, May 23, for pick-ups on Saturday, May 28, for Area 1. To date we have received 21 requests for service. At this time we feel Area 1 will be accomplished in one day. Should Area 1 be representative of the other four areas the entire City will be completed in four to six weeks. We estimate the cost of this program to be as follows:

Equipment Operation Costs	\$ 840
-Payloader	
-2 Scooby trucks	
-2 Pick up trucks	
Labor	
-5 men overtime	\$3,995
County Landfill fees	\$ 72
<b>TOTAL</b>	<b>\$5,267</b>

Mayor & Council  
May 26, 1983  
Page 2

CONCLUSION

Because of Council's desire to cooperate in the Beautification Week effort, I trust that you will concur with the program we established to assist in the clean-up effort. I feel that the program will have a very positive impact upon the City as a whole.

Respectfully submitted,

Franklin C. Jones  
City Manager

Prepared by:

*Mark W. Wilcox*  
Mark W. Wilcox, Asst. to the City Manager

Good Morning, Mr. Mayor and Councilmen:

My name is G. Sandy Beaters and my wife and I reside at 2990 Pinnacle Drive Naples, Florida. We have lived in the City of Naples for over 11 years, have owned Properties in Collier County since 1967 and in 1975 we opened A women's Apparel Shop - Clothes Rack At 539 Fifth Ave., So.

As A year round resident and established member of the Business Community, I am here today as A concerned citizen, to discuss Agenda Item No. 11, which has been requested by Councilman Schroeder. Discussion / action with reference to procedure for Speakers registration at City Council Meetings.

At this Council Meeting, my wife and I hope that you, Mr. Mayor and Councilmen, will not vote in favor of Agenda Item No. 11 requested by Councilman Schroeder.

I would like now Mr. Mayor to place into the Record at this Meeting the following Exhibits marked NO. 1 through NO. 6 which are pertinent to this discussion. I will make brief comments about each of these Exhibits. (If you want each Exhibit read in full, Mr. Mayor, I am sure that our Able Assistant City Clerk, Pat Marshall, can do this for you.)

- Agenda - A list of things to be dealt with at a meeting.
- Discussion - The act of discussing; talk or writing in which the pros and cons of various aspects of a subject are considered.
- Action - ① The doing of something; state of being in motion or of working ② an act or thing done.

Lanny Watkins, the year's leading money-winner who had shared the opening-round lead with Crenshaw, assembled four straight birdies on the back side,

the midway point of the 1983 season. He already has won \$251,000.

Also at 139 were former U.S. Open and PGA winner David

Tom Watson, the PGA Player of the Year five of the last six seasons, wheeled into contention with a 67. He was four shots behind at 140.

EXHIBIT

ATTACHMENT #4  
page 2

*Naples Daily News Sunday, May 29, 1983*

**PUBLIC NOTICE PUBLIC NOTICE PUBLIC NOTICE PUBLIC NOTICE**

City of Naples  
**NAPLES CITY COUNCIL AGENDA**  
Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

**COUNCIL CONFERENCE CANCELED**  
- REGULAR MEETING -  
Wednesday, June 1, 1983 - 9:00 A.M.

1. INVOCATION
2. ROLL CALL
3. ANNOUNCEMENTS
- 3-a. Mayor Billick
- 3-b. City Manager

**CONSENT AGENDA**

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

9:00 a.m.

4. Approval of Minutes - May 18, 1983 Regular Meeting
5. Authorization for Mayor and City Clerk to execute an indemnity agreement between the City of Naples and Collier County Public Schools relative to the use of school buses by the City for its summer recreation program. Requested by Parks & Recreation Department.

**END CONSENT AGENDA**

**ADVERTISED PUBLIC HEARINGS**

9:05 a.m.

6. An ordinance amending Ordinance No. 3669 which approved the Development Plan for the Port Royal Club, subject to certain conditions enumerated therein; and providing an effective date. Purpose: To amend the previously approved Development Plan for the Port Royal Club at the request of the property owner to permit the relocation of proposed tennis court facilities shown in said plan.

**END ADVERTISED PUBLIC HEARINGS**

9:10 a.m.

7. Community Development Department/Naples Planning Advisory Board:

7a. Planning Advisory Board recommendation to approve:

Special Exception Petition No. 83-57

Petitioner: Port Royal Club

Location: 2900 Gordon Drive

Request to:

1. Revise Council Resolution 744 pertaining to the sale of alcoholic beverages and hours of operation of the club; and
2. Extend the time period for completion of the previously approved development plan; and
3. Amend a previously approved development plan in order to accommodate a relocation of two additional tennis courts and related pro-shop facility.\*

\*Pursuant to ordinance shown as Agenda Item No. 4 above.

- 7b. Request for a time extension with reference to the following:

Petitioner: Emcor, Inc., Weakley & Shurtz, d/b/a Trails End Motel

Location: 309 Ninth Street South

Special Exception Petition No. 82-512

Request to permit a transient lodging use to include the existing motel and the proposed addition in the "C2", General Commercial district.

**END PLANNING ADVISORY BOARD**

9:30 a.m.

8. Request for amendment to previously approved Subdivision Plat:

Petitioner: In-Town Partnership, Bruce C. Hayhoe, Trustee (Seaboard Downtown Subdivision)

Location: Portions of former Seaboard Coast Line Railroad right-of-way lying between First Avenue South and Eighth Avenue North, extended.

(Final subdivision plat approval granted at Regular Meeting of February 2, 1983)

9:45 a.m.

9. Final Subdivision Plat Approval No. 82-SD-1

Petitioner: Davie Hopkins

Location: Southern terminus of Gordon Drive, south side of Bay Road at Gordon Pass.

Request for final plat approval for a proposed five-lot subdivi-

sion of approximately 5.32 acres, to be known as "The Point" subdivision.  
(Last considered by City Council at Regular Meeting of September 15, 1982)

**FIRST READINGS**

10:00 a.m.

10. An ordinance relating to the City of Naples Retirement System; amending Paragraph (e) of Section 18-40 of the Code of Ordinances, entitled "Pension Offsets"; and providing an effective date. Purpose: To restrict the remuneration offset to retirees under the age of sixty-two years. Requested by General Pension Board.

**END FIRST READINGS**

10:15 a.m.

11. Discussion/action with reference to procedure for speaker registration at City Council meetings. Requested by Councilman Schroeder.

10:35 a.m.

12. Report by City Manager on free trash pick-up program in conjunction with Naples Beautification Week.

10:50 a.m.

13. Resolution amending Resolution No. 83-4280 to change the time and date of sale for the City of Naples Public Service Tax Revenue Bonds, Series 1983, to 1:00 p.m., E.D.S.T., Tuesday, June 7, 1983. Requested by Arch W. Roberts & Company, fiscal agents.

**CORRESPONDENCE**

**ADJOURN**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING (OR HEARING) WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE HEARD.

DUPLICATE TAPES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE AT \$10.00 EACH.

May 29

No. 196

(Continued on Page 9C)

# DRIVEWAYS



**10% OFF thru June**  
On all asphalt concrete paving & site work  
**FREE ESTIMATES**

state certified general contractors

**White Sands Construction Co.**

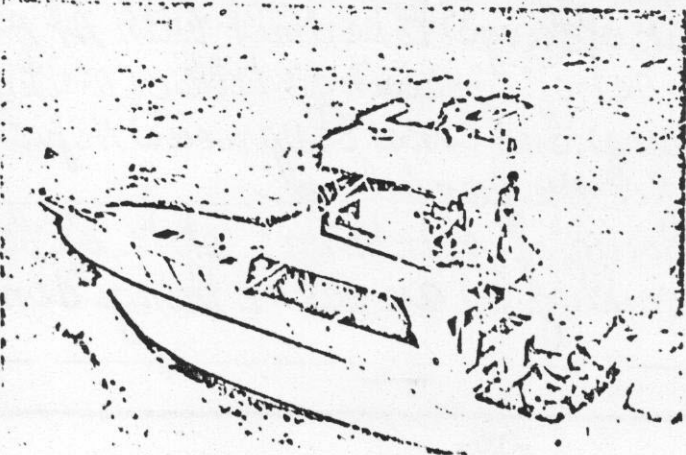
263-7133 • 455-6270



**THE WHAT YOU.**



## Dealer Demonstrator - 43' Hatteras Conv.



NAPLES DAILY NEWS

Tues., May 31, 1983

# Councilman Proposes Rule To Limit Talking

By JAMES MOSES  
Staff Writer

Long-winded speakers might have to change their ways if the Naples City Council accepts Councilman Wade Schroeder's proposal Wednesday morning.

Schroeder wants the council to limit all speakers to five minutes with the same type of pre-registration process used by the Collier County Commission.

"FIVE MINUTES is a reasonable amount of time, and a majority of the council could allow any speaker to continue," Schroeder said today.

The new rule would not affect councilmen, but there already is a council rule limiting them to five minutes.

The council has made other attempts to avoid three-, four- and five-hour meetings, but most recent sessions have been long because many residents wanted to speak.

Regular sessions begin

at 9 a.m. and sometimes last until 2 p.m. or later.

Mayor Stanley Billick has asked speakers to limit their comments, avoid repeating themselves and avoid repeating statements from others, but he seldom stops a speech.

During two meetings in May, the council spent hours listening to residents talk about the legality of new water-sewer rates, proposed ordinances to repeal the rates and a "vote of confidence" for two city administrators.

RESIDENT FRANK Lualdi used about an hour of the council's time before it voted May 4 to give rebates to water customers. He repeated some, but not all of his May 4 speech on May 18, before the council decided to give similar rebates to sewer customers.

Lualdi and several other residents talked at length before the council voted to retain City Manager Frank Jones and City Attorney

David Rynders on May 18.

The councilmen have a five-minute time limit. Billick is supposed to watch the clock and stop the councilmen, but he has never stopped a councilman's speech.

The council also uses a consent agenda, designed to hasten rulings on routine matters by lumping them together under one vote.

IF THE COUNCIL accepts Schroeder's suggestion, all speakers would have to pre-register. Before a meeting starts, Assistant City Clerk Pat Marshall would take names and note the agenda items they want to address. She would give the information to Billick, who would keep track of time.

If a speaker needs more than five minutes, a majority of the council could allow the resident to continue. If a majority decides the speech should end, Billick would stop it.

# Sports In Brief

**MCCRORY, Ark. (AP) —** Johnson's mark in the track record on Arkansas' McCrory Friday night books fell when Johnny Johnson of Nashville Win Whipple set for Arkateaped 24 feet, 2½ inches Whipple jumped 24 feet. in the long jump.

## PUBLIC NOTICE PUBLIC NOTICE

City of Naples  
**NAPLES CITY COUNCIL AGENDA**  
 Council Chambers  
 735 Eighth Street South  
 Naples, Florida 33940  
**COUNCIL CONFERENCE CANCELED**  
 - Regular Meeting -  
 Wednesday, May 18, 1983 - 9:00 A.M.

1. INVOCATION
2. ROLL CALL
3. ANNOUNCEMENTS
- 3-a. Mayor Billick
- 3-b. City Manager

9:00 a.m.

4. Request by Naples Woman's Club for approval to construct a monument in Cambier Park to honor Collier County residents who lost their lives while serving their country.

### CONSENT AGENDA

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

9:10 a.m.

5. Approval of Minutes - May 3, 1983 Workshop & May 4, 1983 Regular Meeting

6. Accept drainage easement, Goodlette Road (SCL Railroad right-of-way). Requested by Engineering Department.

7. Purchasing:

7-a. Annual bid - paper and plastic disposables, various departments

Recommended Award: \$9,465.00 (annual estimate) Johnson Wholesale, Punta Gorda; Naples Sanitary, Naples

7-b. Mid-size four-door sedan (used), Police Department

Recommended Award: \$7,852.02 Tamiami Ford, Naples

### END CONSENT AGENDA

9:15 a.m.

8. Community Development Department/Naples Planning Advisory Board:

8-a. Naples Planning Advisory Board recommendation to approve:

Variance Petition No. 83-V4

Petitioners: Mr. & Mrs. Robert P. Meister, Jr.

Location: 22 4th Avenue South

Appeal from Section 5.2F(4) of the Zoning Ordinance which requires a 35 foot front yard setback in order to retain a covered entry area which encroaches a total of seven (7) feet into the subject yard.

8-b. Naples Planning Advisory Board recommendation to approve:

Special Exception Petition No. 83-55

Petitioner: The Archdiocese of Miami (St. Ann School)

Location: 439 Ninth Avenue South

Request to amend a previously approved Special Exception in order to permit construction of a one-story "multi-purpose building" at the St. Ann School, to be used for physical education, cafeteria, administrative, and general education purposes.

8-c. Naples Planning Advisory Board recommendation to approve:

Special Exception Petition No. 83-54

Petitioners: Mr. & Mrs. Thomas Boys

Location: 380 Fifth Avenue North

Request to retain a six foot high wood fence in required side and rear yard setback areas where fences are normally limited to five feet in height.

8-d. First Reading of an ordinance and Planning Advisory Board recommendation to approve:

Special Exception Petition No. 83-57

Petitioner: Port Royal Club

Location: 2900 Gordon Drive

Request to:

1. Revise Council Resolution 744 pertaining to the sale of alcoholic beverages and hours of operation of the club; and

2. Extend the time period for completion of the previously approved development plan; and

3. Amend a previously approved development plan in order to accommodate a relocation of two additional tennis courts and related pro-shop facilities.

\*Action to be taken with the adoption of the following ordinance of second reading.

An Ordinance amending Ordinance No. 3669 which approved the development plan for the Port Royal Club, subject to certain conditions enumerated therein; and providing an effective date. Purpose: To amend the previously approved development plan for the Port Royal Club at the request of the property owner to permit the relocation of proposed tennis court facilities shown in said plan.

9:40 a.m.

9. A resolution authorizing adjustments to customers billed for sewer service under the new rate structure adopted on January 5, 1983, in the form of a credit on future billings; and providing an effective date. Requested by Mayor Billick.

9:55 a.m.

## PUBLIC NOTICE PUBLIC NOTICE

10. First Readings:  
 10-a. An ordinance repealing Ordinance No. 83-4180 relating to rates for water service which amended Section 26-8, entitled "Rate Schedule," of the Code of Ordinances of the City of Naples; and providing an effective date. Purpose: To revoke the amendments to the previously existing water service rates and thereby reinstate rates effective prior to January 5, 1983. Requested by Councilman Rothchild.

10-b. An ordinance repealing Ordinance No. 83-4181 relating to rates and charges for sewer service which amended Section 11-3.3, entitled "Sewer Service - Rates and Charges," of the Code of Ordinances of the City of Naples; and providing an effective date. Purpose: To revoke the amendments to the previously existing sewer service rates and thereby reinstate rates effective prior to January 5, 1983. Requested by Councilman Rothchild.

### END FIRST READINGS

10:15 a.m.

11. Discussion/action with reference to retention of the City Attorney and City Manager. Requested by Mayor Billick.

10:30 a.m.

12. Authorization to publish the Notice of Sale, to mail the Preliminary Official Statement, and to set the maturity schedule and redemption provisions for the City of Naples Public Service Tax Revenue Bonds, Series 1983. Requested by Arch W. Roberts & Company, fiscal agents.

### CORRESPONDENCE & COMMUNICATIONS

### ADJOURN

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING (OR HEARING) WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE HEARD.

\*DUPLICATE TAPES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE AT \$10.00 EACH.

May 15

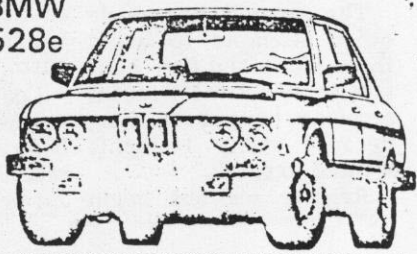
No. 60.

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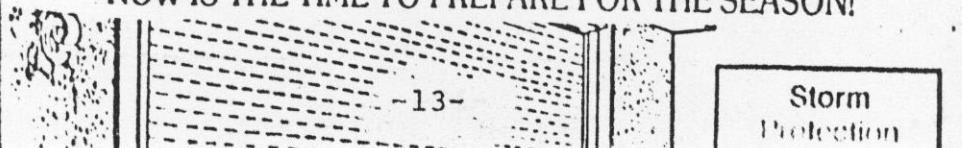


United T

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# PRE-HURRICANE SPECIALS

NOW IS THE TIME TO PREPARE FOR THE SEASON!



Storm  
 Protection

To the Record: On Wednesday, May 18, 1983 at approximately 6:40 P.M. I made a telephone call to Page Two on TV Channel 9. I said the following:

Good evening, Jim (Anderson) and Dave (Briscoe):  
My name is Sandy Seaton, and this morning I appeared and spoke at the City Council Meeting. Agenda Item No. 11 was to discuss Action with reference to retain the City Attorney and City Manager of Naples. The Council did discuss David Rynders, the City Attorney, as each of these men were to be discussed individually. I spoke about Mr. Rynders, and then wanted to speak about Mr. Jones. However, Mayor Billick would not allow any discussion about City Manager, Frank Jones. Thus, I along with other concerned citizens were not allowed to speak about City Manager, Frank Jones. I protested, but to no avail. Why is Mayor Billick afraid of any citizen of Naples talking about the inefficiency of our City Manager???

Note\* After making this statement - Jim asked me a few questions which I answered extemporaneously. I then concluded by saying that we live in Naples, Florida, not Naples, Italy - where years ago they were governed by a Dictator.

# ATTENTION TAXPAYERS

After we had made 22 trips to City Hall over a period of three months, the Naples City Council finally, on May 4, by their actions admitted that, we the taxpayers, has been illegally billed for water used in November and December. On May 18, at the City Council meeting, the Council again admitted, by their actions, that the city had illegally billed the taxpayers for sewer services used in November and December. They have promised to return approximately \$75,000 to the taxpayers.

Although the City Council ordered the City Manager to give us back the first \$45,000 of that money over three weeks ago, he still has not instructed the accounting department to begin making those refunds.

In addition to the \$75,000 that we have now won, the city has also illegally billed the taxpayers for another \$160,000 for January, February, March and April 1983. If they don't revoke the illegal water and sewer ordinances, the city will, by the end of the year, have illegally billed and collected another \$600,000 from the taxpayers. The public isn't going to stand still for that.

Make sure to check your upcoming water and sewer bills to see that you receive proper credit for November and December 1982. If you don't see a credit on your bill, make certain you contact City Hall and have your account corrected.

It is said that citizens "can't beat City Hall." We don't want to beat City Hall. We just want justice.

**The Naples Taxpayers League**  
*Frank Lualdi, Secretary*



JAMES R. WEIGEL

151

240 10TH AVENUE SOUTH

NAPLES, FLORIDA 33940

May 4, 1983

Dear Mr. Scatena,

I had the opportunity to attend the Naples City Council meeting of today, May 4, 1983 and observe the discussion in regard to agenda item #10 (Water/sewer ordinance reaction). Although I had to leave City Hall at 11:40am I did continue to follow the entire discussion at home on television.

Thank you for your enlightening, well-documented presentation of facts regarding this situation. The citizens of Naples owe you a debt of gratitude. Once again, thank you for your efforts.

Yours truly,

Jim Weigel

## Art. XIII. Miscellaneous

64. Debate. All remarks must be addressed to the chairman and confined to the question before the assembly, avoiding all personalities and reflections upon any one's motives. It is usual for permanent assemblies to adopt rules limiting the number of times any one can speak to the same question, and the time allowed for each speech,† as otherwise one member, while he could speak only once to the same question, might defeat a measure by prolonging his speech, and declining to yield the floor except for a motion to adjourn. In ordinary assemblies two speeches should be allowed each member (except upon an appeal), and these rules also limit the time for each speech to ten minutes. A member can be permitted by a two-thirds vote to speak oftener or longer whenever it is desired, and the motion granting such permission cannot be debated. However, if greater freedom is wanted, it is only necessary to

\* Ten minutes is allowed by these rules.

† See § 11 for effect of an adjournment upon unfinished business.

‡ In Congress, the House of Representatives allows from each member only one speech of one hour's length; the Senate allows two speeches without limit as to length.

consider the question informally, or if the assembly is large, to go into committee of the whole.\* If, on the other hand, it is desired to limit the debate more, or close it altogether, it can be done by a two-thirds vote.

## 67. Right of an Assembly to Eject any one from its Place of Meeting.

Every deliberative assembly has the right to decide who may be present during its session; and when the assembly, either by a rule or by a vote, decides that a certain person shall not remain in the room, it is the duty of the chairman to enforce the rule or order, using whatever force is necessary to eject the party.

The chairman can detail members to remove the person, without calling upon the police. If, however, in enforcing the order, any one uses harsher treatment than is necessary to remove the person, the courts have held that he, and he alone, is liable to prosecution, just the same as a policeman would be under similar cir-

cumstances. However badly the man may be abused while being removed from the room, neither the chairman nor the society are liable for damages, as, in ordering his removal, they did not exceed their legal rights.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

## AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## AMENDMENT II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## AMENDMENT III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

## AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## AMENDMENT VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## AMENDMENT X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



# City of Naples

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: CITY MANAGER FRANKLIN C. JONES  
SUBJECT: GAS TAX PROCEEDS  
DATE: MAY 31, 1983

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Attached is a report from Ron Wood of Rogers, Wood, Hill, Starman & Gustason, concerning the verification of transportation expenses for the City and the County for the next five years. As you know, these expenses are the basis for the division and distribution of the local option gas tax.

It was determined by the City and County staffs that the best method to verify the accuracy of figures to be used in the calculation of a division between the City and County would be to hire an independent audit firm. Since Rogers, Wood, Hill, Starman & Gustason have in the past done work for both the City and County, they were the logical choice.

Based on their review of the transportation expense data for the last five years, they have determined that the tax proceeds could be divided on the basis of 78.65% going to the County and 21.35% going to the City. If the gas tax is approved by the County Commission, it is intended that an inter-local agreement be executed between the City and County to divide the proceeds on this basis. There would also need to be some agreement between the County and Everglades City, and it is anticipated that the amount allocated to Everglades City would be 1%.

If you have any questions concerning this report, please contact me.

Sincerely,

Franklin C. Jones  
City Manager

FCJ/tan  
enc.