



City of Naples

City Council Minutes

Regular Meeting Sept. 7, 1983

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u> -MAYOR BILLICK - noted that the bids for the dock renovation would be opened Thursday, September 8, at 2:00 p.m. -CITY MANAGER JONES - noted that representatives of Camp Dresser & McKee would be meeting in City Hall re draft agreements with golf courses for use of treated effluent			1 1
<u>APPROVAL OF MINUTES</u> - 08/16/83 - Workshop Budget Meeting 08/17/83 - Regular Meeting 08/24/83 - Workshop Budget Meeting			1
<u>RESOLUTIONS</u> -Approve amendment to Pay Plan for Non-bargaining employees -DENY <u>Coastal Construction Setback Variance</u> CCL 83-5, 1144 Gulfshore Blvd. -Approve ranking of engineering firms for <u>CIP street projects</u> -Appoint M.J. Casey Miller and Marshall Davenport to <u>Parks & Recreation Advisory Board</u>		83-4330 83-4334 83-4335	2 3 4 5
<u>PURCHASING</u> -Award bid for drainage material - annual requirement -Award bid for annual chlorine requirement		83-4331 83-4332	2 2
<u>ORDINANCES - First Reading</u> -Add penalty to <u>occupational license</u> section of Code and remove certain vending machines from exempt list - <u>Second Reading</u> -Rezone S.E. corner U.S. 41 & 26th Av No to "HC"	FAILED (2-2) 83-4333		3 & 4 3
<u>DISCUSSION/ACTION</u> -Discussion/action with reference to selection of a <u>financial</u> advisor for bond issue for <u>wastewater treatment</u> plant expansion - <u>APPOINT</u> selection <u>committee</u> : Finance Director Hanley, Assistant to the City Manager Wiltsie, and external auditor Ron Wood			4

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



CITY COUNCIL MINUTES
Regular Meeting

Time 9:05 a.m.

Date September 7, 1983

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

ROLL CALL: Present: Stanley R. Billick ITEM 2
Mayor
Harry Rothchild
Wade H. Schroeder
Kenneth A. Wood
Councilmen

Absent: R. B. Anderson
Lyle S. Richardson
Randolph I. Thornton
Councilmen

Also present:

Franklin C. Jones, City Manager	Mark Wiltsie, Assistant to the City Manager
David W. Rynders, City Attorney	Bill Hanley, Finance Director
Steven Brown, Personnel Director	Steve Cramer, Chief Planner
Stewart Unangst, Purchasing Agent	John R. McCord, City Engineer
Roger Barry, Community Development Director	Ellen P. Marshall, Deputy Clerk

See Attachment #1 - Supplemental attendance list

INVOCATION - Reverend Don Houser ITEM 1
East Naples Baptist Church

ANNOUNCEMENTS ITEM 3

MAYOR BILLICK - noted that the bids for the dock ITEM 3-a renovation would be opened Thursday, September 8, at 2:00 p.m.

CITY MANAGER JONES - noted there would be meetings today ITEM 3-b and tomorrow with Camp Dresser & McKee, sewer plant expansion and effluent disposal engineers, about the draft agreement for golf courses to use the treated effluent; representatives of the firm would also be available to any Councilman who wished to speak with them.

*** *** ***

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

Mayor Billick noted the Consent Agenda; whereupon, Mr. Rothchild asked that Items 5, 6-a, and 6-b be removed. The Mayor noted that left only the Approval of the Minutes on the Consent Agenda.

APPROVAL OF MINUTES - 08/16/83 - Budget Workshop Meeting ITEM 4
08/17/83 - Regular Meeting
08/24/83 - Budget Workshop Meeting

MOTION: To APPROVE the minutes listed above as submitted.

-----END CONSENT AGENDA-----

Mr. Rothchild voiced his objection to the meeting of August 17, 1983, being adjourned before any action was taken on the last item on the agenda and he quoted Roberts' Rules of Order regarding the continuation of an adjourned meeting. Mr. Schroeder noted that City Council had never adopted Roberts' Rules. City Attorney Rynders explained that the Charter provides that the Mayor is the presiding officer and, therefore, "to preside was to open and close". Mayor Billick declared Mr. Rothchild out of order and Mr. Rothchild stated that the meeting would continue under his protest and he intended to follow up on this matter.

*** *** ***

COUNCIL MEMBERS	M O T I O N	S E C I O N	VOTE		A B S E N T
			Y E S	N O	
Anderson	-	-			X
Richardson	-	-			X
Rothchild					
Schroeder	X				
Thornton	-	-			X
Wood			X		
Billick					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 7, 1983

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
<p>---RESOLUTION 83-4330</p> <p style="text-align: right;">ITEM 5</p> <p>A RESOLUTION PROVIDING FOR CERTAIN AMENDMENTS TO THE POSITION CLASSIFICATION AND PAY PLAN FOR NON-BARGAINING UNIT EMPLOYEES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Rothchild protested that he did not have a copy of the Position Classification and Pay Plan for Non-Bargaining Unit Employees and, therefore, could not relate it to the information in City Manager Jones' memorandum dated September 2, 1983. (Attachment #2). City Attorney Rynders explained that there was a copy of the document on file in the Personnel office and the City Clerk's office and any Councilman could have requested this information. Mr. Schroeder called for the vote on the motion made.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>***</p>					
Anderson					X
Richardson					X
Rothchild				X	
Schroeder	X		X		
Thornton					X
Wood		X	X		
Billick (3-1)			X		
<p>---RESOLUTION 83-4331</p> <p style="text-align: right;">ITEM 6-a</p> <p>A RESOLUTION AWARDED BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR DRAINAGE MATERIALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In answer to a question from Mr. Rothchild about receiving only one bid for 12" cement storm pipe and 18" cement storm pipe, Purchasing Agent Unangst noted that for the past couple of years there had only been one bid received for those items.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>***</p>					
Anderson					X
Richardson					X
Rothchild			X		
Schroeder	X		X		
Thornton					X
Wood	X		X		
Billick (4-0)			X		
<p>---RESOLUTION 83-4332</p> <p style="text-align: right;">ITEM 6-b</p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S ANNUAL REQUIREMENTS FOR CHLORINE; 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>City Manager Jones noted the information in his memorandum dated August 30, 1983 (Attachment #3) in which he had stated that the material had been rebid because the City had received identical bids the first time. He further noted that the City had notified the State Attorney's office of possible collusive bidding. Mr. Schroeder noted that the bids this time were for a higher price and the material would now cost the City more. City Manager Jones noted, however, that on another occasion the Council had concurred with his recommendation to rebid an item and a considerable savings had been realized.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>***</p>					
Anderson					X
Richardson					X
Rothchild			X		
Schroeder	X		X		
Thornton					X
Wood		X	X		
Billick (4-0)			X		

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 7, 1983

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 9 (Cont)</p> <p>to the proposed penalty. Another citizen, J. Sandy Scatena, addressed Council and placed Exhibits 1 - 8 in the record (Attachment #4). He asked about the vending machines that the ordinance would remove from the exempt list. He also asked if a fee would be charged for each newspaper vending machine and requested that City Manager Jones check further into the status of newspaper vending machines. Herb Anderson, president of the Naples Beautification Council, also inquired about the regulation of newspaper vending machines in light of the group's concern about their proliferation in the community.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the ordinance as presented on First Reading.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (2-2) FAILED	X		X	X	X X X X
<p><u>DISCUSSION/ACTION WITH REFERENCE TO SELECTION OF</u> <u>ITEM 10</u> <u>A FINANCIAL ADVISOR FOR THE BOND ISSUE IN CONNECTION</u> <u>WITH THE WASTEWATER TREATMENT PLANT EXPANSION.</u> Requested by City Manager</p> <p>City Manager Jones referred to his memorandum dated September 2, 1983 (Attachment #5). In response to questions from Mr. Rothchild, City Attorney Rynders explained that the state statute regarding consultant selection and negotiations applied to engineering, electrical, and surveying firms, not financial advisors. In response to a suggestion from Mayor Billick to have a selection committee, and after further discussion, Council concurred with City Manager Jones' recommendation that such a committee should include Finance Director Hanley, Assistant to the City Manager Wiltsie, and external auditor Ron Wood.</p> <p><u>MOTION:</u> To <u>CONCUR</u> with recommendations of the City Manager and appoint Bill Hanley, Mark Wiltsie and Ron Wood to a committee to review responding firms.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (3-1)	X		X	X	X X X X
<p>---RESOLUTION 83-4334 <u>ITEM 11</u></p> <p>A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE AS BEING THE MOST QUALIFIED TO PERFORM ENGINEERING SERVICES RELATING TO THE RESIDENTIAL ROADWAYS PROJECT; DIRECTING THE CITY MANAGER TO NEGOTIATE A FEE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Rothchild questioned the procedure whereby the consultant selection committee ranked the firms they interviewed after stating that the top four firms were almost equally qualified. City Attorney Rynders stated that the procedure was mandated by state statute.</p> <p><u>MOTION:</u> To <u>ACCEPT</u> the rankings and <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (4-0)	X		X	X	X X X X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 7, 1983

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 83-4335 ITEM 12</p> <p>A RESOLUTION APPOINTING TWO MEMBERS TO THE PARKS AND RECREATION BOARD TO FILL THE UNEXPIRED TERMS OF DAVID PIERSON AND JOHN S. NAGEL AND FOR AN ADDITIONAL FOUR (4) YEAR TERM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Rothchild made a statement noting the recent resignations from the Parks & Recreation Advisory Board of David Pierson and John Nagel and suggested that the criticisms in their letters of resignation should be investigated and not ignored. Mr. Schroeder noted his feeling that the Board as advisory and their recommendations not binding on the Council.</p> <p><u>MOTION:</u> To <u>NOMINATE</u> M. J. Casey Miller</p> <p><u>MOTION:</u> To <u>NOMINATE</u> Marshall Davenport</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution appointing M. J. Casey Miller and Marshall Davenport to the Parks & Recreation Board.</p> <p>*** *** ***</p> <p>ADJOURN: 10:55 a.m.</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (4-0)	X		X X X X		X X X X
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (4-0)	X		X X X X		X X X X
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (4-0)	X		X X X X		X X X X

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 09-21-83

ATTACHMENT #1

Supplemental attendance list - Regular Meeting 09/07/83

Reverend Don Houser
Mr. Floyd Peterson
James Kuhlman
Walter Olson
Tish Gray
Joseph Genta

Charles Andrews
Sam Aronoff
Sergio Montes
Herb Anderson
Robert Russell
John DeBaun

J. Sandy Scatena
William Bledsoe
Jim McGrath
Mr. & Mrs. Richard Hahn
Glenn Mackay

News Media:

Jim Forner, TV-9
Susan Gardner, TV-9
Jerry Pugh, TV-9

Denes Husty, News Press
Jim Bryan, WNOG
Matt Spina, Naples Daily News

x

x

Other interested citizens and visitors.



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of City Council
 FROM: Franklin C. Jones, City Manager
 SUBJECT: Proposed Amendments to Non-Bargaining Unit Pay Plan
 DATE: September 2, 1983

BACKGROUND

Periodically, the Personnel Division reviews the City's Pay Plans for accuracy and equity. The Division also responds to requests for review from department heads. Salaries are reviewed for comparability within City employment and with private industry. The Personnel Division also reviews pay plans with the objective of maintaining effective procedures and practices. The purpose of this memo is to recommend changes in the Non-Bargaining Unit Pay Plan to correct a salary inequity and a personnel procedure that is inaccurate.

ANALYSIS

In relation to other classifications in similar pay grades, the Parkways and Service Superintendent classification, Terry Fedelem incumbent, is not properly compensated at Pay Plan III, Pay Grade 3. The major decisions required of this classification provide enough responsibility for a higher level of compensation. The Parkways and Service Superintendent classification is required to supervise thirty-three (33) positions involved in a variety of technical, skilled and unskilled duties and responsibilities. Public contact, consisting of answering complaints and regularly attending homeowner's associations meetings, is also required. Comparison with other classifications with similar responsibility reveals the need for reassignment of pay grade to Pay Plan III, Pay Grade 5.

Under the current Non-Bargaining Unit Pay Plan, the merit increases granted effective October 1 are based on performance evaluations completed using October 1 to September 30 as rating period. Obviously, this provided insufficient time for proper processing. A change in the rating period is necessary.

RECOMMENDATION

Based upon extensive study, I recommend the following changes in the Non-Bargaining Unit Pay Plan.

1. Section 11.06 - Last paragraph should be changed to read as follows:

All employees in Pay Plan I(A) shall be evaluated for a merit increase effective October 1. The evaluation shall cover the period from September 1 through August 31, preceding the October 1 effective date.

2. Section 11.09 - Change:

Parkways and Service Supt.	<u>Pay Grade</u> 5	<u>Pay Range</u> \$22,345 - 30,165
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Honorable May and Members of City Council
Page 2
September 2, 1983

RECOMMENDATION (CONT'D)

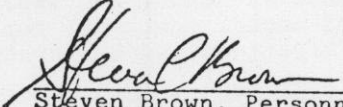
3. Section 11.10 - Last paragraph should be changed to read as follows:

All employees in Pay Plans II and III shall be evaluated for a merit increase effective October 1. The evaluation shall cover the period from September 1 through August 31, preceding the October effective date.

Respectfully submitted,


Franklin C. Jones, City Manager

Prepared by:


Steven Brown, Personnel Director



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: CHLORINE - ANNUAL CONTRACT (RE-BID) BID #83-38
 DATE: AUGUST 30, 1983

BACKGROUND

Bids were received and opened on August 23, 1983 for the establishment of an annual contract (or semi-annual contract) for chlorine. This chemical is used in both our Water Treatment and Wastewater Treatment plants.

This is a re-bid of the chlorine portion of the City's annual Water Treatment Chemicals bid (City Bid #83-31). The three (3) bids received at that time were rejected by City Council based on the fact that all were identical. At that time the City Attorney reported this fact to the Office of the State Attorney General as an instance of possible collusive bidding.

ANALYSIS

Bid invitations were forwarded to five (5) chlorine suppliers with four (4) responses being received. This bid was set-up to allow bidders to bid prices for either a six month contract or a twelve month contract. After reviewing these proposals with William F. Savidge, Public Works Director, we are recommending that this bid be awarded as follows:

VENDOR: Jones Chemicals, Inc.
 St. Petersburg, FL.

BID PRICES: \$260.00 per ton
 \$39.00 per 150 lb. cylinder

TYPE OF CONTRACT: Annual

As can be noted on the attached bid tabulation sheet, with the exception of the six month bid submitted by Allied Universal Corporation, Miami, Florida, all bids received are again identical, although \$30.00 per ton higher than the bids rejected in July.

We feel that it is in the City's best interests to enter into an annual contract rather than a semi-annual contract in order to guarantee prices for a longer period of time. Industry sources predict a continued increase in costs of chlorine over the next 6 months at least. The price rise for chlorine over the last 13 months is illustrated below:

July, 1982 (Bid #82-30) - \$128.60/Ton
 July, 1983 (Bid #83-31) - 230.00/Ton
 August, 1983 (Bid #83-38) - \$260.00/Ton
 October, 1983 (predicted) - \$285.00/Ton

We are recommending Jones Chemicals, Inc. as the best bidder for this item because of a superior past history of service and cooperation with the City. McKesson Chemical Company supplied the City's chlorine requirements from August, 1982 thru August, 1983. During that period of time the City did experience several critical delays in deliveries.

Honorable Mayor and Members of City Council
 August 30, 1983
 Page 2

We feel that the closer shipping point of Jones Chemical versus PB & S Chemicals gives an advantage to the recommended supplier. Jones Chemical ships direct from St. Petersburg. All orders for PB & S Chemicals originate from Orlando and are then off-loaded at St. Petersburg for shipment to Naples. This could allow for possible delays in deliveries.

RECOMMENDATION

Based on the above information, I am respectfully requesting to issue a purchase order to Jones Chemicals, Inc., St. Petersburg, Florida to supply The City's annual requirements for chlorine.

We may expect to expend \$86,000.00 during the life of this contract. Funds for these purchases are budgeted in the Water/Sewer operational accounts.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones,
 City Manager

Prepared by:

SKU
Stewart K. Unangst, Purchasing Agent

Concurrence:

FW
Frank W. Hanley, Finance Director

SKU/kw
 Attachment

Prepared By: Stewart K. Unangst

CITY OF NAPLES

BID NO. 83-38

BID TABULATION

OPENING DATE: 8- 83

CHLORINE

BIDDER	BID PRICES FOR A TWELVE MONTH CONTRACT				BID PRICES FOR A SIX MONTH CONTRACT			
	Chlorine Ton Lots	Chlorine 150 lb. Cyl.	Terms/Disc.	TOTAL	Chlorine Ton Lots	Chlorine 150 lb. Cyl.	Terms/Disc.	TOTAL
Allied Universal Corp. Miami, FL.	---	---	---	---	\$259.00	\$39.50	Net/30 days	\$42,703.00
Delivery Time					5 days	5 days		
Jones Chemicals, Inc. St. Petersburg, FL.	\$260.00	\$39.00	Net/30 days	\$85,800.00	\$260.00	\$39.00	Net/30 days	\$42,770.00
Delivery Time	2 days	2 days			2 days	2 days		
McKesson Chemical Co. Tampa, FL.	\$260.00	\$39.00	Net/30 days	\$85,800.00	\$260.00	\$39.00	Net/30 days	\$42,770.00
Delivery Time	2 days	2 days			2 days	2 days		
FB & S Chemical St. Petersburg, FL.	\$260.00	\$39.00	Net/30 days	\$85,800.00	\$260.00	\$39.00	Net/30 days	\$42,770.00
Delivery Time	2 days	2 days		2 days	2 days			
Delivery Time								
Delivery Time								
Delivery Time								

ATTACHMENT #4 - page 1

Opening Statement - Naples City Council Meeting - September 7, 1991

Good Morning, Mr. Mayor and Councilmen:

My name is J. Sandy Scatena and I reside at 2999 Binnacle Drive in Naples. 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. 9 which has been recommended to the City Council by City Manager, Franklin C. Jones - An Occupational Ordinance Amendment relating to Occupational Licenses.

At this Council Meeting, my wife and I hope that you Mr. Mayor and Councilmen, will not vote in favor of this Agenda Item NO. 9, as requested by our City Manager, Mr. Jones.

I would like at this time, Mr. Mayor, to place into the Record at this Meeting, the following Exhibits marked NO. 4 through NO. 8, which are pertinent to this discussion. I will make brief comments about each of these Exhibits.



EXHIBIT NO. 1

City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: OCCUPATIONAL LICENSE FEE INCREASE
DATE: JULY 15, 1983

BACKGROUND: In formulating our budget plan for the next fiscal year, we have reviewed the revenues derived from occupational licenses and are again recommending that the Council consider an ordinance that would effect an increase. The fees which are contained in our current ordinance were established in 1966 and were frozen by the state legislature in 1972. In 1981, the legislature passed a law which allows municipalities to increase their occupational license fees.

ANALYSIS: The Florida Statutes define a "local occupational license" as a "method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction." It is a source of revenue by which the business community contributes to the cost of providing governmental services which allows the City to be an attractive place in which to do business. Because these funds were frozen in 1972, they have not kept pace with other sources of revenue which are also used to support the cost of government nor have they kept pace with the increases in cost to provide governmental services.

I have attached two exhibits from our 1982 audit report which compares revenues and expenditures for the years 1973-82. These are also the years during which occupational license fees were frozen. From the tables we see that the expenditures for the general government's functions increased from \$3-million a year in 1973 to \$7-million a year in 1982, and that other general forms of revenue that the City uses to pay these expenses have increased from \$2.9-million in 1973 to \$7.8-million in 1982. Our occupational license fees are contained in the "Fees and Licenses" category of revenue. Those revenues have only increased by \$45,000 during the ten-year period from \$216,000 in 1973 to \$261,000 in 1982. The main portion of this increase came from the City's share of county occupational licenses which increased in 1981 when the County increased its occupational license fees.

One of the objections that we have heard in the past against increases in occupational license fees is that there has been no enforcement program within the City. The City actually has several enforcement programs. In addition to the programs which

Mayor and Council
July 15, 1983
Page 2

have been in effect for several years such as comparing business lists with other organizations and reviewing newspapers and yellow pages advertising, the City has instituted one new enforcement program this past year. Through the cooperation of the Fire Department, the fire code inspectors who visit each business with the City once a year have been checking to verify that the business has a current occupational license. In eight months of this fiscal year, this program has resulted in 65 new licenses being issued totalling additional fees of \$3,360.

The fee increase that we are proposing amounts to 25% for each category described in the City's current ordinance. We have attached a sample of the ordinance annotated with the proposed and current fees so that you can identify the increase. We anticipate that this would generate \$20,000 in additional revenue during fiscal year 1982-83. Based on the premise that the business community should continue to contribute its fair share toward the expenses of maintaining Naples as an attractive place to live and to do business, it follows that a reasonable increase in these occupational license fees is an equitable method of assuring this participation.

RECOMMENDATION: I recommend that the Council adopt on first reading the attached ordinance increasing occupational licenses by 25%.

We have notified the Chamber of Commerce and the Fifth Avenue South Merchants Association of this proposed ordinance and will meet with them and obtain their comments prior to the public hearing on second reading.

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones
City Manager

FCJ/tan
encs.



City of Naples

MEMO

TO: ✓ CHAMBER OF COMMERCE
 ✓ FIFTH AVENUE SOUTH ASSOCIATION (EDWARD VERDESCA) ✓
 ✓ THIRD STREET SOUTH MERCHANTS ASSOC. (WILLIAM SPINK) ✓

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: PROPOSED OCCUPATIONAL LICENSE ORDINANCE REVISION

DATE: ✓ JULY 18, 1983

Enclosed for your review is a copy of the proposed revision in our occupational license ordinance; the effect of this change is to increase fees 25% across the board. Also attached is the background information submitted to the City Council.

This amendment will be considered by the Council at first reading on Wednesday, July 20, and on second reading (public hearing) Wednesday, August 3.

I would be happy to discuss this with you and receive your comments. In order for us to be able to include any written comments in the City Council agenda packet for the meeting of August 3, please have them in our hands by Wednesday, July 27.

Sincerely,

✓ Franklin C. Jones
 City Manager

FCJ/tan
 encs.

Photo Copy of 1977 Business Cards given to me by the Owners or Managers of Businesses on File. I have so with whom I personally talked concerning this proposed Ordinance to increase the percentage of license tax. All of these business are strictly opposed to this measure. Since that time I have let it go to demand this meeting. They stated they would not attend and that they were opposed to the proposed Ordinance.

Exhibit No. 3

No. 3

UNIQUE GIFTS
313 761-4161

The Spanish Blenheim, Inc.
STERLING SILVER AND 14K GOLD JEWELRY

558 FIFTH AVENUE, SOUTH
NAPLES, FLORIDA 33940

PROVENANCE GALLERY
OF ST. MAARTEN

555 FIFTH AVENUE SOUTH
NAPLES, FLORIDA 33940 U.S.A.
(813) 261-0088

1 RUE DE LA REPUBLIQUE
ST. MAARTEN, N.A.
TEL. 8753392

JOHN V. MELICK, JR.
Vice President & Branch Manager
Southern Region

ARIS DEAN WITTER REYNOLDS INC.
355 FIFTH AVENUE, South, Naples, FL 33940
(813) 261-1200

262-1530

"You're Special"

A MERLE NORMAN COSMETIC STUDIO
589 FIFTH AVENUE, SOUTH
NAPLES, FLORIDA 33940

ELAINE BOND Appointment

813 / 262-0100

Mr. Housh Fidelity INC.

QUALITY & SERVICE • OUR COMMITMENT

LYNN BOXWELL 589 FIFTH AVE., SO.
OFFICE MANAGER NAPLES, FLORIDA 33940

1813 262-7459

Clothes Rack
TREND SETTING WOMEN'S APPAREL

J SANDY SCATENA 539 FIFTH AVE. SO.
MARGARET SCATENA NAPLES, FLORIDA 33940

JUDY TULLO

Devine Designer & Detail Salon, Inc.

COMPLETE BRIDAL SERVICE
ALL OCCASION GOWNS
WHAAT-GHS - TYREDO RENTAL

537 5th Ave So
NAPLES, FLOR DA 33940
813 262 4333
BY APPOINTMENT

L'Escargot Needlepoint

533 Fifth Avenue South
Naples, Florida 33940
(813) 262-7077

Heritage Investment Securities, Inc.
The Quality Discount Broker

505 Fifth Avenue So.
Naples, Florida 33940

Joseph W. Treboom President
Phone: (813) 263-1110

Marique Boutique

505 FIFTH AVENUE SOUTH
NAPLES, FLORIDA 33940
AC 813 263-6293

CAROL MARCZAK

THE Optical
OF OPTICAL
NAPLES, INC.

Eye Exams
Contact Lenses

Dr. Elaine M. Witten
Optometrist

505 Fifth Avenue South
Naples, Florida 33940

Office
(813) 263-4242

FREE NAIL ANALYSIS
MEN WELCOME

The Nail Joint
Natural Nail Growth
Enlargement
All Nail Problems
On Steps Cosmetology

483 5th Ave., So.
Naples, Florida 33940

For Appointment
(813) 262-2707

Annelle's Big and Big Shop
Fashions for Women

Madine Lewis Beck
(813) 262-0500

465 Fifth Avenue South
Naples, Florida 33940

Eagle's Nest
FINE JEWELRY
WATCHES
WATCH REPAIR

PETER HALL MANCIB
PHONE (813) 261-9717

455 FIFTH AVENUE, S.
NAPLES, FLORIDA 33940

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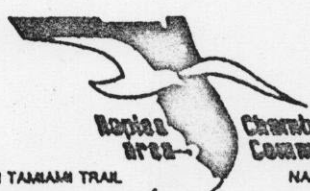
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Merchant's Association who are strong ly opposed to the passage of this proposed Ordinance to raise the Occupational License Taxes by 25%.

License Fees Hiked 25%

By JAMES MOSES

Staff Writer

Naples City Council voted 5-2 this morning to raise the city business license fee by 25 percent, which can add to city revenue by about \$20,000 per year.

Today's action was only the first of two votes. A public hearing will be held before the council's final

vote on Aug. 17.

Councilmen Harry Rothchild and Ken Wood voted against the increase and Councilman Lyle Richardson was absent.

"The council is adding to its 1983-84 revenue before it has a chance to review the new budget (sent to councilmen last week)," Rothchild said. "It's possible that

there won't be a need for the increase."

The council won't vote on the budget until September.

Wood argued the council should check into questions from the Naples Area Chamber of Commerce before it raises the business license fee.

CHAMBER President Donald

Berry sent a letter to City Manager Frank Jones, asking Jones to eliminate "inequities" in the fee schedule. Jones has conceded that some businesses of similar size do pay different annual fees.

Berry also recommended better enforcement, so businesses don't dodge the fees. He suggested a (Please see FEES, Page 2A)

Fees

From Page 1A

penalty clause in the new code for offenders.

Don Garrett, president of the Collier County Contractors Association, speaking against the plan, said the fee increase will raise so little money that it seems to be more of an expression of philosophy than a serious attempt to solve a fiscal problem.

HE SAID city revenue has increased by 165 percent since 1973 because of higher property values, which raise more property taxes. "The professional and business communities, those affected by occupational licensing, have contributed to these revenues both through the payment of real estate taxes, either directly as property owners or indirectly as tenants," Garrett added.

J. Sandy Scatena, owner of the Clothes Rack shop on Fifth Avenue South, said he talked to 82 downtown merchants who oppose the fee increase.

Still more opposition came from gas station owner Stewart MacFarlane. He sent a letter saying the proposed fees aren't a lot of money but they add to the retailers' costs.

NAPLES DAILY NEWS Wed., Aug. 3, 1983

Stores, City Seek Work-Fee Accord

Leaders of area business groups and Naples City Manager Frank Jones this afternoon were scheduled to devise changes to proposed increases in occupational license fees that City Councilmen will consider Wednesday.

The Council has already adopted on first reading a 25-percent increase for all classes of licenses, but Jones said he wants to address concerns raised by business leaders.

A suggestion by the Chamber of Commerce seems to be the focal

point of today's discussion.

In a letter to Jones and Mayor Stan Billick, the Chamber said the rate structure should address "inequities," in the size of businesses, instead of arbitrarily reassigning rates across the board.

The Chamber said rates should include provisions for the size of a business and reflect some consideration for a businessman's ability to pay the annual license fee, executive director Bill McGowan confirmed today.

(Please see FEE, Page 2A)

Fee

From Page 1A

This morning, Jones disclosed that he and the business leaders are contemplating such changes and have devised what could become a new rate structure. But he stressed the highly tentative nature

of the discussions and would not disclose details.

Today's 1 p.m. meeting was to also include representatives from the Contractors' Association of Collier County and the Fifth Avenue South Merchants' Association.

Exhibit No. 6

23

ATTACHMENT #4 - page 11

Occupational License Fee Increased by City

Naples City Councilmen late this morning approved a 25-percent increase in the cost of annual occupational licenses, but agreed that the rate schedule could be amended in coming years to help small businesses.

The council voted 4-2 to approve City Manager Frank Jones' proposal to pump about \$20,000 into the city's coffers for 1983-84.

COUNCILMEN Harry Rothchild and Ken Wood voted against the proposed ordinance. Rothchild said the tax was too burdensome for the business community, while Wood said he responded to the wishes of his constituents.

After talks with four leading business groups Monday, Jones agreed to later propose changes to the rate schedule so that smaller types of businesses would pay a lesser fee than their larger counterparts.

They also agreed to address coin-operated amusement machines, or video games, the same as vending machines. Busi-

nesses which have such machines would pay \$62.50 instead of the \$100 they now pay for an arcade license.

The changes were reached between Jones and the Naples Area Chamber of Commerce, the Contractor's Association of Collier County, the Third Street South Merchants Association and the Fifth Avenue South Association.

Mayor Billick Stresses Equitable Tax Burden

By MATTHEW SPINA
Staff Writer

Naples Mayor Stan Billick Tuesday delivered a healthy dose of government stress to the importance of equitable taxation and joked about the occasional disturbance of City Council meetings.

In his speech before the Collier County Tiger Bay Club, Billick reminded the audience of his first speech before them early in 1982 when he was "neophyte politician" hoping to win their support.

"We're a business community, we're a retirement national resort community," he said. "Our tax policies should reflect that condition and should balance the burdens equitably among those who live here, those who work here and those who otherwise enjoy the benefits of this community."

He mentioned progress on the expansion of the sewage-treatment plant and of a wastewater disposal method designed to ease pollution in the Gordon River and Naples Bay.

He also reminded a receptive audience of the project to expand the city's public works yard and the project to rebuild the city dock at Crayton Cove.

"THE FAILURE to properly maintain the city dock has now, in my opinion, caused a dangerous and acute problem," he said. "City Council has yet to make a final policy determination as to what, if any, role the city should play in the future operation of the dock. But whatever decision is made on that score...I can assure you we will stop the endless debate and face that decision head-on."

He said Naples crime rate is declining, perhaps because more police officers have been hired. He credited crime-watch programs in neighborhoods and by Realtors and city employees. He also

praised the police department's new ALERT force, a special response team. And Billick said he was looking forward to studies from two committees on beaches.

One is a blue-ribbon advisory committee studying the best way to prevent erosion and recommend reconstruction guidelines should a hurricane ever obliterate much of Naples coastline. The other is a panel of staff members debating a comprehensive

approach to beach rules. "We're approaching the end of another long, hot summer and it seems that during that period every year we have some confrontation between the people who live on the beach and those who use the beach, but do not live there."

LATER HE said he hoped discussions of beach rules do not "degenerate to whether we should allow Frisbee play, since such debate does not get at the heart of council meetings."

the controversy over beach rules. When Billick ran for mayor, he said he emphasized the need for dignity and decorum at meetings. Anyone who has followed the council should know he has not always been successful, Billick joked.

But he said the day-to-day operations of city government and the encouragement of a good city staff is more important than speech-making in council meetings.

EXHIBIT No. 8

A, B, C, D



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: OCCUPATIONAL ORDINANCE AMENDMENT

DATE: SEPTEMBER 2, 1983

BACKGROUND: During discussions with representatives of the business community and with the Council in considering the increase in occupational license rates, we decided to change the section of the ordinance that provides for exemptions from licensing for coin-operated, vending and other machines. In addition, it was determined to implement an administrative penalty for businesses which fail to obtain an occupational license.

→ **ANALYSIS:** The attached ordinance removes all exemptions from the provision governing coin-operated, vending or other machines, (except for change machines, parcel-checking lockers and toilet locks used in depots, hotels and restaurants.)

→ The second section of the ordinance provides for an administrative penalty of \$100. This penalty adds to our enforcement program without having to pursue the violation through the courts as a violation of the City code.

CONCLUSIONS & RECOMMENDATIONS: I recommend that the Council enact this ordinance as presented.

Respectfully submitted,

Franklin C. Jones
City Manager

FCJ/tan

ORDINANCE NO. 83-4326

Amended

(c) Vending machines, vending merchandise of any kind except those hereafter provided:
(1) Operator 62.50

(d) Machines exempt from license: ✓
(1) Machines vending cigarettes, postage stamps or drinking cups or candy (Herold-Florida-produced) or juice change machines, soap and bleach dispensers;
(2) Parcel-checking lockers and toilet locks used in depots, hotels and restaurants;

(e) Each operator of machines described above shall furnish to the tax collector at the time of taking out a license therefor, a list showing the address or location where each licensed machine is to be located; the location may be changed without payment of additional license tax, provided that the tax collector is notified of such change and new location within three days of such change; if no such notification is given within three days, a transfer fee of two dollars (\$2.00) per machine shall be due and payable for each change.

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Sec. 12-49. When licenses sold, due and payable; expiration; penalties.

→ (a) Occupational licenses shall be sold beginning September 1st of each year, shall be due and payable on October 1st of each year, and shall expire on September 30th of the succeeding year. Those licenses not renewed by October 1st shall be considered delinquent and subject to a delinquency penalty of ten per cent (10%) for the month of October, plus an additional five per cent (5%) penalty for each month of delinquency thereafter until paid; provided, that the total delinquency penalty shall not exceed twenty-five per cent (25%) of the occupational license fee for the delinquent establishment.

Amended
→ (b) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupation license, if required hereunder, shall be subject to a penalty of twenty-five per cent (25%) of the license determined to be due, in addition to any other penalty provided by law or ordinance. (Ord. No. 1778, § 1, 8-16-72)

Note—See the editor's note following § 12-48.
Supp. No. 90

110.12

ORDINANCE NO. _____

AN ORDINANCE RELATING TO OCCUPATIONAL LICENSES; AMENDING SECTION 12-47(45) (d), PERTAINING TO VENDING MACHINES, AND SECTION 12-49(b), PERTAINING TO PENALTIES FOR FAILURE TO OBTAIN AN OCCUPATIONAL LICENSE, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO DELETE CERTAIN VENDING MACHINES AS EXEMPTIONS AND TO AMEND THE PENALTY FOR FAILURE TO OBTAIN AN OCCUPATIONAL LICENSE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. That Section 12-47(45) (d) of the Code of Ordinances of the City of Naples is hereby amended to read as follows:

(45) . COIN-OPERATED, VENDING OR OTHER MACHINES.

(d) Machines exempt from license:

- (1) Change machines.
- (2) Parcel-checking lockers and toilet locks used in depots, hotels and restaurants.

SECTION 2. Section 12-49(b) of the Code of Ordinances of the City of Naples is hereby amended to read as follows:

Sec. 12-49. When Licenses Sold, Due and Payable; Expiration; Penalties.

(b) Any person engaging in or managing any business, occupation or profession without first obtaining an occupational license, if required hereunder, shall be subject to a penalty of \$100.00 in addition to any other penalty provided by law or ordinance. This penalty shall not apply to any person who has obtained an occupational license for the previous year for the same business, occupation or profession and is merely late in the payment of the occupational license tax due hereunder. In such case, the penalties provided in paragraph (a) above shall apply.

SECTION 3. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS _____ DAY OF SEPTEMBER, 1983.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF _____, 1983.

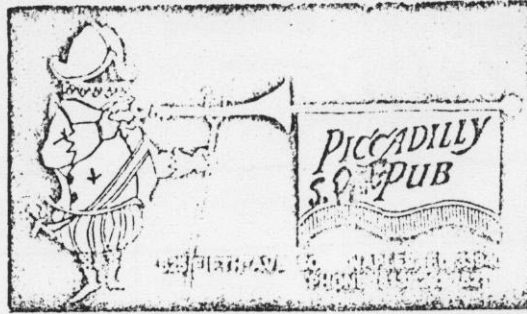
Stanley R. Billick

ATTEST:

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY

David W. Rynders
David W. Rynders, City Attorney



NAPLES DAILY NEWS Tues., Aug. 2, 1983 3A

Piccadilly Pub Bought by Pate

• Related photo, 3A

By JAMES MOSES
Staff Writer

Cloyd Pate has added the Piccadilly Pub, a Naples dining landmark and one of the area's oldest restaurants, to his chain of eating spots.

He said Shirley Smith, owner since 1977, closed and sold him the Piccadilly Pub about two weeks ago. Pate will reopen what he calls the "downtown landmark" in about three weeks, after a complete renovation.

"WE DON'T plan to change the Pub's layout — just fix it all up again, the way it was years ago," Pate said today.

He said he hasn't decided on the fare, but is reviewing all the Piccadilly's Pub's old menus.

"I might not change the menu much. I've always thought the Piccadilly Pub had good food," he added. Pate said he will replace all of the Pub's kitchen equipment.

THE RESTAURANT opened in 1961 at 625 Fifth Ave. S., in the heart of Naples' downtown business district. Steaks, hot browns, sandwiches, salads and seafood were offered for lunch. The dinner menu had more steaks and seafood, plus Italian dishes and other specialties.

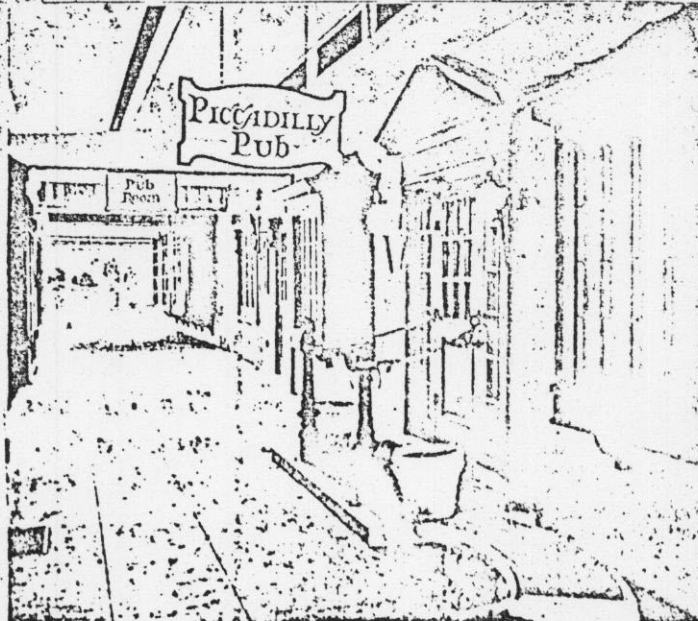
"The Piccadilly Pub should stay right where it is. It's a downtown landmark, with plenty of parking and a good clientele. I want to take care of the old place," Pate said.

He owns four other restaurants, including Pate's, on the Naples Bay shore, next to the Cove Inn.

Pate just bought the former Pete and Danny's restaurant at 2096 U.S. 41 East. He now calls it Cassidy's, "a family steak house."

Last year, Pate bought the former Jimmy's Reef, which is the present Christopher's, at 3126 U.S. 41 North.

Pate also owns Merriman's Wharf, a seafood restaurant in the Old Marine Market Place.



Staff photo by Carl Hansen

Landmark Restaurant Sold

Veteran Naples restaurant owner Cloyd Pate has added the Piccadilly Pub on Fifth Avenue South downtown to his list of local eating establishments. Opened in 1961, it is among Naples' oldest restaurants.



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