



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLYCK - None			1
-CITY MANAGER JONES - noted the annual street survey for the 5-year Capital Improvement Plan			1
<u>APPROVAL OF MINUTES - 12/07/83 - Regular Meeting</u>			
			1
<u>PURCHASING</u>			
-Award Bid - rear loading garbage truck		83-4384	1
-Award Bid - truckster-scooter		83-4385	2
-Authorize waiving bids & contract for recorder & reproducer/P.D.		83-4386	2
<u>RESOLUTIONS</u>			
-Continue Public Hearing for CCL 83-7, Variance to <u>Coastal Control setback line, Kenney Schryver</u>		<u>FAILED</u>	2 & 3
-Approve Nonconformity Pet. 83-N4, expansion of <u>Walgreens, Naples Shopping Center</u>		83-4388	4
-Approve Nonconformity Pet. 83-N5, <u>110 Gulf Shore Blvd.</u>		83-4389	5
-Affirm Contractors' Examining Board's suspension of <u>competency card, Haymon Parker</u>		83-4390	6 & 7
-Appoint Gina Hahn & Robt. Smith, III to <u>Parks & Recreation Advisory Bd</u>		83-4391	7
-Approve letter of agreement w/Jos. Carmosino, <u>Nichols Marine re Dock</u>		83-4392	8
-Approve Freeman, Richardson et al - <u>bond counsel re WWTP bond issue</u>		83-4393	8
<u>ORDINANCES - First Reading</u>			
-Approve <u>Rezone</u> Pet. 83-R11, s.w. corner 10th St No & Creech Rd to "PD"	84-		5
-Approve <u>Rezone</u> Pet. 83-R7, Adj. to 5th Av No, east of Goodlette Rd & west of Gordon River	84-		5
-Approve <u>Rezone</u> Pet. 83-R9, So. side Harbour Dr, bet. Gulfshore Blvd. & Leeward Ln	84-		6
-Approve <u>Rezone</u> Pet. 83-R8, E. side Gulfshore Blvd - Golf Links	84-		6
-Approve readoption of <u>state misdemeanor laws</u>	84-		7
-Approve adopting Collier County ordinance re <u>taxicabs</u>	84-		7
<u>- Second Reading</u>			
-Adopt ordinance to remove & <u>impound vehicles</u> from public property & boats from private property	83-4387		3
<u>DISCUSSION</u>			
-Read into the record - letter from <u>Cablevision</u>			8

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.

Date December 21, 1983

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

ROLL CALL: Present: Stanley R. Billick ITEM 2
Mayor
R. B. Anderson
Lyle S. Richardson
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Kenneth A. Wood
Councilmen

Also present:
Franklin C. Jones, City Manager John R. McCord, City Engineer
David W. Rynders, City Attorney Mark Wiltsie, Assistant to
Roger Barry, Community the City Manager
Development Director Ellen P. Marshall, Deputy
Stewart Unangst, Purchasing Clerk
Agent

See Attachment #1 - Supplemental Attendance List

INVOCATION - Dr. Richard A. Rohrer ITEM 1
First United Methodist Church

ANNOUNCEMENTS ITEM 3

MAYOR BILLICK - None ITEM 3-a

CITY MANAGER JONES - noted that between now ITEM 3-b
and the 1st of February the Engineering Department
would be doing the annual survey of streets and he
requested any input from citizens regarding needed
street repairs that could be included in the Capital
Improvement five year plan.

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

Mayor Billick noted the items on the Consent Agenda and Mr.
Rothchild asked that Purchasing Items 5-a, 5-b, and 5-c be
removed from the Consent Agenda and considered individually.

APPROVAL OF MINUTES - 12/07/83 - Regular Meeting ITEM 4

MOTION: To APPROVE the minutes as presented.

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

PURCHASING ITEM 5

---RESOLUTION 83-4384 ITEM 5-a

A RESOLUTION AWARDING THE BID FOR ONE (1) REAR LOADING GARBAGE
TRUCK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER
THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mr. Rothchild asked about the three bid tabulations included in
the packet material. Purchasing Agent Unangst explained that
one was for the complete truck; one for just the truck body; and
the third for the compacting unit alone.

MOTION: To ADOPT the resolution as presented.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson					
Richardson					
Rothchild					
Schroeder			X		
Thornton					
Wood			X		
Billick					
					C O N S E N S U S
Anderson			X		
Richardson					
Rothchild			X		
Schroeder					
Thornton					
Wood					
Billick					
(7-0)					

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p><u>PURCHASING (Cont)</u> <u>ITEM 5 (Cont)</u></p> <p>---<u>RESOLUTION 83-4385</u> <u>ITEM 5-b</u></p> <p>A RESOLUTION AWARDING THE BID FOR ONE (1) TRUCKSTER SCOOTER; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>In response to a question from Mr. Anderson, Purchasing Agent Unangst stated that warranty work on the truckster-scooter could be done in Ft. Myers. Mr. Rothchild suggested consideration of the discount given by the successful bidder versus the nearness of the Ft. Myers bidder where the warranty would be covered. Mr. Anderson again cited his reasons for not considering a differential in awarding bids to local or near-local vendors.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p> <p>---<u>RESOLUTION 83-4386</u> <u>ITEM 5-c</u></p> <p>A RESOLUTION WAIVING COMPETITIVE BIDDING PROCEDURES FOR THE PURCHASE OF A 20-CHANNEL LOGGING RECORDER AND A 20-CHANNEL PORTABLE REPRODUCER FOR THE POLICE DEPARTMENT; AUTHORIZING THE PURCHASE THEREOF UNDER STATE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Rothchild asked Purchasing Agent Unangst why the Council was asked to waive the bidding procedure to which Mr. Unangst responded that these items were not readily available from a selection of vendors. Mr. Unangst also answered in the affirmative when Mr. Rothchild asked if the State contract was usually checked on other items to be purchased.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p> <p>-----ADVERTISED PUBLIC HEARINGS-----</p> <p><u>PUBLIC HEARINGS</u> <u>ITEM 6</u></p> <p>---<u>RESOLUTION 83-</u> <u>ITEM 6-a</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY SECTION 7-41 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT CONSTRUCTION OF A SINGLE FAMILY RESIDENCE APPROXIMATELY 100 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF TWELFTH AVENUE SOUTH AT THE BEACH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Public Hearing: Continued from meeting of 12/07/83 Closed - 9:49 a.m.</p> <p>Mayor Billick noted a letter from the petitioner (Attachment #2) requesting that this matter be postponed. It was the consensus of Council that they would hear discussion on the matter and possibly take action today. Ed McMahon, president of the Old</p>					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder		X		X	
Thornton				X	
Wood	X			X	
Billick (7-0)				X	
Anderson		X		X	
Richardson				X	
Rothchild				X	
Schroeder				X	
Thornton				X	
Wood		X		X	
Billick (7-0)				X	

COUNCIL MEMBERS

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

---RESOLUTION 83- (Cont) ITEM 6-a (Cont)

Naples Association, spoke in opposition to the petition. He noted Council's direction to petitioner Schryver to try to reach an accord with the neighbors and stated his feeling that the petitioner had not made a sincere effort to do so. Citizen J. Sandy Scatena addressed Council and placed several items in the record (Attachment #3). He noted that Council had acceded to his request for a postponement on an item at the last meeting and he did not see a reason for postponement on this item at this meeting. Citizen Sharon Fischer spoke to Council in opposition to this request for a variance because she felt it would set a precedent. In response to a question from Mayor Billick, Community Development Director Barry stated that he hadn't discussed any design changes with the petitioner, but that the petitioner had spoken to some of the staff about it. He also stated that he had told the petitioner to ask for "a date certain" for the postponement. Mr. Thornton noted that the request for postponement was based on a possible change in design plan and that had nothing to do with the variance. There was no response to Mayor Billick's request for a motion to postpone action. City Attorney Rynders noted that Mr. Schryver could come back and request another variance at a later date. He did confirm that once a variance was granted, it would run with the land.

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

MOTION: To ADOPT the resolution as presented.

*** *** ***

Second Reading of an Ordinance ITEM 6-b

---ORDINANCE 83-4387

AN ORDINANCE RELATING TO REMOVAL AND IMPOUNDMENT OF MOTOR VEHICLES AND CERTAIN OTHER PROPERTY; AMENDING SECTION 23-11 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PROVIDE FOR AUTHORITY FOR THE REMOVAL AND IMPOUNDMENT OF SUCH VEHICLES; PROVIDING FOR NOTICE AND HEARING RELATING THERETO; PROVIDING FOR RELEASE OF IMPOUNDED VEHICLES; PROVIDING FOR DISPOSITION OF UNRECOVERED VEHICLES; AMENDING SECTION 7-14 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE REMOVAL OF WATERCRAFT PARKED ON PRIVATE PROPERTY WITHOUT THE OWNER'S CONSENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO AUTHORIZE THE REMOVAL AND IMPOUNDMENT OF MOTOR VEHICLES AND CERTAIN OTHER PROPERTY AND TO PROVIDE A PROCEDURE FOR NOTICE AND HEARING RELATING THERETO.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:56 a.m. Closed - 9:57 a.m.

Mr. Schroder reminded City Manager Jones and City Attorney Rynders that they were to look into the removal of water craft from public property.

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

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

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

*** *** ***
BREAK: Recessed - 9:50 a.m. Reconvened - 9:55 a.m.
*** *** ***

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

COUNCIL MEMBERS

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD (Cont) ITEM 7 (Cont)

---RESOLUTION 83-4389 ITEM 7-b

A RESOLUTION AUTHORIZING A CHANGE IN A NONCONFORMING USE TO PERMIT THE CONVERSION OF A NONCONFORMING GARAGE STRUCTURE LOCATED AT 110 GULF SHORE BOULEVARD NORTH INTO A HABITABLE LIVING AREA; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Muriel Lutgert, mother of the petitioner, addressed Council in support of the petition.

MOTION: To ADOPT the resolution as presented.

*** *** ***

---ORDINANCE 84- ITEM 7-c

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CREECH ROAD AND TENTH STREET, BEING LOTS 1-4, INCLUSIVE, BLOCK "A", SUN TERRACE SUBDIVISION, AND LOT 4, BLOCK 1, TACOMA PARK SUBDIVISION, FROM "R1-7.5" SINGLE FAMILY RESIDENTIAL TO "PD" PLANNED DEVELOPMENT; PROVIDING THAT THE ZONING ATLAS OF THE CITY OF NAPLES SHALL BE AMENDED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE PROPERTY OWNER TO PERMIT CONSTRUCTION OF A PARKING LOT IN CONJUNCTION WITH FUTURE DEVELOPMENT OF THE COMMERCIAL ZONED PROPERTY ABUTTING THE SUBJECT PROPERTY ON THE WEST.

Title read by City Attorney Rynders.

Alan Foster, one of the petitioners, presented himself to Council to answer questions about the petition. He confirmed that he needed the parking lot for a proposed adjacent building. Mr. Anderson suggested that the condition requiring a traffic signing/marketing plan be submitted be included in the ordinance. City Attorney Rynders noted that that could be included between now and the Public Hearing.

MOTION: To APPROVE the ordinance as corrected on First Reading.

*** *** ***

---ORDINANCE 84- ITEM 7-d

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED ADJACENT TO FIFTH AVENUE NORTH, EAST OF COMMERCIAL ZONED PROPERTY ON GOODLETTE ROAD AND WEST OF GORDON RIVER, IN BLOCKS III, IV, V and VI, RIVER PARK EAST SUBDIVISION, FROM "R3-12" MULTIFAMILY RESIDENTIAL TO "R1-7.5" SINGLE FAMILY RESIDENTIAL AND "PS" PUBLIC SERVICE; DIRECTING THAT THE ZONING ATLAS OF THE CITY OF NAPLES BE AMENDED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO REDESIGNATE SAID PROPERTY TO ZONING CLASSIFICATIONS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN.

Title read by City Attorney Rynders.

City Attorney Rynders noted that the City initiated the rezone petition and the Council should direct the City Clerk to notify the people whose property is being rezoned 30 days prior to a Public Hearing on the matter. It was the consensus of Council to do so.

MOTION: To APPROVE the resolution as presented on First Reading.

*** *** ***

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

COUNCIL MEMBERS

MOTION SECTION VOTE A B S E N T

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES ITEM 7 (Cont)
PLANNING ADVISORY BOARD (Cont)

---ORDINANCE 84- ITEM 7-e

AN ORDINANCE REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF HARBOUR DRIVE, BETWEEN GULF SHORE BOULEVARD NORTH AND LEEWARD LANE, BEING LOTS 24 AND 25, BLOCK 14, MOORINGS UNIT NO. 5, FROM "R3T-15" MULTIFAMILY RESIDENTIAL TO "R3-15" MULTIFAMILY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REDESIGNATE SAID PROPERTY TO AN APPROPRIATE ZONING CLASSIFICATION NECESSITATED BY THE ADOPTION OF ORDINANCE NO. 3795, WHICH REDESIGNATED THE "R3T-15" ZONING CLASSIFICATION TO "R3-15" AND DELETED REFERENCES TO TRANSIENT LODGING USES AND FACILITIES.

Title read by City Attorney Rynders.

City Attorney Rynders noted that this rezone petition was initiated by the City; therefore, the Council should direct the City Clerk to notify the people whose property was being rezoned 30 days prior to a Public Hearing on the matter. It was the consensus of Council to do so.

MOTION: To APPROVE the ordinance as presented on First Reading.

*** **

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

---ORDINANCE 84- ITEM 7-f

AN ORDINANCE REZONING A PORTION OF THE BEACH CLUB PROPERTY ON THE EAST SIDE OF GULF SHORE BOULEVARD NORTH, BETWEEN OLEANDER DRIVE AND SOUTH GOLF DRIVE, BEING BLOCK 5, NAPLES GOLF AND BEACH CLUB SUBDIVISION AND THE WESTERLY 350 FEET OF AN UNPLATTED TRACT KNOWN AS THE "GOLF LINKS", FROM "R3T-15" MULTIFAMILY RESIDENTIAL TO "R3T-18" MULTIFAMILY RESIDENTIAL; DIRECTING THAT THE ZONING ATLAS OF THE CITY OF NAPLES BE AMENDED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REDESIGNATE SAID PROPERTY TO AN APPROPRIATE ZONING CLASSIFICATION NECESSITATED BY THE ADOPTION OF ORDINANCE NO. 3795, WHICH DELETED THE CURRENT ZONING CLASSIFICATION FOR SAID PROPERTY.

Title read by City Attorney Rynders.

City Attorney Rynders noted that this rezone petition was initiated by the City; therefore, the Council should direct the City Clerk to notify the people whose property was being rezoned 30 days prior to a Public Hearing on the matter. It was the consensus of Council to do so.

MOTION: To APPROVE the ordinance as presented on First Reading.

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

---RESOLUTION 83-4390 ITEM 8

A RESOLUTION AFFIRMING THE FINDING AND DECISION OF THE CONTRACTORS' EXAMINING BOARD RELATIVE TO THE CERTIFICATE OF COMPETENCY OF HAYMON PARKER, d/b/a PARKER POOLS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Billick noted Haymon Parker's presence, but Mr. Parker declined to address Council. In answer to questions from Council, Community Development Director Barry noted that if Mr. Myhra's complaints are not satisfied at the end of the 60-day suspension of Mr. Parker's competency card, Mr. Myhra may return to the Contractors' Examining Board and request further action.

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

COUNCIL MEMBERS

M O T I O N S
S E C I O N S
Y E N O
A B S E N T

---RESOLUTION 83-4390 (Cont) ITEM 8 (Cont)

MOTION: To ADOPT the resolution as presented.

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

X
X
X
X
X
X
X

*** *** ***

---RESOLUTION 83-4391 ITEM 9

A RESOLUTION APPOINTING TWO MEMBERS TO THE PARKS AND RECREATION BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Billick asked each Councilman to state his preferences for the two appointments to be made. Mr. Wood - Hahn and Smith; Mr. Rothchild - Smith and Fletke; Mr. Richardson - Smith and Boorman; Mayor Billick - Smith and Hahn; Mr. Anderson - Smith and Hahn; Mr. Schroeder - Boorman and Hahn; Mr. Thornton - Boorman and Hahn.

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

X
X
X
X
X
X
X

MOTION: To ADOPT the resolution appointing Gina Hahn and Robert Smith, III, to the Parks and Recreation Advisory Board.

*** *** ***

-----FIRST READINGS-----

FIRST READINGS ITEM 10

---ORDINANCE 84- ITEM 10-a

AN ORDINANCE AMENDING SECTION 15-01 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO MISDEMEANOR LAWS OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO READOPT CURRENT MISDEMEANOR LAWS OF THE STATE OF FLORIDA AND TO INCREASE THE MAXIMUM FINE FOR VIOLATION THEREOF TO \$300.00 AS PROVIDED IN THE CITY CHARTER.

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

X
X
X
X
X
X
X

Title read by City Attorney Rynders.

MOTION: To APPROVE the ordinance as presented on First Reading.

*** *** ***

---ORDINANCE 84- ITEM 10-b

AN ORDINANCE REPEALING DIVISION 1 OF ARTICLE I AND ARTICLE II OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO TAXICABS; AND PROVIDING THAT COLLIER COUNTY ORDINANCE NO. 83-50, WHICH PROVIDES FOR THE REGISTRATION AND REGULATION OF OPERATORS OF MOTOR VEHICLES FOR HIRE WITHIN COLLIER COUNTY, SHALL BE EFFECTIVE WITHIN THE CITY OF NAPLES.
PURPOSE: TO PROVIDE UNIFORM REGULATIONS FOR MOTOR VEHICLES FOR HIRE THROUGHOUT COLLIER COUNTY AND THE CITY OF NAPLES.

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

X
X
X
X
X
X
X

Title read by City Attorney Rynders.

MOTION: To APPROVE the ordinance as presented on First Reading.

-----END FIRST READINGS-----

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	

---RESOLUTION 83-4392

ITEM 11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT WITH JOSEPH M. CARMOSINO RELATING TO CONSTRUCTION OF THE NEW CITY DOCK; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders referred to his memorandum dated December 15, 1983 (Attachment #5). In response to questions from Mr. Rothchild, the City Attorney noted that a rate structure for slip rentals would be determined after the number and size of slips available was confirmed.

MOTION: To ADOPT the resolution as presented.

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

---RESOLUTION 83-4393

ITEM 12

A RESOLUTION RETAINING A LAW FIRM TO SERVE AS THE CITY'S BOND COUNSEL IN CONJUNCTION WITH A PROPOSED BOND ISSUE TO FUND EXPANSION OF THE CITY'S WASTEWATER TREATMENT PLANT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders reviewed the information in his memo dated December 15, 1983 (Attachment #6) and which included the recommendation to appoint Freeman, Richardson, Watson & Kelly as bond counsel for the upcoming bond issue for the wastewater treatment plant expansion and effluent disposal projects.

MOTION: To ADOPT the resolution as presented.

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

CORRESPONDENCE & COMMUNICATIONS

Mr. Rothchild read into the record a letter from Cablevision signed by Brad Estes (Attachment #7).

ADJOURN: 11:45 a.m.

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council approved 01-04-84

Supplemental Attendance List - Regular Meeting, December 21, 1983

Dr. Richard A. Rohrer	Potter Smith	Walter Olson
George Cantwell	Martha Kinkaid	Dennis Lynch
Louis Zicht	Bob Michael	Robert Russell
David Dawson	Bob Terry	Jim Weigel
William Russell	Ed McMahon	Herb Luntz
Sergio Montes	Sharon Fischer	Herb Anderson
Alan Foster	Muriel Lutgert	William Bledsoe
Lloyd Sarty	Alan Mengel	Tish Gray
Joe Cox	Gina Hahn	Sheldon Reed
Clarence Pettit	Robert Johnson	Jim Anderson
Charles Andrews	Sally Johnson	William J. Schroll
Addison Connors	Lodge McKee	J. Sandy Scatena

News Media

Matt Spina, Naples Daily News
Deborah Sharp, News Press
Ben Garrett, TV 20, WBBH

Susan Gardner, TV-9
Randy Sell, TV-9
Cynthia Glicken, TV-20, WBBH

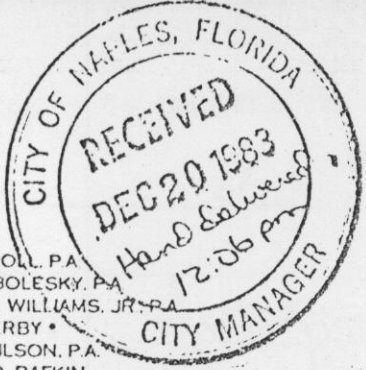
Other interested citizens and visitors.

12/21/83

279

66

ATTACHMENT #2



CARROLL & BOLESKY
LAWYERS

December 19, 1983

OLD COVE PROFESSIONAL BLDG.
1169 EIGHTH STREET, SOUTH
NAPLES, FLORIDA 33940-7385
(813) 261-8915

SUITE 140
CASA BONITA PLAZA
25638 HICKORY BLVD., SW
BONITA SPRINGS, FL 33923
(813) 947-1330

ES
E. CARROLL, P.A.
RACY H. BOLESKY, P.A.
ROBERT L. WILLIAMS, JR., P.A.
JACK R. ZERBY
GARY K. WILSON, P.A.
ANDREW D. RAFKIN
ANDREA M. LANG
OF COUNSEL
ROBERT W. STUEBER, P.A.
PAUL C. SCHRYVER

BONITA SPRINGS

Mr. Frank Jones, City Manager
City of Naples
735 Eighth Street, South
Naples, Florida 33940

RE: Ken Schryver

Dear Frank:

Please be advised that we would like to postpone our Variance Petition hearing until the meeting scheduled for Wednesday, January 18, 1984. The house plans are being resubmitted for further design study.

Thanking you for your assistance I remain

Yours sincerely,

Paul C. Schryver
Paul C. Schryver

W12/d1

cc: Ken Schryver
Dave Rynders
Jim Hirst
Joel Metts

Good Morning, Mr. Mayor and Councilmen:

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

As a year-round resident and established member of the Business Community, I am here today, as a Concerned Citizen to discuss Agenda Item 6A - A Public Hearing to consider A request for A Coastal Construction Setback Variance requested by Citizen Kenny Schryver.

I would like now, Mr. Mayor, to place into the Record at this meeting the following Exhibits marked NO. 1 through NO. 5 which are pertinent to this discussion. I will make brief comments about each of these Exhibits. (If you want each Exhibit read in full, Mr. Mayor, I am sure that our able Assistant City Clerk, Pat Marshall, can do this for you.)

NAPLES DAILY NEWS Thurs., Dec. 8, 1983

Neighbors Protest House Next to Pier

By MATTHEW SPINA
Staff Writer

Kenny Schryver found lots of opposition and little sympathy Wednesday for his quest to put a house on beach-front property just north of the Naples pier.

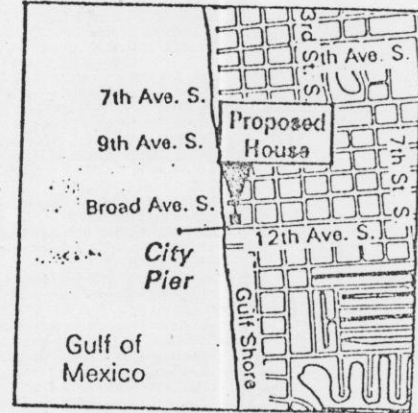
Schryver, a local businessman, wants to move a home from Third Street South and 11th Avenue South to the site, but first he needs the City Council to approve a variance from the coastal construction setback line, which limits how close to the beach a structure can be placed. Then the state Depart-

ment of Natural Resources can act on a similar request.

ONLY WITH permission from both the city and state can Schryver put his house in the spot he wants.

But the two-story house, to be put up on pilings, would disrupt Martha Kincaid's view of the pier, she complained to councilmen Wednesday during a public hearing on Schryver's request.

Mrs. Kincaid would be Schryver's neighbor to the north and she wasn't the only one with objections.



Naples Daily News art by Don Goodman

VICINITY OF PIER

...home next to landmark?

A couple people said Schryver should have been well aware of the restrictions on the property when he bought it in April 1981. The lot (Please see PIER, Page 2A)

Pier

is one of a few still vacant along the city beach.

Ed McMahon, president of the Old Naples Association, said, "I don't think it's incumbent upon the city to bail out someone who's made a mistake."

McMahon said ONA's board of directors and presidents of Naples property owners' associations also agree with him.

Virtually everyone who spoke at a lengthy public hearing went against Schryver's request, also complaining that the house is too

big for the lot and that a smaller house, which might not need a variance, could be built there.

The only people who spoke in favor of the request were Schryver and his representatives, who included his lawyer and brother Paul.

BUT THE Council seemed particularly impressed with concerns raised by a local attorney, who said long-standing paths across the property may have given the public a "prescriptive easement," or legal access to the beach through the

property.

Councilmen directed City Attorney David Rynders to determine whether the board would be giving up some sort of public right if it approved the variance and allowed the house there.

Members also instructed Schryver to talk to people who object to the location of his house and consider changes that might satisfy them.

The Council is to reconsider the matter when it meets Dec. 21.

PUBLIC NOTICE PUBLIC NOTICE PUBLIC NOTICE PUBLIC NOTICE

Sunday, Dec. 18, 1983

Naples Daily News

City of Naples
NAPLES CITY COUNCIL AGENDA
CITY COUNCIL CHAMBER
735 EIGHTH STREET, SOUTH
NAPLES, FLORIDA 37940
-COUNCIL CONFERENCE-
Tuesday, December 20, 1983 - 9:00 A.M.

- 1. Interviews with candidates for appointment to fill two vacancies on the Parks & Recreation Advisory Board, Requested by Mayor Billick.
2. Report by Camp Dresser & McKee, Inc., consulting engineers, with reference to golf course effluent reuse agreements in conjunction with wastewater treatment plant expansion project. Requested by consensus of Council at Regular Meeting of November 16, 1983.

--Regular Meeting--
Wednesday, December 21, 1983 - 9:00 A.M.
ALL PROPOSED ORDINANCES AND INFORMATION ON OTHER ITEMS LISTED BELOW MAY BE INSPECTED IN THE OFFICE OF THE CITY CLERK, ROOM 113, CITY HALL.

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

---CONSENT AGENDA---
ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.
9:00 A.M.

- 4. Approval of Minutes
5. Regular Meeting of December 7, 1983.
6. Purchasing:
6-a. Rear-loading garbage truck (25 cubic yard)
Recommended Award: Boy Ford Truck Sales, Tampa, Florida, \$55,489.58
6-b. Trucksfer scooter (Sanitation Division)
Recommended Award: Cushman Jeep of Fort Lauderdale, Fort Lauderdale, Florida, \$6,919.80
6-c. Authorization to waive competitive bidding procedures and utilize state contract for:
20-channel portable logging recorder
20-channel portable reproducer
Police Department - \$23,237 total cost

---END CONSENT AGENDA---
---ADVERTISED PUBLIC HEARINGS---
9:10 A.M.

6-a. PUBLIC HEARING to consider a request for a coastal construction setback variance, City File CCL 83-7, to allow construction of a single-family residence.*

Location: The South 30 feet of Lot 12, all of Lots 13 and 14, and the north 6 feet of Lot 15, and the west 15 feet of the vacated alley adjacent to Lot 18, Block 8, Tier 1, Plan of Naples; Plot Book 1, Page 8, Public Records of Collier County, Florida; approximately 100 feet north of the north right-of-way line of 12th Avenue South of the beach.

Owner: Kenny Schryver
Agent: JOE WEISS
*(Continued from Regular Meeting of December 7, 1983)

6-b. Second Reading of an ordinance.
An ordinance relating to removal and impoundment of motor vehicles and certain other property; amending Section 23-11 of the Code of Ordinances of the City of Naples to provide for authority for the removal and impoundment of such vehicles; providing for disposition or unrecovered vehicles; amending Section 7-14 of the Code of Ordinances to provide for the removal of watercraft parked on private property without the owner's consent; repealing all ordinances in conflict herewith to the extent of such conflict; providing a severability clause; and providing an effective date. Purpose: To authorize the removal and impoundment of motor vehicles and certain other property and to provide a procedure for notice and hearing relating thereto. (Passed on First Reading of Regular Meeting of December 7, 1983)

---END ADVERTISED PUBLIC HEARINGS---
9:35 A.M.

7. COMMUNITY DEVELOPMENT DEPARTMENT-- NAPLES PLANNING ADVISORY BOARD

7-a. Planning Advisory Board recommendation to deny:
Nonconformity Petition 83-N4
Petitioner: Nel Realty Holding Trust
Location: Naples Shopping Center
Southwest corner of U.S. 41 and Moorling Line Drive
Request to expand by approximately 4,000 square feet of floor area an existing, nonconforming shopping center that presently has a total floor area of approximately 200,000 square feet.

7-b. Planning Advisory Board recommendation to approve:
Nonconformity Petition 83-N5
Petitioner: Candida S. Alaimo
Location: 110 Gulf Shore Boulevard, North
Request to remodel a 23.2 x 24.0-foot garage into habitable area of a single-family residence that has a 20-foot rear-yard setback where a 25 foot setback is required.

7-c. Planning Advisory Board recommendation to approve and first reading of an ordinance:
Rezoning Petition 83-R11
Petitioner: Foster-Lechler, Inc.
Location: Southwest corner of the Intersection of Tenth Street, North, and Creech Road

Request to rezone the property described above from "R1-7.5" Single-family Residential to "PD", Planned Development, and designated for a parking lot, in order to construct a parking lot that would be part of the future development of the commercially zoned property that abuts the subject property to the west.

An ordinance rezoning certain property located at the southwest corner of Creech Road and Tenth Street, being Lots 14, Inclusive, Block "A", Sun Terrace Subdivision, and Lot 4, Block 1, Tacoma Park Subdivision, from "R1-7.5" Single Family Residential to "PD" Planned Development; providing that the Zoning Atlas of the City of Naples shall be amended to reflect said

rezoning; and providing an effective date. Purpose: To rezone said property at the request of the property owner to permit construction of a parking lot in conjunction with future development of the commercially zoned property abutting the subject property to the west.

7-d. Planning Advisory Board recommendation to approve and first reading of an ordinance:
Rezoning Petition 83-R7
Petitioner: City of Naples
Location: Adjacent to Fifth Avenue North, east of commercially zoned property on Goodlette Road, and west of the Gordon River

Request to rezone the property described above from "R3-12" Multifamily Residential to "R1-7.5" Single family Residential and "P.S." Public Service in accordance with the zoning classifications designated for it in the City's Comprehensive Plan.

An ordinance rezoning certain property located adjacent to Fifth Avenue North, east of commercially zoned property on Goodlette Road and west of Gordon River being Blocks IV, V and VI, River Park East Subdivision, from "R3-12" Multifamily Residential to "R-7.5" Single Family Residential and "P.S." Public Service; directing that the Zoning Atlas of the City of Naples be amended to reflect said rezoning; and providing an effective date. Purpose: To redesignate said property to zoning classifications consistent with the City's Comprehensive Plan.

(Continued on Page 11C)

PUBLIC NOTICE

NOTICE
The FLORIDA DIVISION OF FORESTRY, in accordance with Section 590.025, Florida Statutes, plans to conduct control burning in the following Townships and Ranges: 47-28; 48-27; 48-28; 49-26; 49-27; 49-28; 50-27; 50-28; 51-27 and 51-28.

This control burning will be conducted during the period of January 31, 1984 through January 30, 1985. This burning is to remove the heavy accumulations of undergrowth and dead vegetation in an effort to reduce the destruction by wildfire during the drought periods.
Dec. 15, 16, 18, 19, 20, 21, 22 No. 1812

NOTICE OF PUBLIC MEETING

Board of County Commissioners, Collier County, Florida
Tuesday, December 20, 1983
9:00 AM

Notice is hereby given that the Board of County Commissioners will meet in the Commission Room, third floor, Building "F", Collier County Government Center, to conduct the business of Collier County, at the above stated time and date.

Copies of the agenda for said meeting will be made available to the press, and may be obtained at the office of the County Manager, same location, same period of time.

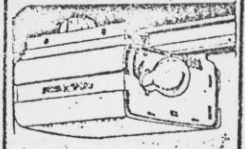
Any person who desires to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA
DAVID C. BROWN, CHAIRMAN
WILLIAM J. REAGAN, CLERK
By: /s/ Virginia Magri, Deputy Clerk
Dec. 18 No. 1761

Call Classified For Quick Results 263-4700

CHARTER FISHING
Capt. Ed Nichol
USCG LICENSED
774-5116

Say Merry Christmas with Genie



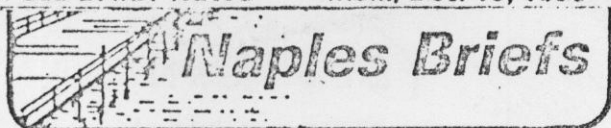
Genie® LIFT-A-DOOR™ TRAC-DRIVE™ Garage Door Opener

Model LAD-250
NOW \$139.95
JUST \$119.95
Reg. \$169.95

- Never needs lubrication.
• 1/4 HP motor.
• Economical standard lighting system.
• Digital Radio Controls.
• Opens all types of residential doors up to 7 1/2 ft. high.

PROFESSIONAL INSTALLATION AVAILABLE
Sale ends 1-3-84

GARAGE DOORS OF NAPLES, INC.
3590 Tomiami Trail N.
Call 261-6199.



Naples Briefs

Applicants To Be Interviewed

City Councilmen on Tuesday are to interview applicants for two seats on the Parks and Recreation Advisory Board.

Gina DeMartin Hahn, Robert R. Smith, A. Gail Boorman and Cathy Fletke have expressed interest in the seats being vacated by Betty Van Arsdale and Elaine Finkelstein.

Councilmen are expected to appoint the new board members Wednesday.

Council meets both mornings at 9 a.m.

Napier Reappointed

The city's Public Employee Relations Commission has reappointed Roland Napier to another four-year term on the three-member board.

Napier's term will expire in March 1987.

House Move Request Due Again

Kenny Schryver on Wednesday will have another chance to get City Councilmen permission to put a house on a piece of beachfront land he owns near the Naples Pier.

Schryver on Dec. 7 asked councilmen to grant a variance to the coastal construction line so he can put the house on the site, but several of his would-be neighbors urged councilmen to say no.

The residents said Schryver's reasons for the setback line are not strong enough. There also were questions as to whether the public may have some rights concerning the vacant property because it provides a path to the beach.

So Councilmen asked Schryver to talk with his would-be neighbors and try to strike some compromise.

Council meets at 9 a.m.



Naples Briefs

House Move Request Delayed

Naples businessman Kenny Schryver, who wants to move a house from Old Naples to a vacant beachfront lot just north of the city pier, has asked City Council to delay discussion of the proposal.

Councilmen were to consider the move Wednesday.



City of Naples (SEE AGENDA) ITEM NO. 14

NAPLES CITY COUNCIL AGENDA

CITY COUNCIL CHAMBER
735 EIGHTH STREET, SOUTH
NAPLES, FLORIDA 33940

COUNCIL CONFERENCE CANCELED

-- Regular Meeting --

Wednesday, December 7, 1983
9:00 A.M.

ALL PROPOSED ORDINANCES AND INFORMATION ON
OTHER ITEMS LISTED BELOW MAY BE INSPECTED
IN THE OFFICE OF THE CITY CLERK, ROOM 113,
CITY HALL.

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

.....CONSENT AGENDA.....

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

- 9:00 A.M. 4. Approval of Minutes:
 - Workshop of November 15, 1983
 - Regular Meeting of November 16, 1983
- 5. Grant of easements to Florida Power & Light Company
in conjunction with Public Works Area Development
Project. Requested by City Manager.
- 6. A resolution appointing an employee of the Fire
Department to serve on the Board of Trustees of the
City of Naples Firemen's Retirement Trust Fund.
Pursuant to election by Fire Department employees.

.....END CONSENT AGENDA.....

.....ADVERTISED PUBLIC HEARINGS.....

- 9:10 A.M. 7. PUBLIC HEARING to consider a request for a coastal construction setback line variance, City File CCL 83-7, to allow construction of a single-family residence.

Location: The south 30 feet of Lot 12, all of Lots 13 and 14, and the north 6 feet of Lot 15, and the west 15 feet of the vacated alley adjacent to Lot 18, Block 8, Tier 1, Plan of Naples; Plat Book 1, Page 8, Public Records of Collier County, Florida; approximately 100 feet north of the north right-of-way line of 12th Avenue South at the beach.

Owner: Kenney Schryver

Agent: Joel Metts

8. Second Reading of Ordinances:

8-a. An ordinance approving an amendment to a previously approved development plan for property located west of the airport, east of Gordon River, and south of the Avion Park Subdivision; and providing an effective date. Purpose: To permit said property to be utilized as a marina, boat storage and recreational facility in lieu of a communication and office complex. (Approved on First Reading November 16, 1983)

8-b. An ordinance relating to charges for collection and disposal of garbage and refuse; amending Section 10-9(B) and (C) of the Code of Ordinances of the City of Naples; and providing an effective date. Purpose: To increase the fees for collection and disposal of garbage and refuse for single-family and multi-family residences and to revise the rate schedule for commercial establishments. (Approved on First Reading November 16, 1983)

.....END ADVERTISED PUBLIC HEARINGS.....

.....FIRST READINGS.....

- 9:30 A.M. 9. An ordinance relating to removal and impoundment of illegally parked motor vehicles and certain other property; amending Section 23-11 of the Code of Ordinances of the City of Naples to provide for authority for removal and impoundment of such vehicles; providing for notice and hearing relating thereto; providing for release of impounded vehicles; providing for disposition of unrecovered vehicles; amending Section 7-16 of the Code of Ordinances to provide for the removal of watercraft parked on private property without the owner's consent; repealing all ordinances in conflict herewith to the extent of such conflict; providing a severability clause; and providing an effective date. Purpose: To authorize the removal and impoundment of illegally parked vehicles and certain other property and to provide a procedure for notice and hearing relating thereto. Requested by City Manager.

.....END FIRST READINGS.....

- 9:45 A.M. 10. Discussion/action on recommendation of Blue Ribbon Committee regarding placement of a band shell in Cambier Park. Pursuant to Council action at Regular Meeting of August 17, 1983.
- 10:00 A.M. 11. A resolution designating the City of Priego, Spain, as a sister city of the City of Naples. Requested by Naples-Collier County Sister City Program, Inc.
- 10:15 A.M. 12. Discussion/action regarding possible bills to be presented to the Collier County Legislative Delegation for introduction during the 1984 legislative session. Requested by City Manager.
- 10:30 A.M. 13. Authorization to enter into an agreement with Dean Witter Reynolds, Inc., to provide financial advisory services in connection with the bond issue to fund the wastewater treatment plant expansion project. Pursuant to Council action at the Regular Meeting of November 16, 1983.
- Agenda Item 14*
- 10:50 A.M. 14. Authorization to execute an agreement with the State Attorney with reference to prosecution of violations of City Ordinances. Requested by City Attorney.

CORRESPONDENCE & COMMUNICATIONS

ADJOURN

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








DUPLICATE TAPES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE, ROOM 113, CITY HALL, AT \$10.00 EACH.

How They Voted...

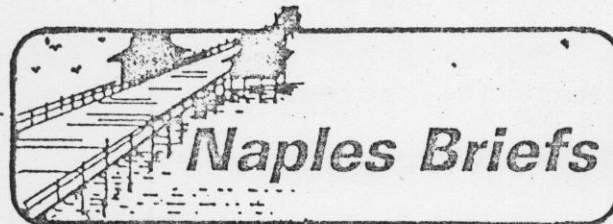
Wednesday, Dec. 7, 1983

ATTACHMENT #3 -page 8

Here is how Naples councilmen voted on issues considered Wednesday.

Issue	 Mayor Stan Billick	 Harry Rothchild	 Lyle Richardson	 Randolph Thornton	 Roland Anderson	 Wade Schroeder	 Ken Wood
Approve ordinance allowing the towing of illegally parked or abandoned vehicles.	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pay half the costs of a special state attorney.	Yes	No	Yes	Yes	Yes	Yes	Yes
Delay decision on state attorney pay so Sandy Scatena can address council.	Yes	Yes	No	No	No	No	No

...in the City



Garbage Rate Hike Finalized

City Council on Wednesday gave final approval to a rate increase for the garbage and trash collection service.

Council approved the second reading of an ordinance raising the annual fee for service at single-family residences to \$63.15 from \$62.88.

The annual rate for collection of yard trash goes to \$13.91 from \$12.60.

For multi-family residences, the yearly fee for garbage collection would go to \$42.10 per living unit from \$41.76 and the annual charge for trash pickup would go from \$5.16 to \$5.70.

Band Shell Site Favored

City Councilmen said they like the decision made by a special committee that tried to find the best site for a band shell for the Naples Concert Band.

The committee said the best location is near the center of Cambier Park's northern boundary line. The band is to raise the funds to build the shell, then donate it to the city.

By consensus, the council on Wednesday unanimously approved the recommendation.

City Councilmen appointed Giblin to the board Wednesday after his co-workers elected him as one of their representatives.

State Attorney Fees Change

The city and Collier County will each pay half of the cost of a special assistant state attorney whose main duty is to prosecute violations of their ordinances.

Naples has been paying 40 percent of the cost with the county picking up 60 percent. But the prosecutor's work load has been tilting toward the city in the last seven or eight months and will probably stay that way, said City Attorney David Rynders, who recommended that councilmen approve the agreement retroactive to Dec. 1.

Members turned away Councilman Harry Rothchild's request to delay action so that businessman Sandy Scatena could address them on the matter.

Scatena has long criticized the need for this contract with the state attorney's office, but was in White Plains, N.Y. because of the death of a family member there.

Largely because a majority of other councilmen would not delay the vote, Rothchild voted against the agreement.

CITY OF NAPLES

STAFF REPORT

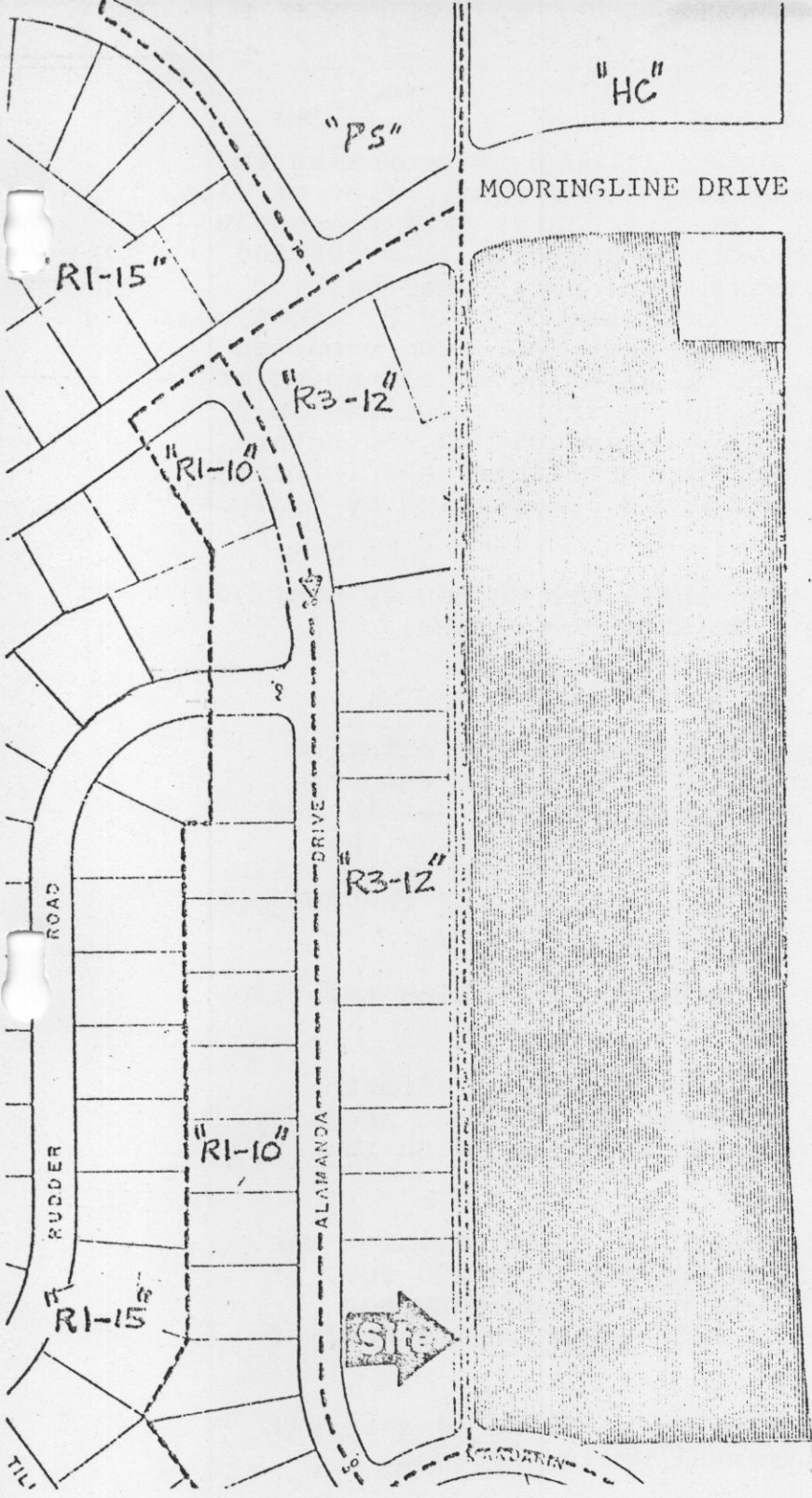
TO: Planning Advisory Board
 FROM: Community Development Department
 SUBJECT: Conconformity Petition 83-N4

Request to expand an existing nonconforming shopping center.

Petitioner: Net Realty Holding Trust

DATE: November 23, 1983

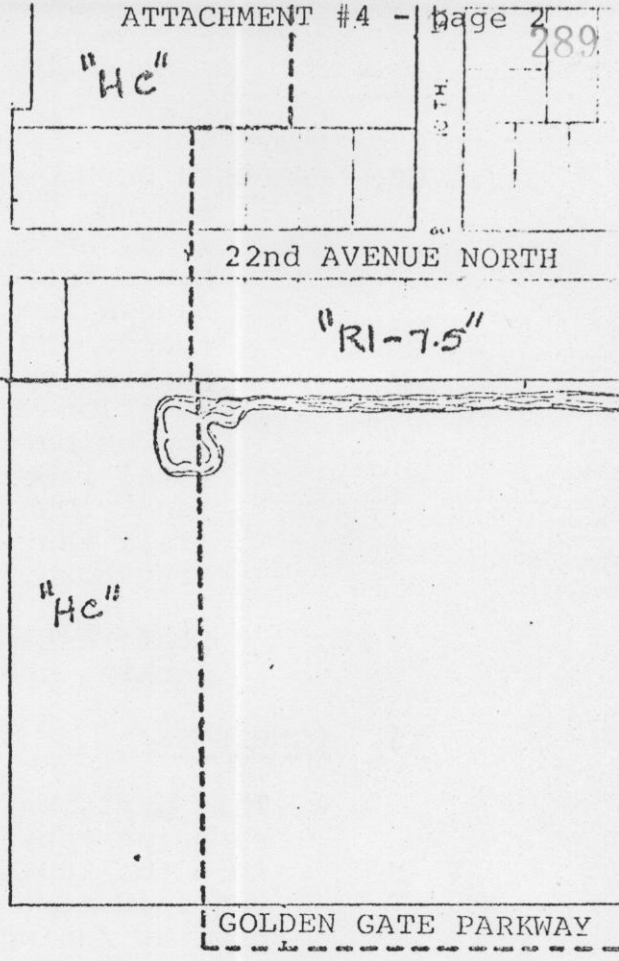
-
1. REQUEST: The petitioner is requesting approval of a non-conformity petition in order to expand an existing shopping center that is nonconforming in terms of its rear-yard setback, signing, and landscaping. (See "PROPOSED DEVELOPMENT" section.)
 2. LOCATION: Naples Shopping Center
(southwest corner of U.S. 41 and MooringLine Drive.)
(A Location Map is on page 2.)
 3. SIZE OF PARCEL: The area of the subject property is approximately 16.7 acres.
 4. EXISTING LAND USE: Shopping center
 5. CURRENT ZONING: "HC," Highway Commercial
 6. COMPREHENSIVE PLAN: The petitioner's request is not in conflict with the city's Comprehensive Plan.
 7. UNIQUE SITE CHARACTERISTICS: The shopping center is on a corner parcel that abuts a public alley and is adjacent to a multifamily residential area to the west.
 8. PREVIOUS ACTION: None relative to this request.
 9. PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board (PAB) is scheduled to hold a public hearing on this petition at its meeting on December 1, 1983 and, at the close of the hearing, will make a recommendation to the City Council. At its meeting on December 21, 1983, the Council should consider the PAB's recommendation and take final action by resolution.



TAMAMI TRAIL NORTH

STREET

9 TH



Location Map



83-N4

3.

10. PROPOSED DEVELOPMENT: The petitioner is proposing to expand, by approximately 4,000 square feet of floor area, an existing shopping center that presently has a total floor area of approximately 200,000 square feet. A total of 51 additional parking spaces are also proposed, though only 27 additional parking spaces would be required. The proposed addition would be to an existing retail space of approximately 6,450 square feet, resulting in a total floor area of approximately 10,450 square feet. The agent for the petitioner has informed staff that this area would be occupied by "Walgreen's Drugstore."

Staff estimates that there are currently over 700 parking spaces at the shopping center.

11. FINDINGS:

- A. This petition is necessary because the existing shopping center encroaches, in various amounts, into the 100-foot, rear-yard setback that is now required next to residential areas under the current Zoning Ordinance. The setback in question is next to the western property line of the subject site, which is next to the public alley.

The shopping center is also nonconforming relative to signing and landscaping.

- B. The 1983 tax rolls of Collier County indicate that the petitioner does own the subject property. Proof of ownership was not submitted with the petition.
- C. A copy of the legal notice for this petition was mailed to each property owner within 500 feet of the subject site. Their names and addresses were obtained from the 1983 tax rolls of Collier County.
- D. The following comments were received as a result of the city's Departmental Review Process:
1. The Police Department had no objection to the request.
 2. The Public Works Department recommended "conditional approval" with the stipulation that "the water meters be relocated at the owner's expense."
 3. The Fire Department also recommended "conditional approval" with the stipula-

83-N4

4.

11. FINDINGS (continued):

tion that the newly-designated parking not obstruct building entrances/exits or Fire Department connections, and commented that a minimum of ten feet of clearance must be provided at all Fire Department connections.

4. The Engineering/Traffic Department recommended "conditional approval" with the stipulation to "retrofit all existing parking lot areas and roof-drainage stormwater systems, to comply with county criteria for on-site detention/retention to a measure acceptable to the City Engineer. The reason stated for this stipulation was that the "stormwater runoff from this site currently discharges into Moorings Bay and the upper reaches of Gordon River."

E. Staff has reviewed the petition, inspected the site, and made the following determinations:

1. It should be noted that the proposed addition would not extend to the west as far as other portions of the shopping center. If the property was not adjacent to the public alley, the required setback in question would be 65 feet instead of 100 feet. The 20-foot wide alley that abuts the subject property to the west provides additional space between the shopping center and the residential area.
2. The 16 proposed parking spaces that would be located parallel to the alley in the northwest portion of the property should not be permitted. Even with this stipulation, more than the required additional parking would be provided.
3. This is one of the few opportunities the city is likely to have, to require that this shopping center be improved in appearance. A landscaping plan for the entire shopping center should be reviewed and approved by staff prior to the issuance of a building permit, and the landscaping and necessary irrigation systems installed prior to issuance of a certificate of occupancy. The landscape plan should provide for a

83-N4

5.

11. FINDINGS (continued):

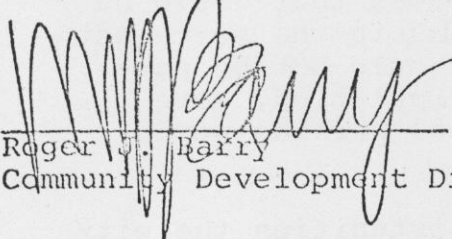
perimeter landscaping buffer adjacent to U.S. 41, and additional landscaping within the parking area. Landscaping should also be provided next to the proposed diagonal parking along the western property line and east of the drive-in bank facility - as required by the Zoning Ordinance.

- 4. Wheel stops need to be provided at each space in the proposed diagonal parking area east of the drive-in bank facility.

12. STAFF RECOMMENDATION:

In staff's opinion, this petition would meet the criteria for the expansion of a nonconformity if the petitioner accepts the above-noted conditions. Therefore, staff recommends that Nonconformity Petition 83-N4 be approved, subject to the stipulations listed in the "FINDINGS" section.

Respectfully submitted:



Roger J. Barry
Community Development Director

12/21/83

City of Naples

MEMO

December 15, 1983

TO: Hon. Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Letter of Agreement with
Joseph M. Carmosino

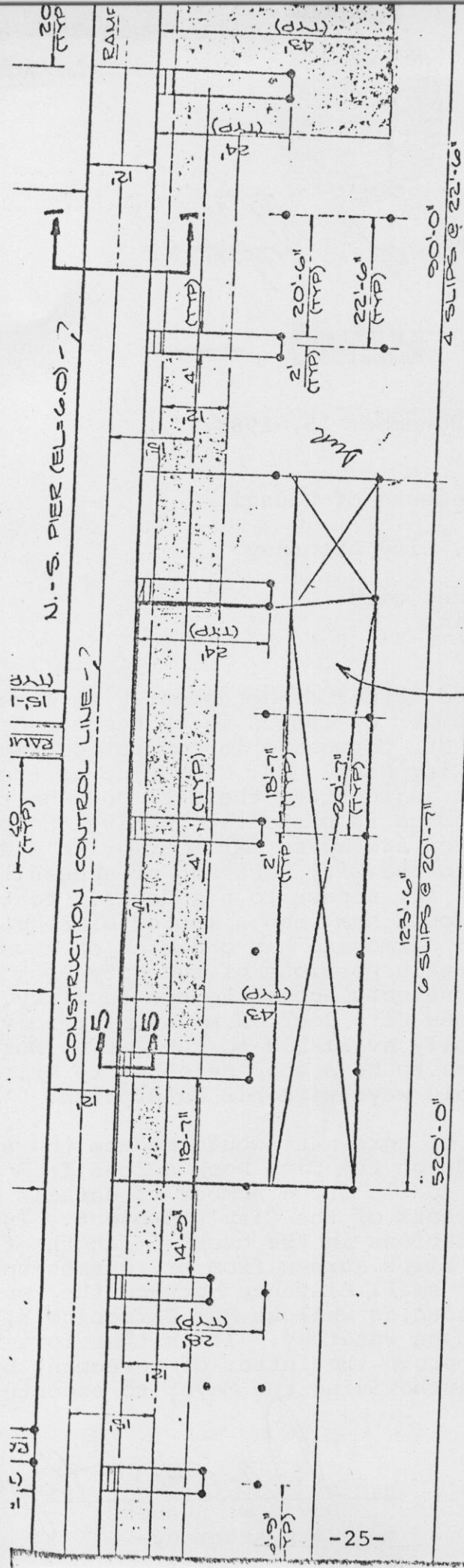
The attached proposed letter of agreement with Joseph Carmosino relates to a number of issues which need to be resolved by the City and Mr. Carmosino in connection with construction of the new City Dock. Mr. Carmosino is the owner of the property and docks adjacent to the City Dock on the west, although Nichols Marine is presently leasing the property from Mr. Carmosino. As you are aware, Mr. Carmosino's docks are situated very close to the City Dock and of necessity he uses the City's main dock for access to his docks. Boat traffic between the two docks has been a matter of some concern in the past, and Mr. Carmosino has objected on several occasions that use of certain portions of the City Dock adjacent to his property obstructs access to his facility. With the construction of the new City Dock, a means of resolving these difficulties is easily available to the City. Moreover, I believe the City desires to be a good neighbor to Mr. Carmosino and cooperate in reasonable ways with his enterprise.

The proposed letter of agreement would reduce the size of six slips on the west side of the City Dock across from Mr. Carmosino's facility and spells out a number of details in connection with other aspects of the City's project. Included among these are the limitations in the overall length of the boats which will use the slips across from Mr. Carmosino's facility. Because of the small distance between the two docks, it serves the City's purpose, as well as Mr. Carmosino's, not to unduly obstruct that open waterway. It is therefore recommended that Council approve the letter of agreement by adopting the attached resolution authorizing the Mayor to execute the same.

David W. Rynders

David W. Rynders

-24-City Attorney



THESE \$ SLIPS TO BE REDUCED FROM 43' IN LENGTH TO 28' & WIDTH REDUCED FROM 20'-7" TO 16'-9"

DOCK MASTER'S OFFICE & STORAGE (SEE ARCHITECTURAL SHEET S OF 13)
 CITY OF NAPLES POLICE BOAT (SEE ARCHITECTURAL SHEET T OF 13)
 REST ROOMS, VENDING & ICE MACHINES (SEE ARCHITECTURAL SHEET F OF 13)
 EXISTING PIER STRUCTURE

- ①
- ②
- ③

GENERAL NOTES

1. PILES SHOWN ARE AT INTENDED LOCATIONS
2. OTHER PIER SUPPORT PILING HAVE BEEN OMITTED EXCEPT IN LOCATIONS INDICATED OTHERWISE FOR CLARITY

Handwritten signature: James J. [unclear]

Dear Mr. [unclear]
 Naples, FL 34102
 3300 Co. [unclear]
 Mr. [unclear]
 As [unclear]
 construction facility to select for [unclear] if you [unclear]



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

December 9, 1983

Mr. Joseph M. Carmosino
3300 Gulf Shore Blvd. N.
Naples, Florida 33940

Dear Mr. Carmosino:

As you know, we have been discussing certain problems that the construction of the new City Dock may create for your existing docking facility in the Crayton Cove area. The purpose of this letter is to set forth the terms of an agreement to resolve those problems. If you approve, these terms will be placed before the City Council for approval. The terms will be as follows:

First, it is expressly understood that the mutual considerations exchanged between the parties herein are sufficient to support the following stipulations. In respect thereof, it is hereby agreed that the construction plan upon which the City requested and received bids shall be amended, and the new dock facilities shall be constructed, so as to shorten the northerly six of the ten 43 ft. long slips on the western side of the new City Dock so that these slips are no longer than 28 ft. and to restrict the use of said 28 ft. slips and the remaining 28 ft. slips to the north at all future times to boats of 35 ft or less in overall length. In order to understand the precise change being made hereby, a copy of the said construction plan with my signature affixed thereto, and which you may also sign, is attached hereto and incorporated herein by reference, with a notation made thereon as to precisely which slips are being shortened. These six slips will also be reduced slightly in width.

It is understood that said six slips are being reduced in length so as to provide clear passage between the City Dock and your dock for the boats belonging to tenants at both facilities to move easily and without navigational hazard. With regard to the remaining four slips of 43 ft. in length at the southern end of the western side of the City Dock, the City hereby promises and agrees to restrict the use of such slips at all future times to boats of 50 ft. or less in overall length so that said boats will not unduly protrude from the slips and thereby impede navigation.

It is further agreed that the electrical conduits and water conduits serving your dock will not be damaged during construction.

Mr. Joseph M. Carmosino

December 9, 1983

Page 2

However, when the main dock is being reconstructed, your tenant, Nichols Marine, will remove all electrical conduits and re-install said conduits upon completion of the new dock construction. Our electrical subcontractor will coordinate his schedule and work with Nichols Marine. It is understood that your water conduits are not attached to the dock and will not be affected by the construction. If in the future you wish to run your water conduits along the dock, you may do so with the understanding that if work on the dock necessitates their relocation, the cost of the relocation will be borne by you.

It is further agreed that the portion of your dock identified as the ramp that is connected to the City's main dock will not be removed during construction until that portion of the City Dock is being replaced and will be reconnected in the same operational condition as it was found.

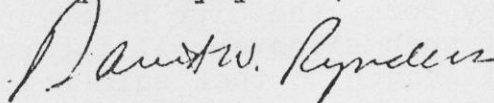
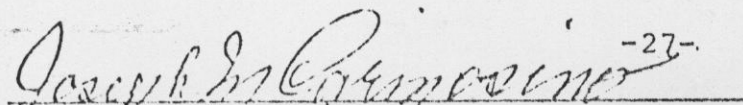
It is also agreed that with these changes and understandings, together with certain changes already made to the plan which require the elimination of the boat slips at all future times on the south side of the dock between the present dock master's office and your dock, you do hereby give your irrevocable consent and approval to the construction of the new dock facility by the City.

The City is accepting a bid that permits the dock to remain open during most of the period of construction, and it is agreed that during such period as ingress and egress to your dock are interfered with, the City will provide for some reasonable access, by boat or otherwise, during normal working hours for your customers and will provide for some emergency access at other times.

Before this agreement is binding upon you, a copy of the City Council's resolution approving this letter of agreement and authorizing the Mayor to execute the same on the City's behalf shall be furnished to you, incorporated herein by reference and made a part of this letter of agreement.

If these terms are satisfactory to you, please execute on the line indicated below, and I will place this on the earliest agenda of the City Council to authorize the Mayor to execute this agreement also.

Very truly yours,

David W. Rynders
City AttorneyDWR:bh
Att.
Joseph M. Carmosino

Stanley R. Billick, Mayor



AGENDA ITEM #12
12/21/83

City of Naples

MEMO

December 15, 1983

TO: Hon. Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Bond Counsel for Proposed Bond Issue
to Fund Wastewater Treatment Plant Expansion

Since 1977 the firm of Freeman, Richardson, Watson & Kelly of Jacksonville has acted as bond counsel for the City. It will be necessary to obtain similar services in connection with the upcoming financing for expansion of the City's wastewater treatment plant. During the initial development phase of this project, neither the City Manager nor I had given any thought to seeking new bond counsel for this project. However, during the past summer several law firms contacted this office requesting that they be considered for purposes of acting as bond counsel for the City for this project. Possibly through word of mouth, other law firms heard that we were accepting proposals, and subsequently they also contacted us. The firms contacting this office were advised to submit their requests for consideration in writing and to outline their experience, abilities and fees. In view of this, I indicated to Freeman, Richardson that they should also submit a proposal. The firms which sent in written proposals are the following:

Freeman, Richardson, Watson & Kelly
Jacksonville, Florida

Squire, Sanders & Dempsey
Miami, Florida

Foley, Lardner & Slade
Jacksonville, Florida

Roberts, Baggett, LaFace, Richard & Wisner
Tallahassee, Florida

Ballard, Spahr, Andrews & Ingersoll
Philadelphia, PA.

Livermore, Klein & Lott
Jacksonville, Florida

Holland & Knight
Lakeland, Florida

Cummings & Lockwood
Stamford, CT.

Page 2
December 15, 1983

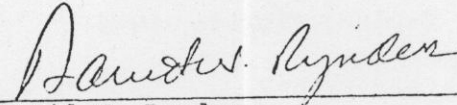
Without exception, each firm is able to demonstrate enormous experience in the municipal bond field. Moreover, most of these firms have handled some form of tax-free financing in Collier County previously. Two of the firms, Freeman, Richardson and Livermore, Klein have attorneys who have personally worked with the City of Naples in the past: specifically, Freeman, Richardson handled the 1977 refunding of the water and sewer bond issue and has handled all subsequent issues of the City. Dan Livermore of Livermore, Klein & Lott was with the Freeman, Richardson firm in 1977 and worked on the Naples refunding issue, together with Jack McWilliams who is now with Freeman, Richardson and who has been handling the City's work since that time. The City's experience with both these attorneys has been excellent. I have personally worked with the attorneys in the firm of Holland and Knight in connection with a complex refinancing in Pasco County, and my experience with them was also excellent.

The firm of Freeman, Richardson provided a fee estimate of \$1.00 per \$1000.00 of the total amount of bonds issued, including refunding issues, plus costs for all services. The firm of Squire, Sanders also quoted a fee of \$1.00 per \$1000.00 of bonds issued, plus a negotiated increase for additional fees in connection with the issuance, sale and delivery of bonds and an additional negotiated fee in the event our present outstanding issues were refunded, all plus costs. The firm of Livermore, Klein & Lott also quoted \$1.00 per \$1000.00 of bonds issued, plus costs, but indicated that an additional fee would be necessary if the bonds were offered at public sale as opposed to being sold privately to an underwriter. The firm of Roberts, Baggett estimated a fee schedule of \$2.00 per \$1000.00 for the first \$15 million of bonds issued and \$1.50 per \$1000.00 for the next \$15 million of bonds, plus costs. Holland & Knight quoted a flat fee of \$18,000.00, plus costs for a simple financing of \$20 million but indicated that if refunding of the previous water and sewer bond issue were undertaken, which is probably the case, the fee would necessarily be higher. The firm of Foley, Lardner & Slade did not submit a fee estimate but indicated that a suitable fee could be negotiated. The two remaining firms stated that the fee would be based on the time actually involved and the City would be billed at the hourly rate paid to the attorneys. These hourly rates ranged up to \$100.00 per hour for the Ballard, Spahr firm and up to \$139.00 per hour for Cummings & Lockwood. Because the financing plan (i.e. how much money will be borrowed or refunded) is not yet completely formulated, one cannot state exactly what the costs will be for bond counsel. It is quite likely, however, that payment based on an hourly rate will be somewhat higher in any event than the fees quoted on the basis of the size of the bond issue.

The City Manager and I reviewed the qualifications and proposals of all eight firms and looked specifically for information which would lead us to believe that some benefit could be gained or superior service provided to the City through retaining a new

Page 2
December 15, 1985

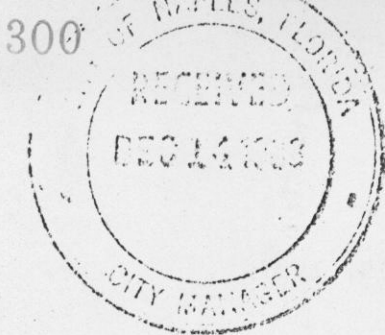
firm as bond counsel. As indicated above, the Freeman, Richardson firm has handled the City's work since 1977, and their work has in every instance been excellent as well as relatively inexpensive. This question was discussed with the recently retained financial consulting firm of Dean Witter Reynolds, and they advised us that their experience with Freeman, Richardson's attorneys was also excellent. We frankly could find no indication that superior service or lower costs could be obtained elsewhere. It is therefore our recommendation that the City continue to retain Freeman, Richardson in connection with the issuance of the necessary bonds for the funding of the wastewater treatment plant expansion.



David W. Rynders
City Attorney

DWR:bh

ADDENDUM: The voluminous written proposals sent to us in this connection have not been included in the agenda package but are available for review in my office. I will have them at the Council meeting on December 21.



PALMER CABLEVISION

Palmer Communications Centre • 333 8th St. So., Naples, FL 33940 • (813) 262-1000

December 13, 1983

Mr. Frank Jones
City Manager
City of Naples
735 8th Street South
Naples, Florida 33940

Dear Frank:

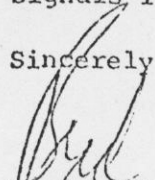
In reference to our conversation last week and Gil Blanguart's statement before Council, we checked Gil's residence on that same day. Our technicians found signal level at the pedestal that serves Gil's house at 20 dbmv and at the end of his service line just before it enters the house at 15 dbmv. Our minimum standard is 12 dbmv at the pedestal and 9 dbmv before entering the house.

We did find a loose connector on the cable where it entered the house which probably caused intermittent problems as it was next to a bush which would be affected by wind. The connector, of course, was repaired. We have no record of Gil reporting the problem.

The only other cause of outages was related to the seven-mile re-construction of our trunk from the Isle of Capri Road tower site to Airport Road. We had some new electronics in our trunk which failed even though there was an initial "burn in."

I would appreciate your circulating this letter to Mayor Billick and the City Council members lest the impression be left that a problem in general exists with the service in the Park Shore area. To the contrary, the quality of signals is well above acceptable levels.

Sincerely,


Brad C. Estes
Cablevision Manager

BCE:gl

cc: William J. Ryan
Homer Dixon
Robert Madsen