



City of Naples

Regular Meeting Oct. 19, 1983

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - noted he would begin wearing a tie and jacket for the fall and winter seasons.			1
-CITY MANAGER JONES - noted receipt of a Certificate of Conformance Municipal Finance Officers Association			1
<u>APPROVAL OF MINUTES - 10/05/83 - Regular Meeting</u>			
			1
<u>PURCHASING</u>			
-Award bid - annual requirement for safety shoes		83-4359	2
-Award bid - annual requirement for water meters		83-4360	2
<u>RESOLUTIONS</u>			
-Approve Special Exception Pet. 83-14 - <u>6' and 8' fences at Blue Caribbean Golf Range</u>		83-4361	3
-Approve <u>supporting re-allocation of funds from Department of Health & Rehabilitation</u>		83-4362	3
-Approve Temporary use permit for <u>JayCee's newspaper collection facility</u>		83-4363	3 & 4
-Approve urging community support for <u>Save The Bays project</u>		83-4364	4
<u>DISCUSSION</u>			
-Request for approval of Nonconformity Pet. 83-N2, M & T Enterprises (Gray Drug Store) U.S. 41 - <u>ACTION POSTPONED UNTIL NOVEMBER 2 MTG.</u>			2
-Discussion regarding <u>enforcement of occupational license regulations in reference to newspaper distributors and newspaper vending machines</u>			4 & 5
-Report on the efforts of the Southwest Florida Veterans' Administration Hospital Task Force - Herb Luntz			5
-Suggestion to review ordinances for enforceability and redrafting when necessary			5

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:04 a.m.

Date October 19, 1983

ROLL CALL:	Present: Stanley R. Billick Mayor	ITEM 2	COUNCIL MEMBERS	VOTE			
				M O T I O N	S E C O N D	Y E S	A B S E N T
	R. B. Anderson Lyle S. Richardson Harry Rothchild Wade H. Schroeder Randolph I. Thornton Kenneth A. Wood Councilmen						
Also Present:	Franklin C. Jones, City Manager David W. Rynders, City Attorney Roger J. Barry, Community Development Director Mark Wiltsie, Assistant to the City Manager	John R. McCord, City Engineer Steve Cramer, Chief Planner Bill Hanley, Finance Director Stewart Unangst, Purchasing Agent Ellen Marshall, Deputy Clerk					
See Attachment #1 - Supplemental Attendance List							
INVOCATION - Rabbi Mark A. Golub, Temple Shalom		ITEM 1					
ANNOUNCEMENTS		ITEM 3					
MAYOR BILLICK - announced he would be wearing a coat and tie at the first meeting in November for the fall and winter seasons.		ITEM 3-a					
CITY MANAGER JONES - noted receipt by the City of another Certificate of Conformance awarded by Municipal Finance Officers Association and commended the Finance Department and the external auditor, Ron Wood. Mr. Anderson noted that it was an achievement not easily attained and Mr. Schroeder noted it would be benefit the City in obtaining good interest rates when the next bond issued was sold.		ITEM 3-b					
-----CONSENT AGENDA-----							
Mr. Rothchild asked that Purchasing Items 5-a and 5-b be removed from the Consent Agenda.							
APPROVAL OF MINUTES - 10/05/83 - Regular Meeting		ITEM 4					
Mr. Anderson asked that the minutes be corrected so that Item 7-a on page 2 would contain the information that he had asked Mr. Sponseller if the Ford Company reimbursed his company for work performed under the warranty and that Mr. Sponseller had said yes.							
MOTION: To APPROVE the minutes as corrected.			Anderson Richardson Rothchild Schroeder Thornton Wood Billick	X		X	C O N S E N S U S
-----END 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	
<p><u>PURCHASING</u> <u>ITEM 5</u></p> <p>---<u>RESOLUTION 83-4359</u> <u>ITEM 5-a</u></p> <p>A RESOLUTION AWARDING BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR SAFETY SHOES; 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 response to a question from Mr. Rothchild, Purchasing Agent Unangst explained that Item 5-a was an all-or-nothing bid because most suppliers provide all type of safety shoes, but that Item 5-b was not because some suppliers only offered certain types of water meters. In response to a comment from Mr. Anderson, City Manager Jones and Purchasing Agent Unangst explained that the secondary supplier would be utilized if the primary source was unable to deliver a required order in due time.</p> <p><u>MOTION</u>: To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)			X		
<p>---<u>RESOLUTION 83-4360</u> <u>ITEM 5-b</u></p> <p>A RESOLUTION AWARDING THE BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR WATER METERS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>MOTION</u>: To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)		X			
<p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD</u> <u>ITEM 6</u></p> <p>---<u>RESOLUTION 83-</u> <u>ITEM 6-a</u></p> <p>A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE AT THE NORTHEAST CORNER OF U.S. 41 AND SEVENTH AVENUE NORTH (FORMERLY WINN-DIXIE STORE), SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Wood moved to adopt the resolution seconded by Mr. Thornton. Mario LaMendola, representing the petitioner, addressed Council and stated that he did not understand a notation on the plans that their landscaping plan had not yet been approved. Community Development Director Barry and City Engineer McCord explained that the requirement was to retain one inch of storm water run-off and Mr. McCord said he felt this could be done by proper interior landscaping. Mr. Barry also noted that a detailed interior landscaping plan would be necessary. Mr. Anderson pointed out that this requirement was stated in stipulation #6 in a memorandum to be attached to the resolution (Attachment #2). Mr. LaMendola said he was unsure that this was a proper requirement. Mr. Rothchild suggested that the matter be settled between the developers and the staff prior to Council's action; whereupon, Mr. LaMendola requested a postponement. Mr. Wood and Mr. Thornton agreed to move to postpone action until the first meeting in November.</p> <p><u>MOTION</u>: To <u>POSTPONE</u> action until the first meeting in November.</p> <p>*** *** ***</p>					
Anderson Richardson Rothchild Schroeder Thornton Wood Billick			X		C O N S E N S U S

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	

Mayor Billick welcomed the students from the 6th Grade Government class from Gulfview Middle School.

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD (Cont)

ITEM 6 (Cont)

---RESOLUTION 83-4361

ITEM 6-b

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT THE INSTALLATION OF AN 8' HIGH FENCE AND A 14' HIGH FENCE ON THE SOUTH SIDE OF THE BLUE CARIBBEAN GOLF RANGE, LOCATED AT 2100 NINTH STREET NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Tim Dabrowski, manager of the Caribbean Golf Driving Range, presented himself to Council to answer questions. He stated that he felt the fence would be high enough to keep the golf balls off the adjacent street and that the owners were in agreement with the stipulations in the resolution.

MOTION: To ADOPT the resolution as presented.

-----END PLANNING ADVISORY BOARD-----

---RESOLUTION 83-4362

ITEM 7

A RESOLUTION SUPPORTING THE RE-ALLOCATION OF OLDER AMERICAN'S ACT FUNDS BY THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES TO INSURE EQUITABLE FUNDING FOR EACH DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Egon Hill, representative from the Council on Aging, addressed Council and explained the background of this request for a resolution. He said he felt that due to a redistricting process, the southern counties of Florida were receiving less than their share of the federal monies from the Department of Health and Rehabilitation and that the panhandle counties were receiving more than their share.

MOTION: To ADOPT the resolution as presented.

---RESOLUTION 83-4363

ITEM 8

A RESOLUTION AUTHORIZING A TEMPORARY USE PERMIT FOR THE NAPLES JAYCEES, INC. TO MAINTAIN A NEWSPAPER RECYCLING COLLECTION FACILITY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF FIRST AVENUE SOUTH AND TWELFTH STREET SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Bob Nadeau, JayCee's treasurer and chairman of the newspaper recycling program, presented himself to Council to answer any questions. Mr. Anderson noted his objections to Items 1 and 2 in the memorandum from Fire Chief Ijams (Attachment #3)

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

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

COUNCIL MEMBERS	M O T I O N	S E C O N D	Y E S	N O	A B S E N T
<p>---RESOLUTION 83-4363 (Cont) ITEM 8 (Cont)</p> <p>Mr. Nadeau concurred that they had not had a problem with vagrants or vandalism. Mr. Anderson and Mr. Nadeau agreed that Item 3, requiring the installation of a fire extinguisher, was well intended but that it could easily be stolen. Mr. Schroeder said he felt that Item 4 was unnecessary. Mr. Rothchild suggested that newspapers be picked up by Public Works during garbage collection and taken to the JayCee's collection facility.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution but to delete Items 1, 2, and 4 from the attached memorandum.</p> <p>*** *** ***</p>	<p>Anderson X</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder X</p> <p>Thornton</p> <p>Wood X</p> <p>Billick X</p> <p>(6-1)</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>	
<p>---RESOLUTION 83-4364 ITEM 9</p> <p>A RESOLUTION RELATING TO THE SAVE THE BAYS PROJECT; ENCOURAGING THE CONTINUED SUPPORT OF THE PROJECT BY THE RESIDENTS, PROPERTY OWNERS, BUSINESSES AND ORGANIZATIONS IN THE NAPLES AREA; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Resolution read in its entirety by City Attorney Rynders.</p> <p>Mr. Schroeder noted that the City had made a contribution to this effort by means of clerical assistance in the collection of donations. He further noted that the Save the Bays committee was attempting to have the area designated as a port of refuge; and that, if successful, the Corps of Engineers would take care of future maintenance. Mr. Rothchild noted his objections to the City making a cash donation and suggested more donations from a commercial enterprise on Moorings Bay owned by the Lutgert interests. Citizen John DeBaun offered a criticism about placement of pilings in Naples Bay.</p> <p>*** *** ***</p> <p>BREAK: Recessed - 10:19 a.m. Reconvened - 10:27 a.m.</p> <p>*** *** ***</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>	<p>Anderson</p> <p>Richardson X</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(7-0)</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><u>DISCUSSION REGARDING ENFORCEMENT OF OCCUPATIONAL LICENSE REGULATIONS IN REFERENCE TO NEWSPAPER DISTRIBUTORS AND NEWSPAPER VENDING MACHINES.</u> ITEM 10</p> <p>Requested by J. Sandy Scatena and Margaret Scatena.</p> <p>City Manager Jones noted that this was a multi-faceted problem that encompassed the number of newspaper vending machines, where they are located, what they look like, and how they will be regulated. He referred to an agreement reached in 1982 that mainly addressed location, but noted that as time went by, the agreement had not been adhered to. He further noted that he had received input from many sources on the matter, and the staff would be coming to Council in the future with recommendations. Local businessman and citizen J. Sandy Scatena addressed Council at length (Attachment #4) and read letters from Fifth Avenue merchants (Attachment #5). He also submitted other material for Council's consideration (Attachment #6) concerning his allegations that the vending machines could be charged a fee under the present occupational license fee ordinance. Mr. Rothchild questioned the turnouts installed by the City for access to some of the machines. City Manager Jones referred him to Council's direction at an April 1982 meeting at which</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	

DISCUSSION REGARDING ENFORCEMENT OF OCCUPATIONAL ITEM 10 (Cont)
LICENSE REGULATIONS IN REFERENCE TO NEWSPAPER
DISTRIBUTORS AND NEWSPAPER VENDING MACHINES (Cont)

time Council accepted his recommendations, and one was to install some turnouts for vehicles to park off the street when visiting the machines. Mayor Billick noted that he was not prepared to answer any questions or allegations until the staff had completed their investigation and made recommendations to Council. City Manager Jones responded to Mr. Scatena's questions by noting that the occupational license ordinance was being enforced according to policy and had not been intended to regulate the number of newspaper vending machines, their location, or their appearance. He further noted that there had been an ordinance proposed to Council pertaining to fees for individual vending machines that failed on First Reading. The City Manager then addressed the cost of the turnouts and stated that the three installed to date cost approximately \$500 each as opposed to the higher figure quoted which had represented the cost of the improvements to an entire block of one street where a turnout was installed. In response to a question from Mr. Rothchild, City Attorney Rynders confirmed that there was an ordinance in Boca Raton regulating newspaper vending machines but he did not know if it had been tested in a federal court. The City Attorney did state that he was reviewing the ordinance. Mr. Scatena noted advertising on certain vending machines and questioned the propriety of this. Citizen John DeBaun stated that he was discouraged by the fact that no action was being taken today. Herb Anderson, president of the Naples Beautification Council, noted that he had given the Mayor a letter about this subject and that he was present to answer any questions. Mayor Billick again noted that there would be another time to address the matter when recommendations came back to Council. Naples Area Chamber of Commerce distributed a letter to each Councilman on the subject (Attachment #7).

CORRESPONDENCE & COMMUNICATIONS

Herb Luntz, administrator for the Southwest Florida Veterans' Administration Hospital Task Force, reported to Council the progress being made by the Task Force in their efforts to obtain a Veterans' Administration hospital in the center of the eight county area in southwest Florida. Mr. Schroeder suggested that Mr. Luntz contact Wayne Daltry of the Southwest Florida Regional Planning Council for possible assistance.

Citizen Gilbert Blanquart suggested that the City Manager and staff periodically review ordinances and re-draft any that are not enforceable.

ADJOURN: 11:42 a.m.

Janet Cason
 Janet Cason
 City Clerk

Stanley R. Billick
 Stanley R. Billick, Mayor

Ellen P. Marshall
 Ellen P. Marshall
 Deputy City Clerk

These minutes of the Naples City Council approved 11-02-83

Supplement Attendance List - Regular Meeting, October 19, 1983

Rabbi Mark A. Golub
 Kim McDonald
 Stewart Kaye
 Charles Andrews
 Lloyd Sarty
 Sheldon Reed
 Mario La Mendola
 Tish Gray

Bill Barnett
 J. Sandy Scatena
 Bob Nadeau
 Herb Luntz
 Bruce Evans
 Chuck Mohlke
 Sue Smith
 Tim Dabrowski
 Gilbert Weil

David Wells
 Chuck Meyer
 Walter Olson
 Dan Spina
 Bob Russell
 Gilbert Blanquart
 Herb Anderson
 Egon Hill

NEWS MEDIA

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

Denes Husty, News Press
 Ben Garrett, WBBH, TV-20
 Cynthia Glicker, WBBH, TV-20

Matt Spina, Naples Daily News
 Gary Arnold, WEVU, TV-26

Other interested citizens and visitors.



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Nonconformity Petition 83-N2
Request to expand the building which formerly housed Winn-Dixie store, at northeast corner of U.S. 41 and 7th Avenue, North.

DATE: October 7, 1983

Background:

The petitioner has requested permission to add a 3,000 square foot addition to the south end of the referenced building. The former Winn-Dixie portion of the building is presently being remodeled by Gray Drugs.

PAB Recommendation:

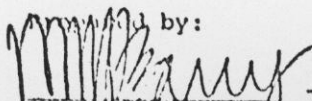
The PAB held a public hearing on the petition at their meeting on October 6, 1983, and concluded that the petition should be approved, subject to the following conditions:

1. Redesign parking lot to meet County criteria for stormwater retention.
2. Remove the asphalt area between the property line and the curb line along 7th Avenue, North.
3. Sod all unimproved right-of-way areas to City-required elevations.
4. An abandoned underground liquified-petroleum gas tank in the vicinity of the proposed addition must be removed.
5. The proposed circulation areas within the parking lot must be at least 24 feet wide, and the parking spaces in front of the southern portion of the building must be at least 18 feet in length.
6. Additional landscaped areas should be provided within the interior of the parking area.

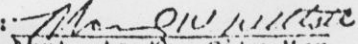
A revised site plan and a detailed landscaping plan, including irrigation, will have to be submitted and approved prior to the issuance of a building permit.

7. A five-foot wide sidewalk should be provided on all street frontages where presently there is no sidewalk.

Respectfully submitted,

By: 
Roger Barry
Community Development Director

Franklin C. Jones
City Manager

By: 
Asst. to the City Mgr.



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF FIRE

M E M O

TO: Mr. Roger Barry, Director Community Development
FROM: Chief Norris IJams, Fire Department
SUBJECT: Naples Jaycees Request (Attached)
DATE: October 13, 1983

1. Trailers shall be locked from dusk to dawn.
2. Trailers shall be checked for occupants prior to locking.
3. Provide 4A60BC Fire Extinguisher on platform.
4. Exterior storage shall be prohibited. Recommend, if overflow, Fire Department request Public Works to pick-up and bill Jaycees.
5. Provide ten (10) feet clearance between trailers, and ten (10) feet of clearance on all other sides including removal of foliage.

Prepared by:

Wayne J. Martin 10/13/83
Wayne Martin, Fire Marshal

Approved by:

N.C. Ijams 10-13-83
Norris Ijams, Fire Chief

WM:NI:se

xc: Prevention
File (Community Development)

Opening Statement - City Council Meeting - Oct. 19, 1983

Good Morning, Mr. Mayor and City Councilmen -

My name is J. Sandy Scotena and my wife and I reside at 2990 Binnacle Drive. As year-round residents, established members of the Business Community, and Concerned Citizens - We wrote our City Manager, Franklin C. Jones on October 11, 1983, and requested that an item be placed on this Meeting's Agenda. Our request read as follows: "Discussion regarding the non-enforcement of the Occupational License Tax Ordinance with respect to Newspaper distribution by independent distributors and vending machines. Also, the misuse of City Funds to accommodate newspapers in the distribution of their product throughout the City of Naples."

On October 13, 1983, Mrs. Tara Norman, Administrative Aide to Mr. Jones, called us at the Clothes Rack and told us that the item that we requested was placed on the Agenda. Thus, I appear before you today to discuss our requested Agenda Item...

Mr. Mayor and Councilmen - you have received with your "packet" several letters, memos, etc., which should make it easier for you to understand my comments concerning the item that I am discussing.

NO. 104 of the Occupational Ordinance on Page 16 requires an Occupational License for Newspapers, Printing and Distribution. License Fee: Daily \$125.00 - Weekly \$43.75. When I checked with the Finance Department on Friday, October 14th, only the following Companies have Occupational Licenses: Collier County Publishing Co., ("Naples Daily News") "Miami Herald" "Collier Shopping Guide" and the "Naples Star". Five other newspapers are distributed in Naples through vending machines, but no Occupational License has been purchased by them to distribute their

Newspapers. These Companies are: "U.S.A. News Today", "Wall Street Journal", "New York Times", "Fort Myers News Press", And "Baron's Weekly." What is the justification for requiring an Occupational license for the first group of Newspapers and not requiring a license for the second group of Newspapers? You have stated publicly on several occasions, Mr. Mayor, that each business should pay its fair share of taxes to the City of Naples. Would you say that this procedure with respect to Occupational licenses as applied to Newspapers distribution in the city is "fair and equitable"? (Pause for answer)

At the City Council Meeting held on September 7, 1983, I asked our City Manager why licenses were not required for Newspapers Vending Machines. Mr. Jones said that he didn't know, but would research the matter. By this time, Mr. Mayor, I am sure that Mr. Jones has an answer to my question, and I'd like to hear it. As is stated under Occupational License Fee - Page 7 - NO. 45C - Vending Machines that vend merchandise of any kind except those machines exempt from licenses shall pay a tax of \$62.50. Since these ^{newspapers} vending machines are not being taxed presently, the City of Naples is losing a lot of tax dollars. I'd like to know why. (Pause for answer)

Newspapers that are distributed by Independent Distributors as stated on Page 16 under Occupational License Fee NO. 106 - the license tax is \$43.75. (Students under 18 years old are exempt.) My research has indicated that the City of Naples has not licensed any Independent Distributors who are not exempt. This information was verified by the Finance Department on Friday, October 14, 1983. Additionally, my research indicated that at Coastland Mall, there are 16 Coin Operated Vending Machines distributing

Newspapers which are the Property of Coastland Mall. The rest of the Newspaper Vending Machines in the City of Naples, to the best of my knowledge, are the property of the various newspapers, whose merchandise is distributed in the City. It would therefore appear that Coastland Mall should have some type of Occupational license, and, perhaps, a license for each of these coin operated vending machines, since these machines are not exempt under provisions of 45 D on page 7. Why isn't the Ordinance being enforced with respect to the Newspaper Vending Machines at Coastland Mall? (Pause for answer)

Finally, I'd like to know by whose authority did the City provide convenient "turn-outs" at 3 locations within the City? ① Belair Lane and Park Shore Drive ② Neapolitan Way and West Boulevard and ③ Broad Ave., So. near 3rd Street South. Mr. Roger Barry's letter of July 19, 1983 to Mr. A.A. Engerhart, Circulation Manager of the "Wall Street Journal" suggests that the "turn outs" were provided to reduce existing traffic hazards. If any hazard exists, it would have been created by the placing of the Newspaper Vending Machines in the public's right of way and on sidewalks. A simple solution would be to remove the vending machines which create a traffic hazard. Why should the City use Tax payer's money to make it easier for Private enterprises to conduct private business? (Pause for Answer)

Naples, Florida
October 11, 1983

Mr. Franklin C. Jones, City Manager
735 8th Street So.
Naples, Florida

Dear Mr. Jones:

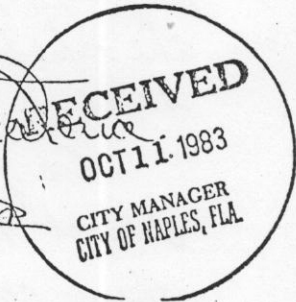
As taxpayers, voters, property owners and business people in the City of Naples, we are concerned about the unequal enforcement of the City Occupational License Tax and particularly the use of our tax money to make it easier for the newspapers to distribute their product.

We respectfully request that an item be placed on the City Council Agenda for the Council Meeting of October 19, 1983 as follows: Discussion regarding the non-enforcement of the Occupational License Tax Ordinance with respect to newspaper distribution by independent distributors and vending machines. Also the misuse of City Funds to accommodate newspapers in the distribution of their product throughout the City of Naples.

HAND DELIVERED
ON TUESDAY, Oct. 11, 1983
AT 11:41 A.M...

D. Norman

Sincerely,
J. Sandy Scatena
Margaret Scatena



The above letter written by us on October 11, 1983, clearly states the item that we requested be placed on the Agenda for the City Council Meeting on October 19, 1983.

Agenda Item NO. 10 that is listed below is different from what we requested to be placed on the Agenda for this Council Meeting. Why was the Agenda Item that we requested changed and by whose Authority?

J. Sandy Scatena
Margaret Scatena
October 19, 1983

Discussion regarding enforcement of occupational license regulations in reference to newspaper distributors and newspaper vending machines. Requested by J. Sandy Scatena and Margaret Scatena, 2990 Binnacle Drive.

Copy for City Clerk
October 19, 1983

CORRESPONDENCE AND 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.

No. 19

"You're Special"

October 14, 1983

MERLE NORMAN COSMETIC STUDIO
589 FIFTH AVENUE, SOUTH
NAPLES, FLORIDA 33940
(813) 262-1530

Mrs. Scatena
The Clothes Rack
Naples, Florida

Dear Sandy,

Thank you for allowing me to impose upon you again. I would really, much rather deliver this letter to the Mayor and Council Members myself. But as you know, I work alone in the shop, and when the door is locked, I lose sales.

As you are aware, these vending machines disturb many of us, and we would like to see them pay their share of the fees. I really hope we can get the Council to take us seriously.

Thank you
Elaine Bond

October 13, 1983

Honorable Mayor Stanley Billick
Members of the Naples City Council
Naples, Florida

Gentlemen:

I have been most chagrined since I wrote to you on September 15, asking that you not exempt the newspaper vending machines from paying a fee to clutter the streets and sidewalks of our beautiful city. Since then I have learned that the Ordinance under consideration was not to set a fee for all vending machines, but to increase the fee. I beg your pardon for my lack of knowledge in the matter.

I have since discovered that this fee, which was enacted in 1966, has never been collected from these specific machines which have proliferated at a rate that would make rabbits envious. What is the power of the press that it can ignore an ordinance that was enacted 17 years ago? Why has no real attempt been made by the city to collect the fee? Why is the City Council hiding its collective head, looking the other way, trying not to see that valuable income is being lost?

Mr. Jones has been the City Manager for only a short portion of this period, but I'm sure that he must have been aware that the law was a matter of record. Why has he made no attempt to correct the situation? Granted, noone likes to pay taxes, but every other business person must pay the fees set or be penalized and still pay the fee. These ugly "Sacred Cows" are an extension of a business and should be taxed accordingly. Is a favorable press so important to the Members of the Council that they are unable to collect the fees they set? Other cities set and collect fees for newspaper vending machines, and regulate them well. Why don't we?

Mayor Billick, the Naples City Council - Page 2

I realize that it is late to try to collect the fees for years past, but I do believe that they should be collected for those in place as of the beginning of this fiscal year. The fee has been set, the ordinance enacted, and the time has come to start raking in the green from the "Sacred Cows".

Can the City of Naples afford to ignore its own ordinance, or are these fees set to be collected only from those gullible enough to take their responsibility to the city and their business seriously?

Thank you,

Elaine Bond

Elaine Bond

Owner/Manager

Merle Norman Cosmetics

589 Fifth Avenue South

Naples, Florida, 33940

117.20

Tyndall Jewelers, Inc.

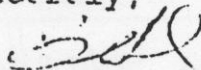
SIX-O-SIX FIFTH AVENUE SOUTH
NAPLES, FLORIDA 33940
813 - 262-2145

J. Sandy Scatena
Clothes Rack
539 Fifth Ave. South
Naples, Florida 33940

Dear Sandy;

I understand that an item of interest to retailers is on the agenda of the City Council for Wednesday, October 19, 1983. This is a discussion of the ordinance pertaining to "Occupational Licenses". I understand that the owners of the newspaper vending machines do not pay any tax on them. Why should they be allowed to sell a product and not be taxed the same as you and me? I object to taxes but when they are equal to all I accept them. Not only is it not fair that these vendors do not pay taxes but spreading these machines all over the town and county does nothing to improve the beauty of our town. Because of my business, I cannot attend Council meetings. Therefore, I wish you to speak for me on this matter.

Sincerely,



William C. Tyndall, Sr.

October 13, 1983

2990 Brimble Drive
Naples, Florida
October 11, 1983

Mr. Franklin C. Jones, City Manager
735 8th Street So.
Naples, Florida

Dear Mr. Jones:

As taxpayers, voters, property owners and business people in the City of Naples, we are concerned about the unequal enforcement of the City Occupational License Tax and particularly the use of our tax money to make it easier for the newspapers to distribute their product.

We respectfully request that an item be placed on the City Council Agenda for the Council Meeting of October 19, 1983 as follows: Discussion regarding the Non-enforcement of the Occupational License Tax Ordinance with respect to newspaper distribution by independent distributors and vending machines. Also, the misuse of City Funds to accommodate newspapers in the distribution of their product throughout the City of Naples.

Sincerely,

Margaret Sealena
Margaret Sealena

HAND DELIVERED
ON TUESDAY, Oct. 11, 1983
AT 11:41 A.M...

P. Williams



Pt. A, Art. 2, § 2.12

CHARTER

Pt. A, Art. 3, § 3.3

Sec. 2.12. City physician.

The council may appoint a physician licensed under the laws of the State of Florida as the city physician, who shall serve at such compensation and perform such duties as may be fixed from time to time by the council. (Sp. Acts, Ch. 59-1598, § 2.12)

ARTICLE 3. THE CITY MANAGER

Sec. 3.1. Qualifications.

The city manager shall be chosen by the council on the basis of his character and executive and administrative qualifications with special reference to his actual experience or training in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during the tenure of his office he shall reside within the city. (Sp. Acts, Ch. 59-1598, § 3.1)

Sec. 3.2. Salary; removal.

The city manager shall serve at the will of the council and shall not be given a fixed term by resolution, ordinance, contract or otherwise. His salary shall be fixed by the council and he shall not accept, for his own use, any commissions, rebates, discounts or gratuities of any kind. For any violation of this provision, the manager shall be summarily dismissed. (Sp. Acts, Ch. 59-1598, § 3.2; Sp. Acts, Ch. 70-819, § 8)

Sec. 3.3. Powers and duties.

The city manager shall be the chief executive officer and head of the administrative branch of the city government. He shall be responsible to council for the proper administration of all departments, except the legal department, and to that end, he shall have power and shall be required to:

- (a) See that the laws, ordinances and contracts are properly enforced.

Supp. No. 9 .

23

Pt. A, Art. 15, § 15.5

NAPLES CHARTER

Pt. A, Art. 15, § 15.8

➔ **Sec. 15.5. Oath of office.**

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Florida; that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Naples, and will faithfully discharge the duties of the office of

- The city clerk shall be empowered to administer such oath, or it may be administered by any judicial official. (Sp. Acts, Ch. 59-1598, § 15.4; Sp. Acts, Ch. 70-819, § 27)

Sec. 15.6. Limitations of actions against city.

The city shall not be liable for personal injuries, death or property damage due to defective conditions in its streets, avenues, sidewalks, parks or other public places or thoroughfares, unless such defect be in excess of six inches in height or depth, and no such action shall be maintained unless it shall appear that the injury, death or damage alleged was caused by the negligence of the city. (Sp. Acts, Ch. 59-1598, § 15.5; Sp. Acts, Ch. 70-819, § 27)

Sec. 15.7. Extent of damages recoverable.

No recovery in any ex delicto or wrongful death action against the city shall be for an amount exceeding compensatory damages to the plaintiff directly attributable to such negligence on the part of the city. (Sp. Acts, Ch. 59-1598, § 15.6; Sp. Acts, Ch. 70-819, § 27)

Sec. 15.8. City not liable for misfeasance, etc. of employees.

The city shall not be liable for the misfeasance, malfeasance or nonfeasance of its officers or employees. (Sp. Acts, Ch. 59-1598, § 15.7; Sp. Acts, Ch. 70-819, § 27)

June 28, 1983

Mayor Stanley Billick
City Hall
735 8th Street So.
Naples, FL 33940



xc: 7J

Dear Mayor Billick:

For over three years I personally, as well as NAPLES NOW, have been vociferous in our protest against the proliferation of newspaper vending machines throughout the City of Naples. Would you be so kind as to respond to the question as to why profit-making businesses such as newspapers are permitted to use public right-of-way for a profit-making venture? As newspapers can vend their wares in the public domain, does it not make sense that hot dog vendors and other commercial enterprises can also do so?

It is time for the Naples City Council to act in the best interest of the taxpayers of Naples and take some affirmative action in controlling this blight.

I look forward to a positive response to this letter.

Cordially,

(Mrs.) Doris Reynolds, Publisher
NAPLES NOW, NAPLES GUIDE, MARCO GUIDE

DR:eml.

Enclosure

*Enclosed is letter
to County Commission.
They will deny upon
the matter on July 5.*

REYNOLDS
enterprises



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE MAYOR

July 13, 1983

Mrs. Doris Reynolds,
Reynolds Enterprises
370 12th Avenue South
Naples, Florida 33939

Ref: Newspaper Vending Machines

Dear Mrs. Reynolds:

As you probably know, the City has attempted to work cooperatively with the newspaper publishers relative to the placement of their vending machines in the public rights-of-way. For the most part, our "understanding" with them has worked well, in that there are virtually no vending machines in our single-family residential areas, and only a limited number in our multi-family areas.

Granted, there has been a recent increase in the number of vending machines in our commercial areas; and our recent effort to have each newspaper use the same uniform vending machine in the 5th Avenue South and 3rd Street commercial area has not been a success. We are concerned about this change and are monitoring the County's regulation proposals.

To answer the question in your letter of June 28, 1983 directly, it must be understood that a newspaper does not lose the protection of the First and Fourteenth Amendments of the United States Constitution merely because it is operated for profit. This constitutional protection extends to the means of distribution of the newspaper as well as to its content. Our research indicates that the U.S. Supreme Court has held that the right to circulation is as essential to the freedom of the press as the right to publish. For this reason, we have made a distinction between newspaper vending machines and "hot dog vendors", and would prefer to work out an amicable solution with the newspaper people.

Mrs. Doris Reynolds

Page 2.

Ref: Newspaper Vending Machines

However, if the situation deteriorates to the point that an ordinance is necessary, I am sure that the City Council will take the action necessary to protect the community.

Thank you for your letter and your interest in Naples.

Sincerely,

Stan Billick
Stanley R. Billick
Mayor

July 18, 1983



The Honorable Mayor Stanley R. Billick
 City of Naples
 735 Eighth Street, South
 Naples, Florida 33940

Dear Mayor Billick:

Thank you for your response of July 13th regarding the newspaper vending machines. I hope I did not give the impression that I feel the newspaper vending machines should be eliminated. However, I would like to invite you to drive down 5th Avenue South and along 3rd Street in Old Naples, and count the number of vending machines that are placed along these thoroughfares. What I am suggesting is that the City regulate the number allowed before this problem becomes any larger. I would also invite you to inspect the area along Howard Johnson and see how unsightly these vending machines are.

The Constitution does not give anyone the right to abuse any of the privileges we are assured. As a publisher, I would feel very disloyal to this community by erecting unsightly vending machines to sell my magazines. I know I have the right to do so, but I also have an obligation to my community to see that its beauty and serenity are maintained.

You, as Mayor of this community and the other Council members, also have that responsibility to every citizen of Naples and to all of our visitors who come here because of the beauty and cleanliness of this community. Rather than wait for the County to act on this

REYNOLDS
 enterprises

-22-

370 12th Avenue South / Second Floor
 Box 875 / Naples, Florida 33939 / (813) 262-6524

Mayor Stanley R. Billick
Naples, Fla.
July 18, 1983
Page 2

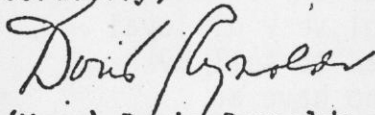
matter, I would hope that the City of Naples would assume a leadership role and begin a campaign to regulate newspaper vending machines.

I have been a resident of Naples for 31 years, and as a private citizen, I will continue to speak out against anything that is detrimental in this community. In addition, I intend to use my profession as a publisher to add impetus to my opinions.

The City Attorney has been given photographs which I took within a 10-block radius, and I would suggest that you look at this file as a graphic example of how the privilege of installing vending machines has been abused.

I look forward with interest to seeing what action the City takes on this matter.

Cordially,



(Mrs.) Doris Reynolds, Publisher
NAPLES NOW, NAPLES GUIDE, MARCO GUIDE

DR:eml.

*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.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO OCCUPATIONAL LICENSES; AMENDING SECTION 12-47, "SCHEDULE OF LICENSE TAXES", AND SECTION 12-48, "AUTHORITY TO IMPOSE LICENSE TAX LIMITED", OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO INCREASE THE OCCUPATIONAL LICENSE FEES FOR BUSINESSES, OCCUPATIONS AND PROFESSIONS PURSUANT TO SECTION 205.043, F.S. AND TO REPEAL SUBSECTION (a) OF SECTION 12.48.

WHEREAS, Section 205.043, F.S. authorizes municipalities to increase occupational license taxes and sets forth the amount of such increase; and

WHEREAS, after reviewing the fees charged by the City of Naples and comparing same with fees charged by other Florida cities, the City Manager has recommended that the occupational license fees be revised as hereinafter provided; and

WHEREAS, the City Council has determined that said fees should be revised according to the recommendation of the City Manager;

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

SECTION 1. That Section 12-47, entitled "Schedule of License Taxes", of the Code of Ordinances of the City of Naples is hereby amended to read as follows:

Sec. 12-47. Schedule of License Taxes.

There is hereby levied an occupational license tax on all persons, firms and corporations, for the privilege of engaging in or managing any business, profession or occupation within the corporate limits of the City of Naples, Florida. Such occupational license tax shall be levied on: (a) Any person, firm or corporation who maintains a permanent business location or branch office within the City of Naples for the privilege of engaging in or managing any business within its jurisdiction; and (b) any person, firm or corporation who maintains a permanent business location or branch office within said municipality for the privilege of engaging in or managing any profession or occupation within said city; and (c) any person, firm or corporation who is not subject to such tax under either (a) or (b) above, and who transacts any business or engages in any occupation or profession in interstate commerce where such occupational license tax is not prohibited by Section 8 of Article I of the United States Constitution. The license classifications and fees for businesses, occupations and professions within the City of Naples shall be as follows:

	Proposed	Present
(32) BROKER, ship, motorboats, or yacht		
(a) Each person acting as agent and/or broker negotiating sales but does not carry stock on hand	43.75	35.00
(33) BROKER-AGENT, STOCKS AND BONDS	62.50	50.00
(a) Leased wire	93.75	75.00
(34) BUILDING AND LOAN ASSOCIATION	125.00	100.00
(35) BURGLAR ALARM SYSTEMS Companies or agents	62.50	50.00
(36) BUS COMPANIES	62.50	50.00
(37) BUSES, SIGHTSEEING	62.50	50.00
(38) CANNING PLANT		
(a) One to five employees	62.50	50.00
(b) Six to fifteen employees	93.75	75.00
(c) Sixteen or more employees	125.00	100.00
(39) CATERER OR CATERING	43.75	35.00
(40) CEMETERIES	125.00	100.00
(41) CHEMISTS, ANALYTICAL	43.75	35.00
(42) CHIROPODIST	43.75	35.00
(43) CHIROPRACTOR	43.75	35.00
(44) CLEANER AND DYER, permits fur storage and repair		
(a) Plant, where cleaning, pressing or dyeing is done on premises	62.50	50.00
(b) Agency, where no cleaning, pressing or dyeing is done on premises	31.25	25.00
(45) <u>COIN-OPERATED, VENDING OR OTHER MACHINES</u> Every person selling, leasing, renting distributing, servicing, operating or placing for operation any machine as described below:		
(a) Commercial amusement machines.		
(1) Operator	125.00	100.00
(2) In addition thereto for each machine defined as machines or devices, not gambling devices which are played or operated for amusement or score and not for vending merchandise or rendering service, and whether or not a charge is made for play..	12.50	10.00
(b) Service machines (other than vending merchandise)		
(1) Operator	62.50	50.00
In addition thereto, for each machine as follows:		



Page 1

(a)	Air conditioning	6.25	5.00
(b)	Music machines, juke boxes, consoles, and music boxes	6.25	5.00
(c)	Mechanical rides, all kinds	6.25	5.00
(d)	Photographing, photo copying and laminating	6.25	5.00
(e)	Picture (showing still or motion pictures)	6.25	5.00
(f)	Radios and televisions	6.25	5.00
(g)	Remote control selectors	6.25	5.00
(h)	Weighing	6.25	5.00

(45e)

(c)	Vending machines, vending merchandise of any kind except those hereafter provided:		
(1)	Operator	62.50	50.00

(d) Machines exempt from license:

- (1) Machines vending cigarettes, postage stamps or drinking cups or unadulterated Florida-produced citrus juice, change machines, soap and bleach dispensers.
- (2) Parcel checking lockers and toilet locks used in depots, hotels and restaurants.
- (3) 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.

(46)	COLD STORAGE, renting cold storage space to the public	62.50	50.00
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(47)	COLLECTION AGENCY, CREDIT BUREAUS, TAX COLLECTION AGENCIES	62.50	50.00
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(48)	CONSULTANT AND/OR BUSINESS ADVISOR For each person operating, which advice is the only service rendered and nothing is bought or sold in connection therewith....	43.75	35.00
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~~CONTRACTORS~~

(49)	CONTRACTORS		
(A)	General Building Contractor is a contractor whose construction work involves two or more building trades or crafts, who has financial means to undertake the work and the knowledge gained by not less than ten years' experience either as a superintendent for a general contractor or as a licensed building contractor for such period (or has had an education equivalent thereto) or in any combination thereof, and has satisfactorily passed a general contractor's examination, and has shown that his scope of operation should be unlimited as to the height and complexity of design of the construction he undertakes.....	250.00	200.00

over →

Page 16

(100)	MUSEUMS, including storeroom, shows, exhibiting articles and relics of historic interest or objects of art with admission charged	43.75	35.00
(101)	MUSIC, furnished by wire and/or transmitted. Operator or dealer, includes installation of music systems for radio broadcasting and/or tape transmitted music, also background music service	43.75	35.00
(102)	HATUROPATH	43.75	35.00
(103)	NAVAL ARCHITECT	43.75	35.00
(104)	NEWSPAPER, PRINTING, AND DISTRIBUTION		
	(a) Daily	125.00	100.00
	(b) Weekly	43.75	35.00
(105)	NEWS BUREAU, Circulation, advertising and news service	43.75	35.00
(106)	NEWSPAPER DISTRIBUTION (Independent) AGENCY. (Students under the age of 18, when operating as an individual carrier, are exempt from the license required hereunder).....	43.75	35.00
(106a)	NURSING HOMES, SANJTORIUMS AND HOSPITALS. Privately owned and operated for profit	62.50	50.00
(107)	OPTOMETRIST	43.75	35.00
(108)	OSTEOPATH	43.75	35.00
(109)	OXYGEN DEALER, rendering sale or service of oxygen gas, wholesale or retail	43.75	35.00
(110)	PARKING LOTS (commercial)		
	Up to 10,000 square feet	62.50	50.00
	Each additional 5000 square feet or fraction thereof	31.25	25.00
	Defined as property properly zoned by such business. The above license fees are required for parking spaces, except when publicly advertised as "Free Parking" for customers and/or employees only.		
(111)	PATROL AGENCY. Including business or service of opening and closing homes and watchman service therefor:		
	(a) Permits one patrolman or agent	43.75	35.00
	(b) For each additional patrolman or agent ...	12.50	10.00
(112)	PEDDLER of fresh fruits, vegetables and farm products by the growers thereof only. (Must file exemption affidavit and quality)		
(113)	PETROLEUM PRODUCTS DEALER. Permits sale of crude oil, fuel oil, kerosene, distillate, road oil, asphalt, tar, gasoline, lubricating oil and greases, and all other petroleum products, not including bottled gas dealers or automobile filling stations:		
	(a) For first vehicle	62.50	50.00
	(b) For each additional vehicle	15.62	12.50

ORDINANCE NO. _____

PAGE TWENTY

SECTION 2. Subsection (a) of Section 12-48 of the Code of Ordinances of the City of Naples is hereby repealed in its entirety and the remaining subsections thereof are renumbered accordingly. The title to Section 12-48 is hereby amended to read, "Conditions for Levy".

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

APPROVED AT FIRST READING THIS _____ DAY OF JULY, 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

Mayor

ATTEST:

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY

David W. Rynders

David W. Rynders, City Attorney

Naples Area Chamber of Commerce

1700 NORTH TAMiami TRAIL • NAPLES, FLORIDA 33940 • PHONE (813) 262-6

August 1, 1983

Mr. Franklin C. Jones, City Manager
City of Naples
735 8th Street South
Naples, FL 33940

Re: Proposed Occupational License Ordinance Revision

Dear Frank:

Thank you for the meeting last week with the Mayor. We appreciated the opportunity to discuss our observations on the proposed ordinance.

The Naples Area Chamber of Commerce represents many small businesses in our community and feel the following recommendations would ease the 25 percent increase you are proposing:

1. Review the ordinance for inequities as to the rate structure and adjust these differences as soon as possible.
2. Continue to monitor and review new methods of enforcement to locate offenders.
3. Include a penalty clause for non-licensed offenders.
4. Help educate the businessman as to how your procedure works in relationship to the county and explain your services, such as police protection.

In conclusion, the Chamber represents many who want to help pay for good government through occupational licenses. We believe the business community will do their fair share.

Sincerely,

NAPLES AREA CHAMBER OF COMMERCE

Donald L. Berry

Donald L. Berry
President

bcc: Richard Cavallaro
Lynette Fox
Lloyd zumfelde



City of Naples

735 EIGHTH STREET, SOUTH • STATE OF FLORIDA 33940

DEPARTMENT OF COMMUNITY DEVELOPMENT

July 19, 1983

Mr. A. A. Engelhart, Circulation Manager
Wall Street Journal
713 99th Avenue North
Naples, Florida 33940

Ref: Vehicular "Turn-outs" for Newspaper Vending Machines

Dear Mr. Engelhart:

In cooperation with the Park Shore Association, Inc., and in an effort to reduce existing traffic hazards, the city has provided paved vehicular "turn-outs" at the northeast corners of Neapolitan Way and West Boulevard and Belair Lane and Park Shore.

Please remove your newspaper vending machines from their present location at these intersections and relocate them adjacent to the "turn-outs" as soon as possible.

We would appreciate your cooperation with the Park Shore Association in their effort to upgrade the appearance of their neighborhood, as expressed in Mr. Schwessinger's letter of July 15, 1983 to you.

Sincerely,

Roger J. Barry
Community Development Director

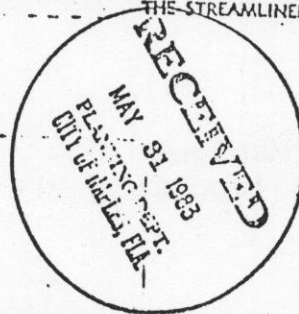
B:d

THIS IS FORM # 60013
*SENDER: 1. DETACH YELLOW COPY. 2. SEND WHITE AND PINK COPIES TO PERSON ADDRESSED.

*RECIPIENT: 1. WRITE REPLY AT BOTTOM. 2. RETAIN WHITE COPY, RETURN PINK COPY TO SENDER.
REORDER FROM: THE STREAMLINERS—Box 480, Mechanicsburg, Pa. 17055

REPLY MESSAGE

TO
Roger Barry



CITY OF NAPLES
735 Eighth Street, South
State of Florida
33940

MESSAGE

SUBJECT Newspaper Turnouts - Park Shore DATE 5/31/83

FOLD

Asphalt pull off areas have now been completed at the corner of Park Shore & Belair and at Neapolitan and West Blvd. so the newspapers may relocate their vending machines.

NAPLES DAILY NEWS

1075 Central Avenue
Naples, 33940

Ken Tanner, Circulation Director
Corbin Wyant, General Manager

NAPLES STAR

858 7th Avenue North
Naples, 33940

Tom Donelson, Circulation Manager
Art Brayer, General Manager

FORT MYERS NEWS PRESS - also USA TODAY

2442 Anderson Ave.
Fort Myers, FL 33901

Vince Bigorito, Circulation Manager

Dan Touchstone, Single Copy Marketing Manager
Dennis M. Gardiner, Circulation Director

WALL STREET JOURNAL

713 99th Ave. No.
Naples, 33940

2301 Presidents Drive
Orlando

A. A. Engelhart, Circulation Manager

MIAMI HERALD

983 2nd Avenue North
Naples 33940

Jim Morris, West Coast Manager
Jim Fox and Bill Gampel (spelling ?) - both are Circulation Managers

NEW YORK TIMES

P.O. Box 408
Lakeland, FL 33802

Jack Degnan, General Manager

BARRON'S (is ~~xxxx~~ part of Wall Street Journal)

Kevin Hill, Southern Regional Manager
6330 West Loop South - Suite 940 -33-
Bellaire TX 77401

(if a legal matter)

Allen Simeone, Circ. Director
Wall St. Journal

Fort Myers News-Press, Thursday, August 18, 1983

Council stands firm: Business license fees to be increased

By DENES HUSTY
Collier Bureau Chief

NAPLES — In what could have been a replay of a meeting two weeks ago, the city council listened to objections from local businessmen and then voted in favor of a 25 percent increase in occupational license fees.

Even the votes were the same. At both meetings, the vote was 4-2 in favor of the increase with councilmen Harry Rothchild and Ken Wood casting the no votes each time.

The only difference between the two meetings is that the council's decision on Wednesday is final. Its previous vote two weeks ago only gave initial approval to the increase.

Starting Sept. 1, city businessmen will receive renewal notices for their city occupational license fees which will reflect the 25 percent increase.

According to city officials, the occupational license fees charged, Naples businessmen have not been in-

creased since 1966. City Manager Frank Jones has said the increase would give the city an additional \$20,000 in revenue next year. His proposed city budget shows the city receiving \$160,000 in occupational license fee revenue during the 1983-84 fiscal year.

As he did two weeks ago, local businessman J. Sandy Scatena told councilmen Wednesday that he and other merchants did not think the increase was justified. Scatena said he represented 174 city businessmen.

Rothchild again branded the fee a tax and said the city doesn't need the extra revenue and should not pick on one segment of the community to pay a tax increase.

Naples Mayor Stan Billick again defended the increase. He said it is the council's responsibility "to have the character and understanding to keep a balanced tax structure."

Jones said he will be coming back next month with some amendments to the law which imposes the fee increase.

Jones said the changes were suggested by the Great-

er Naples Area Chamber of Commerce and other business organizations.

He said that businessmen felt that contractors should be charged a fee according to the size of their operation instead of by category.

Under his proposed amendment for contractors:

- Firms having one to five employees would be charged \$43.75 a year.
- Firms with six to 15 employees would be charged \$87.50 a year.
- Firms with 16 or more employees would be charged \$125 a year.

The charge for general contractors contained in the law adopted Wednesday by councilmen is \$250 a year.

Also, Jones said he will propose eliminating exemptions for the operators of certain types of vending machines. Currently, owners of cigarette, postage stamp, Florida citrus juice, and soap and bleach vending machines are exempt from paying occupational license fees.

Jones' proposal would impose an occupational li-

cence fee of \$62.50 a year on the owners of such machines.

Jones said he will recommend that the owners of coin-changing vending machines continue to be exempt from the tax since these machines are operated as convenience for customers rather than for a profit.

The city manager also said he recommends imposing a \$100 delinquency fee on businessmen who don't pay their fees on time. Merchants have the entire month of September to pay the fees on time.

In other business, the city council:

- Selected a committee to determine whether the Naples Concert Band Inc. should be allowed to locate band shell at Cambier Park.
- Granted Alan Gerry a variance to the city's coastal construction setback line so he can build a beachfront house on a vacant lot located off Gordon Drive.
- Rezoned .2 of an acre of land from residential to commercial use so that The Naples Fund Ltd. can build a four-story office building at U.S. 41 and 26 Avenue North.

Mayor Billick Stresses Equitable Tax Burden

By MATTHEW SPINA
Staff Writer

hoping to win their support.

Billick later said it is too early to announce whether he would seek a second two-year term in February 1984, but added "I would hate to lose the benefit of two years of very intensive on-the-job training."

AS HE DID when the City Council voted to raise fees for city occupational licenses 25 percent, the mayor stressed the importance of balancing the tax burden.

"We're a business community, we're a retirement community and we're a 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-dis-

posal 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 Cravton 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 deter-

mination 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.

HE SAID HE hoped discussions of beach rules do not "degenerate to whether we should allow Frisbee play-staff is more important than speech-making in council meetings.

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-staff is more important than speech-making in 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 arrangement of a good city staff is more important than speech-making in council meetings.

Port Myers News-Press, Thursday, September 8, 1983

Council rejects \$100 fine occupation license cases

JONES HURST

By Bureau Chief

People who set up here have to worry about paying \$100 fines if they don't get occupational licenses. The law proposing the penalty was passed Wednesday in a split 2-2 vote of the city council. The law also has eliminated current fee exemptions for cigarette stamp, citrus juice, soap and vending machines.

Mayor Stan Billick and Councilman Wade Schroeder voted for the law while councilmen J. Rothchild and Ken Wood voted against it. Councilman Lyle Anderson, Randolph Thornton and Anderson were absent.

Manager Frank Jones recommended the changes to the new occupational license fee law which was passed last month by the city council. August, councilmen adopted a 25 percent increase in the fees people must pay each year to do business in Naples.

However, the Naples Area Chamber of Commerce recommended changes, Jones said. The business organization felt the fine for new businesses is not enough, Jones said.

Under the present law, new businesses which are caught without a license are fined 25 percent of the license. The operators of new businesses feel the 25 percent is a nominal amount and worth the risk of getting caught out a license, Jones said.

For example, a lawyer who hangs out a shingle in town is supposed to pay a license fee of \$43.75. If the attorney doesn't buy the license and gets caught, the fine would be \$10.94 in addition to the \$43.75 for the license.

Jones said the chamber of commerce felt the fine should be stiffer to encourage compliance with the law. He said the city staff felt that a \$100 fine would do the job.

Rothchild felt differently. "This is manifestly unfair... Do we want the city of Naples to be pictured as anti-business and to be avoided like the plague?"

Rothchild said many occupational license fees are only \$25. Fining people \$100 for not buying such licenses "is so inequitable and unjust," he said.

Wood opposed the fine on similar grounds. He said every lawn maintenance man, for example, who did not get a license would get hit with the heavy fine.

Both Rothchild and Wood voted against the occupational license fee increase that was adopted last month.

Under the proposed law, the city could impose the fine without having to pay the cost of taking violators to court.

Local businessman J. Sandy Scatlina said the law would deny people the right to be judged innocent or guilty in a court of law.

Scatlina also pointed out that licenses are not required for many occupations. He said he wanted to know why.

See FEES, page 3B

NAPLES DAILY NEWS Thurs., Sept. 8, 1983

Naples Rejects Fines On Business Licenses

By MATTHEW SPINA
Staff Writer

A proposal to fine businessmen who have never obtained a city occupational license was rejected Wednesday when Naples Councilmen reached a deadlock on the issue.

and Harry Rothchild, who voted "no" last time, again voted against additional changes in the rates this morning. Mayor Stan Billick and Councilman Wade Schroeder voted in favor.

The proposal's failure on first reading means it will have to be re-introduced later and approved twice if it is to become law.

With three of its seven members absent, the Council voted 2-2 on assessing a \$100 penalty on businesses which skirt the law by neglecting to obtain a license. Proposals are denied on tie votes.

FINES OF up to 25 percent on businesses which are delinquent in renewing their licenses remains unchanged.

Also rejected was a provision to charge license fees on vending machines selling "cigarettes," soaps and bleaches and Florida-produced orange juice.

"A state statute once exempted those machines from licenses, but Florida lawmakers have again said they could be subject to the fees assessed by local governments," said City Manager Frank Jones.

Jones had requested the changes as a follow-up to the 25-percent hike in license fees approved by councilmen in August. Wednesday's changes were suggested by business leaders as a way to make the rate schedule more equitable, he said.

COUNCILMEN Roland Anderson and Randolph Thornton were absent from the meeting today. Both had voted in favor of the 25-percent increase last month.

Councilman Lyle Richardson is recuperating from a heart attack suffered in July.

FEES From page 1B

Jones said he didn't know but would research the matter.

In other business, councilmen:

- Gave final approval to the rezoning of .2 of an acre of land from residential to commercial use so that The Naples Fund Ltd. can build a four-story office building at U.S. 41 and 26 Avenue North.
- Agreed to solicit bids for a financial consultant for a \$15 million to \$30 million bond issue that will pay for

ger, the city financial director and the city auditor to screen applicants.

- Picked Post, Buckley, Schuh and Jernigan as their first choice to be the engineering consultant for \$177,000 worth of city street projects.
- Appointed local residents Casey Miller and Marshall Davenport to serve on the City Parks and Recreation Board. The two will replace David Pierson and

Merle Norman Cosmetics
589 Fifth Avenue South
Naples, Florida, 33940

Mr. Scatena
The Clothes Rack
539 Fifth Avenue South
Naples, Florida, 33940

Dear Sandy:

Thank you very much for offering to take this letter to the Naples City Council Meeting for me. I was completely unaware of your encounter with the City Council when I approached you with "my" idea and I really appreciate your assistance. As you can see, "My" idea is not particularly original, but it could be most appropriate at this time.

I am enclosing several copies of the "Letters" pages from the August and September, 1983 issue of "NAPLES NOW", a local magazine of general distribution in town. These will show that I am not the only person in the area who is tired of looking at dollars lost due to the "Sacred Cow" attitude toward the press, of the Naples City Council.

Thank you,

Elaine Bond

Elaine Bond
Merle Norman Cosmetics

September 15, 1983

Honorable Mayor Stanley Billick
Members of the Naples City Council
Naples, Florida

Gentlemen:

Vending machines have assumed an important place in our society. Sandwiches, hot drinks, soda pop, books, cigarettes, music, ice, candy and snacks, even insurance and travelers checks can be purchased from a vending machine.

Information can also be obtained from a vending machine. Do you want the latest on the stock market? The Wall Street Journal is available from a machine on Banyan just east of Gulf Shere Boulevard. The New York Times is there too, along with many other newspapers. If your taste or need is local news, you can find the Naples Daily News and the Fort Myers News Press almost anywhere in town. There are 32 newspaper vending machines on Fifth Avenue South, just from Nineth Street to West Lake Drive. I'm sure that anyone could find a paper whose editorial policy appeals to them. But we go one better on Fifth Avenue South. We also have a store in which a person can purchase a paper from Naples, Miani, Fort Myers, New York, Chicago, Detroit, and numerous other cities. A human being takes the money, gives the change, smiles, says "Thank You", and pays the City a fee for the privilege of serving the community.

A license is required for all the other vending machines, and the people who maintain them on their property pay the fee to offer the service. Why are the many newspapers allowed to impede pedestrian traffic by placing vending machines on sidewalks all over town, jeopardize vehicular traffic with machines installed at curbside, and pay no fee for the privilege?

The three machines located at Fifth Avenue South and Sixth Street South are not unattractive. The double machine containing the Naples Daily News and the Miami Herald is usually empty. The single machine reserved for the Fort Myers News Press has been devoid of papers for many weeks. Can the newspapers afford the luxury of placing a machine reputed to cost \$200.00 at a location and give it minimal service for half the year so that it will be there when the "Winter Residents" arrive? I see boys and girls on Fifth Avenue South delivering the Naples Daily News to residents almost every day, all year round, and they carry many more papers in the winter.

I would love to see all the newspaper vending machines uniform in size and color, but I realize that each one has the right to it's image. However, some should be replaced.

I also firmly believe that a license fee should be set and collected from all newspapers for each vending machine. The newspapers would then be forced to determine which machines are profitable and deserve to be kept in its' location and which should be eliminated. This action would also improve the appearance of the areas in which these vending machines are now situated.

For a community that cries out for additional income as often as Naples does, I'm surprised that the City Council members so judiciously avoid this one excellent source of revenue. Please do away with the "Sacred Cow" image that surrounds these newspaper vending machines. Do NOT exempt them from license.

Thank you,

Elaine Bond

Elaine Bond

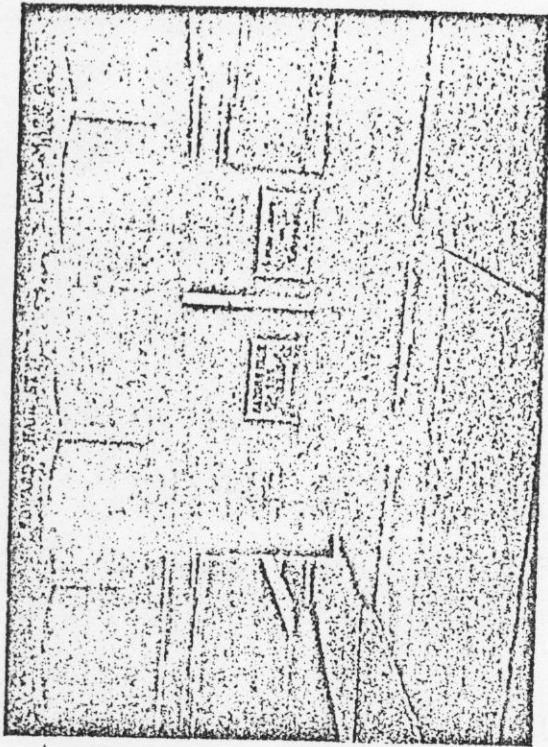
Owner/ Manager

Merle Norman Cosmetics

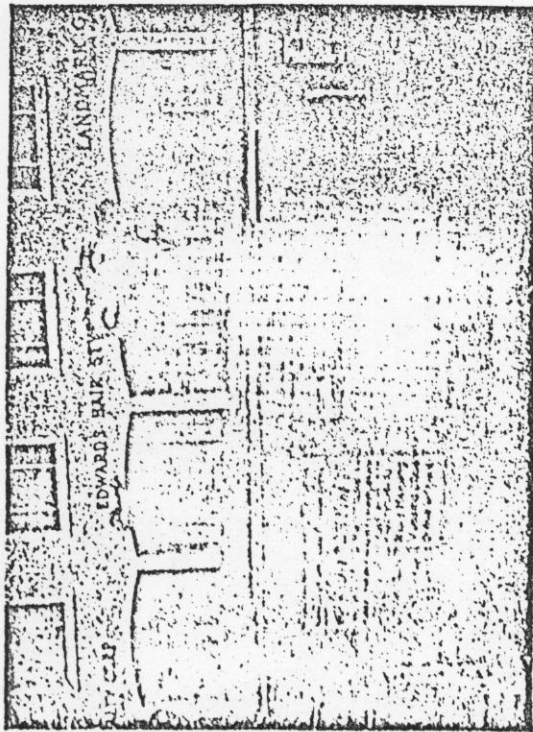
589 Fifth Avenue South

Naples, Florida 33940

5th Ave. So at 6th St. So.



2:30 P.M. 9/8/83



2:30 P.M. - 9/8/83

262-1530

"You're Special"

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

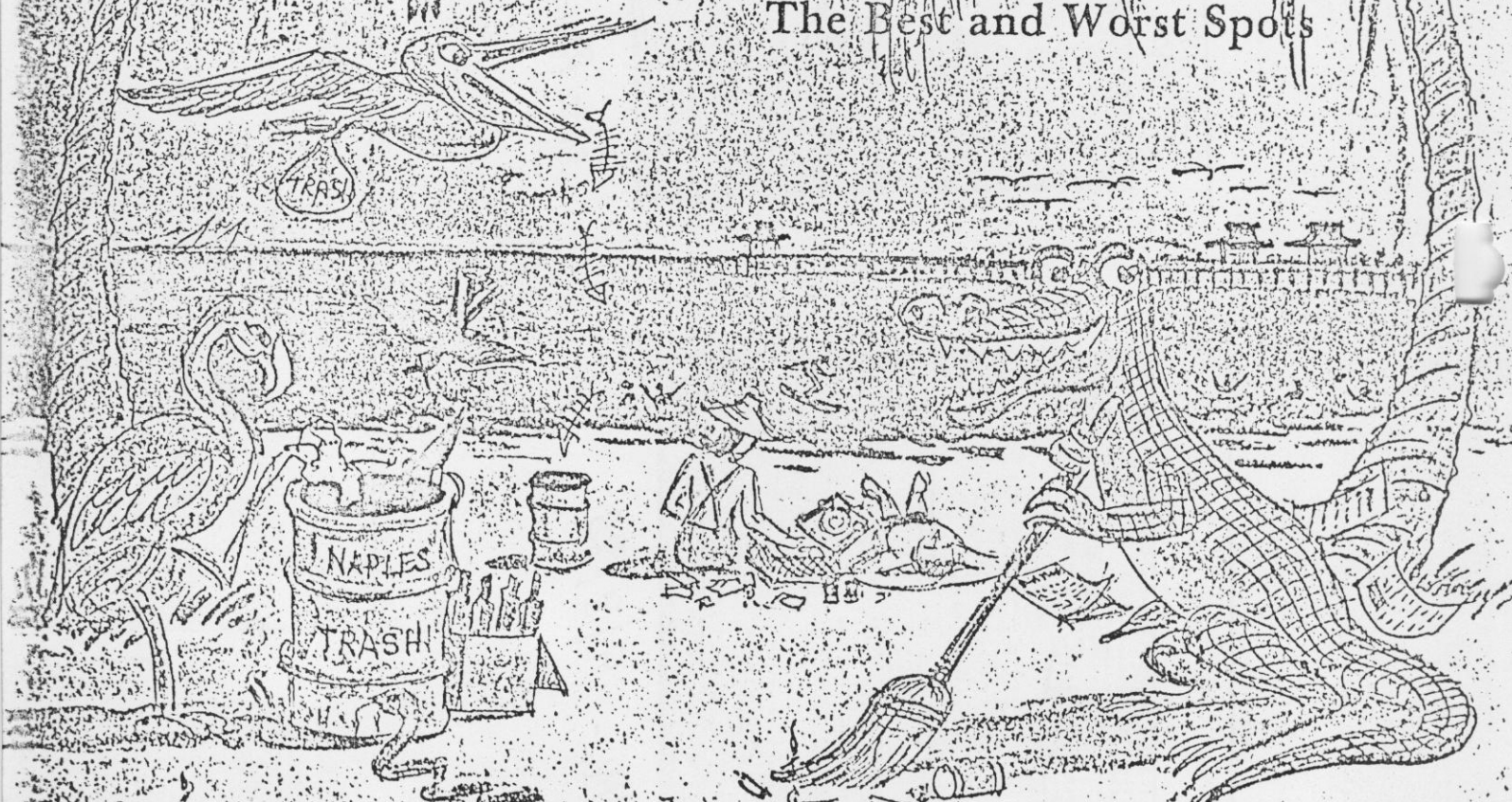
ELAINE BOND

Appointment

NAPLES

MAY 1983/\$1.50

CLEAN SWEEP: CLEANING UP NAPLES The Best and Worst Spots



IF WE NATIVES CAN CLEAN UP NAPLES
YOU CAN TOO!!



Bizarre stories, critical solutions,
and much deserved kudos

The Interior Touch

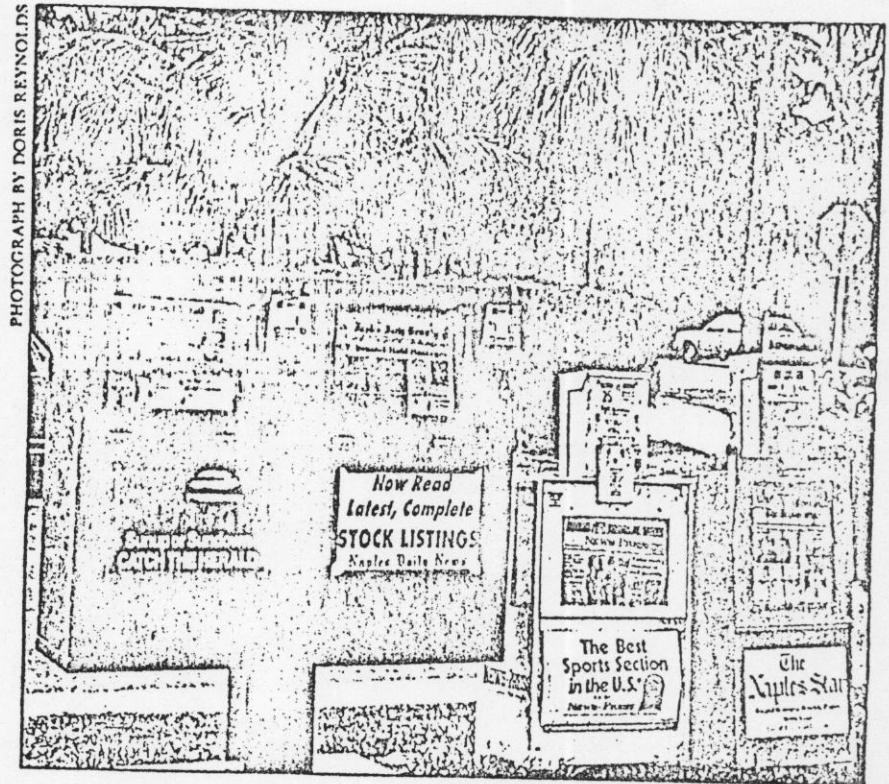
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524 11th Street North

Short Subjects



PHOTOGRAPH BY DORIS REYNOLDS

SILK PLANTS

Flower Arrangements

Ficus trees and more real-looking plants for care-free elegance in your home or office. Permanently.

Party Gift

PRINTS OF THE CITY ✓

We smiled when Jersey Joe was denied the right to sell hot dogs in an area not designated for that purpose. We especially were feeling the irony of that decision since, for months and years, we've watched the proliferation of newspaper vending machines on city and county streets. We have written numerous articles in this magazine and have complained to the city and as yet nothing has been done. Newspaper publishers have put up their vending machines on city property (and often on private property) without a license or permit. Many of the papers do not contribute one penny to the economy of Naples. The machines also openly make use of large advertising signs; another violation of city sign ordinances. Currently the City of Naples Beautification Council, the city attorney and the city planning department are working toward initiating some sort of regulation. We hope that citizens in Naples, who are interested in the beauty and cleanliness of our town, will make their opinions known to those in a position to do something about this situation./D.R. -42-

NO CONCESSIONS ✓

We say "No, no, no, no" to the city's proposal that vending machines be established on the Naples Pier and the use of the concession stand be diminished. The Naples Pier is practically the last stand against making ours a city not unlike any other Florida resort. It is our last thread of communication with Naples's past. The public is being told that this is an economy move. What the concession stand does not make in profits it makes up for in good public relations for the city. Also, vending machines are the targets of vandals and are definitely not in keeping with the tradition of the Naples Pier./D.R.

HOBBIES—THE MEANS TO AN END

Recent Soviet scientific findings report that being idle is number one on the 'hit' parade. Put another way, hard work adds to longevity. If the Soviets are correct, their findings substantiate the conjecture supported by most Americans over the years. Why then,

NAPLES NOW

The City Magazine of Naples, Florida

August & September 1983

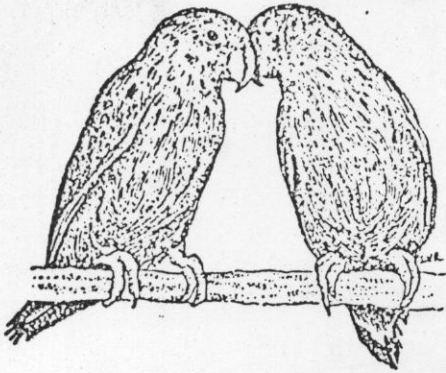
\$2.00



WHO'S KILLING
THE MIGHTY SNOOK?

Healing Now You Have a Choice

LETTERS



PAPER DRAGON ✓

It's about time someone had the intestinal fortitude to write something about those horrible newspaper vending machines. I was shocked to learn that there is no limit to the number that can be placed throughout the city and that the papers do not pay any kind of fee or tax. Why does the city permit such a blight on an otherwise beautiful place?

Laurel Frietag
Naples, Florida

Editor's Note: We have asked the same question repeatedly at city hall. One councilman has told us that when the city attempted to regulate the machines, the Fort Myers News-Press was vociferous in its objections so they dropped the matter. Which just goes to prove the power of the press. Other cities manage to regulate the machines but evidently our city council lacks the muscle to do anything about it.

GRAND STAND PLAY ✓

Whether it was the unseasonable winter rains or plain human greed, there has been a gross proliferation of brown tin mushrooms on Third Street, Fifth Avenue, and many other city areas, including residential.

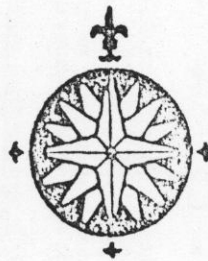
These are the ugly, ungainly, illegal, and unneeded newspaper sales racks sprouting in increasing numbers daily; as many as 31 in six blocks of Fifth Avenue and an equal number in Third Street's four business blocks.

Only a wimpy city government would allow this kind of blight, and a city hurting for cash is missing a bet. If they must allow street newsstands, they should charge for the right. FP&L and Cablevision pay hundreds of thousands of

SILK PLANTS



Ficus trees and more real-looking plants for care-free elegance in your home or office. Permanently.



BETTY MACLEAN TRAVEL

Inc.

Elizabeth A. Maclean, CTC

DOWNING-FRYE BUILDING
3411 TAMiami TRAIL NORTH
NAPLES FLORIDA 33940 U.S.A.
(813) 262-6525

-44-

LETT

dollars yearly for right-of-way use, why shouldn't newspapers? I think I'll put in for hot dog stand rights on some of the better corners, if they're free.

These stands are pure advertising devices. At a cost of \$200 each, a profit of pennies per paper, how many thousands of papers must they sell to break even? Obviously the ad rights, not the actual sales determine the profit margin. And even that would cease being profitable if there was a healthy franchise fee, plus the individual licenses required of cigarette and other vending machines. No profit, no machines.

Tom Morgan
Naples, Florida

CLEAN SWEEP

The Naples Beautification Council wishes to express their appreciation to NAPLES NOW for their efforts to promote the first annual Naples Beautification Week. We were most impressed by the attractive cover of the May issue. Several articles in the May issue related to our clean-up campaign focused the readers' attention on our goals. Your cooperation contributed to the success of our first annual Naples Beautification Week. We appreciate your efforts to Keep Naples Beautiful!

Anita Utter, President
Naples, FL

DIRTY BUSINESS

One area that is absolutely filthy and should be cleaned up is the Seven Eleven store property in Old Naples. I'm surprised that the Third Street Association and the Old Naples Association have not attempted to have the area cleaned up.

G. Frederick Lamson, Jr.
Naples, Florida

THANKS A LOT

On behalf of Milestone Youth Home's fund raising committee and the Board of Directors, I would like to express our sincere gratitude for your generous contribution of the full-page advertisement in your April '83 issue of NAPLES NOW.

The Great Lot Giveaway proved to be a successful fund raising event, netting more than \$61,000—an amount which will greatly benefit Milestone as we

Gulf Coast News

The Miami Herald Section D

Deaths/4D
Television/9D
Classified/10D

Friday, September 9, 1983

Billick to try again on license fine

By JEAN FRANZKY
Herald Staff Writer

Despite a defeat this week for a proposed \$100 fine on businesses that fail to get occupation licenses, Naples Mayor Stan Billick said Thursday the issue would be discussed at the next meeting when he expects two more council members to be present.

The proposal was defeated in a 2-2 vote Wednesday. Billick and Councilman Wade Schroeder supported the ordinance that would have lifted occupation-license exemptions for vending machines.

Councilmen Harry Rothchild and Ken Wood voted against the proposal because, they said, the fine was nearly three times more than the average price of fees and unfair to newcomers in the Naples business world.

Councilmen Lyle Richardson, Randolph Thorton and Roland Anderson were absent.

The council recently approved a 25 per cent in-

crease in the city's occupation tax. Billick said those who favored that increase were likely to support the fine. Thorton and Anderson voted with Billick on that issue. Richardson, who recently suffered a heart attack, did attend that meeting either.

"We really need something to balance our tax base," Billick said. "If we don't tax businesses, all the burden is on the homeowner."

Rothchild used similar reasoning to reach an opposite conclusion. He said the fine "picked on one segment of the population — the businessmen. We would be taking money from a select group at a time when so many businesses are suffering [financially]."

"It's anti-business," Rothchild said.

Wood also said he received several calls opposing the fine from Naples businessmen.

Ironically, the Naples Area Chamber of Com-

merce supports a fine because it would guarantee all businesses be treated equally, Lloyd zumFelde, chamber spokesman, said.

The \$100 figure was set by city staff. ZumFelde said the chamber would support a lower fee as long as the city periodically checked to see if businesses were operating with a license.

Currently, fire inspectors ask to see occupational licenses when they make yearly building checks. Any business caught without a license is fined 25 per cent of license cost. Under the present law, fines rarely exceed \$25.

But Billick said that type of fine was not enough to deter violators from running businesses without a license.

"That's not very severe" and he said, it's not enforced as well as it should be.

The council will discuss the issue again at its Sept. 21 meeting.



Stan Billick: Looks to next meeting.



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE MAYOR

September 20, 1983

Ms. Elaine Bond
Merle Norman Cosmetics
589 Fifth Avenue South
Naples, Florida 33940

Dear Ms. Bond:

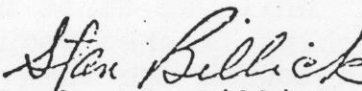
Sandy Scatena delivered to me this morning your letter with respect to vending machines, and particularly newspaper vending machines.

This subject is currently being studied by the City staff and I'm sure they will have a recommendation soon in connection with it.

The subject will be on the agenda for a Council meeting in the near future, probably in connection with the reintroduction of a revised penalty ordinance relative to the occupational license fees.

We thank you for your interest in current City affairs.

Sincerely,


Stanley R. Billick
Mayor

xc: Mr. Sandy Scatena
Frank Jones, City Mgr.



City of Naples

MEMO

September 29, 1983

TO: Hon. Lyle Richardson, City Councilman
FROM: David W. Rynders, City Attorney
RE: Newspaper Vending Machines

You have requested me to outline several of the issues pertaining to the newspaper vending machines located in the public rights-of-way in the City and provide a statement of our options in connection with regulating such vending machines.

As you are aware, the occupational license tax ordinance for newspapers includes "printing and distribution". Also, in a separate section the City levies an occupational license tax upon each vending machine of \$10.00 per year. Newspaper vending machines are not specifically excluded from this latter section although certain other vending machines are.

The question arises whether we should be charging newspapers an occupational license for each newspaper vending machine in the City in addition to the occupational license issued to the newspaper itself. While at first blush it would seem that the \$10.00 vending machine license requirement must apply, upon reflection, I lean toward the view that the occupational license issued to newspapers, which specifically provides for "distribution", covers the distribution of newspapers through their vending machines. In my view it would require a peculiarly narrow interpretation of the word "distribution" to conclude that distribution by vending machines is not intended to be covered. Such a narrow interpretation is in no way suggested or provided in the ordinance itself.

This question is not conclusively resolved in my mind, but if I were required to provide an opinion, it would be very difficult for me to conclude that an occupational license is required for each vending machine. On the other hand, the ordinance could certainly be amended to provide for occupational license taxes on each vending machine. This would be a question of policy to be decided by City Council.

September 29, 1983

Page 2

Presently, the City has a plethora of newspaper vending machines located on rights-of-way and sidewalks in both residential and commercial areas. These are regarded as a blessing by some and an eyesore by others. A number of groups have involved themselves in this question, including the Beautification Council and the Naples Fifth Avenue Merchants' Association, and these groups have strongly urged that more restrictions be adopted.

For some time the City staff has undertaken to elicit cooperation from the persons responsible for placing the newspaper vending machines around the City, but they have had mixed results. Generally, they have sought to keep the machines from obstructing the rights-of-way and from becoming too numerous or unsightly. As the number of machines continues to grow, however, the problem obviously has accelerated.

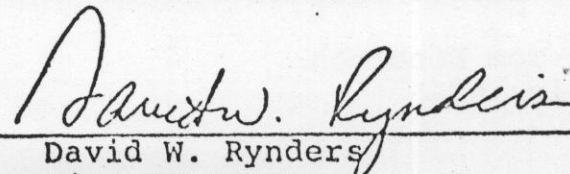
A number of cities have undertaken to regulate the location, placement and appearance of these machines in some detail; and I have reviewed several of these ordinances. Obviously, the City has the option of adopting regulatory ordinances similar to those adopted elsewhere. Such a program would most likely be enforced by the Community Development Department. These various regulations are quite detailed and provide for enforcement measures which I believe would be adequate for our purposes. A particularly fine ordinance is the one adopted by the City of Boca Raton.

A second option would be to charge a license tax for each vending machine in the City. Actually, the charges proposed under the Boca Raton ordinance are substantially higher than the occupational license; and consequently this option by itself does not appear to be a sufficient means of curbing the use and placement of the machines.

The third option is to express our concern to the newspapers themselves and seek to obtain a commitment for improving responses to complaints and perhaps even agree upon a limit to the number of machines as well as the styles and locations. As indicated, past cooperation from them has been uneven.

Clearly, some action needs to be taken. The City Manager is developing a recommendation along with Roger Barry and me, which we will be presenting to the Council shortly.

I hope this outline is of some assistance to you in this connection.


David W. Rynders



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PLANNING

April 20, 1983

Mr. Ken Tanner, Circulation Manager
 Naples Daily NEWS
 1075 Central Avenue
 Naples, Florida 33940

Ref: Newsracks at the Northeast corner of
 3rd Street, South and Broad Avenue, Naples

Dear Mr. Tanner:

The City has now completed a paved vehicle "turn-out" east of the above-referenced intersection on the north side of Broad Avenue. There are two mailboxes adjacent to the "turn-out."

Please relocate your newspaper vending machines, that are presently at this corner, to a location adjacent to the "turn-out", within 10 days of the receipt of this letter.

Sincerely,

Roger J. Barry
 Community Development Director

B:d

4 other letters sent to: (same as above)

Mr. A. A. Engelhart
 Wall Street Journal

Mr. Dan Touchstone
 Fort Myers News Press

Mr. Tom Donelson.
 Naples STAR

Circulation Manager
 Miami Herald



ENGINEERING DEPARTMENT

06.22
213

CITIZEN REQUEST FOR ACTION

NAME: Karen McLaine

President

ADDRESS: PTO - Seagate

PHONE #: 262-2317

DETAILS: At Park Shore & Belair people stop on Belair to buy newspapers and children bicycling to school have trouble getting around the cars. Condos have put rocks out so cars won't pull off onto their grass so people stop in the street. Roger told her there were plans for a pull off there in June or July. Also, there is only a small section of sidewalk in the area and it has curbs at breaks so it can't be ridden on. Would like to request bike path on Belair.

BY: S. Mann

DATE: 5/4/83 ✓

INVESTIGATION: _____

BY: _____

DATE: _____

ACTION TAKEN: Pull off to be on WB Park

Shore 5/10 L/R + ASPHALTED PULL OFF

BY: Foy

DATE: 5/21/83

Be built about 35 s.f connection to s.walk on s.w cor
6/21/83

COMPLAINANT RESPONSE: Satisfied

BY: S. Mann

DATE: 4/21/83

CITY ENG. REVIEW: J

DATE: 6-22

XC: Not-sidewalk
Req - pull off

FILE: Alleys _____

Streets _____

-50- Drainage _____

Traffic _____

No. 23

NAPLES DAILY NEWS **Tues., Aug. 16, 1983**



Sheriff's Department
Men Try to Steal Money

Four men tried to steal money Monday night from a cash drawer at the Site Station on U.S. 41 North, after they distracted a clerk at the business. The men were unsuccessful, according to Collier County Sheriff's reports.

Site Station employees told deputies that the men pulled up to the station at 7:45 p.m. Two went into a bathroom and the other two walked inside the business. One of the men inside the station dropped some change, directing the clerk's attention away from the cash drawer.

Another employee saw one man reaching for the money. The man may have seen the other employee and decided to run, officials said today.

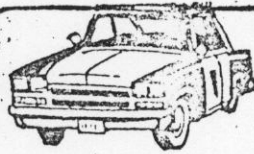
TV, Microwave Oven Stolen

A television, a microwave oven and a stereo were stolen from Jack Girard's Golden Gate home during the past week.

✓ **Newspaper Racks Missing**

Four Naples Daily News paper vending machines were stolen in the Golden Gate area this past weekend. The vending machines, each valued at \$200, were stolen from the following locations: 45th Street Southwest and Golden Gate Parkway; Sunshine Boulevard and 22nd Avenue Southwest; Sunshine Boulevard and Sunset Boulevard; and White Boulevard and 39th Street Southwest.

NAPLES DAILY NEWS Thurs. Sept. 1, 1983



Police Beat

NAPLES DAILY NEWS Thurs., Sept. 1, 1983

Sheriff's Department

Man Arrested at Supermarket

Mark Davis, 30, of 5312 Holland Ave. allegedly tried to steal two six-packs of beer from the Winn Dixie store at Rattlesnake Hammock Road Wednesday night.

Davis stuffed the Budweiser beer into a paper sack and walked out of the store, according to Collier County Sheriff's reports. After an employee asked Davis for a receipt, Davis offered to pay for the beer.

He ran when the employee refused to take money for the beer, but was caught by several other employees. Davis was arrested by deputies.

Man Attacks Deputy

Collier County Sheriff's Deputy Dennis McDaniel was treated at Naples Community Hospital Wednesday morning after he was hit in the face while mak-

ing an arrest at a County Road 951 convenience store.

Gary Sfuiga, 28, no local address, was sleeping in front of the store at about 7 a.m. Sfuiga yelled obscenities at McDaniel, who then tried to put the man into a patrol car.

As McDaniel led him to the car, reports state, Sfuiga turned and threw a punch. McDaniel and another deputy then managed to put the man into the car. Sfuiga is charged with attacking McDaniel and resisting arrest.

TV, Clothes Stolen

A television, assorted clothes and a pair of diamond earrings were stolen from Robert Stone's Monroe Ave. home Wednesday. A man who claims Stone's roommate owes him money has been accused of the theft, according to Collier County Sheriff's reports.

The theft occurred between 7 p.m. and 8 p.m. Reports state the man pried open a window at the home. Losses are estimated at \$950. A warrant for the collector's arrest may be issued during the next several days.

Newspaper Box Stolen

A newspaper box was stolen from Outer Drive near U.S. 41 East during the past several days. A newspaper employee told Collier County Sheriff's deputies the \$200 box was stolen either Tuesday or Wednesday.

Naples
area →Chamber of
Commerce

1700 NORTH TAMiami TRAIL • NAPLES, FLORIDA 33940 • PHONE (813) 262-61

October 19, 1983

Mayor Stanley Billick
City Hall
735 8th St. South
Naples, FL 33940

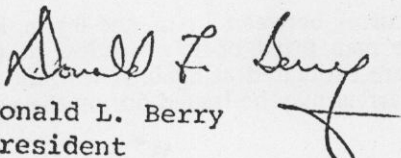
Dear Mayor Billick:

The Naples Beautification Committee's recent study and recommendations to the city regarding proposed regulations for the street side vending machines was reviewed by the Chamber's Board of Directors at their scheduled board meeting, October 18, 1983.

Having been appraised of the concerns expressed by the Beautification Committee, we respectfully request that a Chamber representative be invited to participate in any future discussions relating to this subject should the City Council decide to officially pursue this matter.

Thank you in advance for your consideration of this request.

Cordially,


Donald L. Berry
President