



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - noted letter from Naples Garden Club re tree planting at Carver Complex			1
- noted award from N.A.A.C.P. to City Manager Jones for distinguished achievement			2
-CITY MANAGER JONES - None			
<u>APPROVAL OF MINUTES</u> - 01/04/84 - Regular Meeting			1
<u>RESOLUTIONS</u>			
-Request for <u>Dredging permit</u> , DR 83-2, 2190 Sheepshead Drive, Stahlman		FAILED	1 & 2
-Approve Development Plan for SW corner 10th St No & Creech Road		84-4399	2
-Approve Spec. Ex. Pet. 83-S15, <u>Farmer Brown's Restaurant</u> , offsite prkg		84-4400	3
-Approve Spec. Ex. Pet. 83-S13, <u>Storage of trucks at serv. stn.</u> 836 9th St No		84-4401	3
-Approve Variance Pet. 83-V10, reduce front yard setback, 2125 Marina Dr		84-4402	3
-Approve auth. for purchase order for eng. serv.- <u>Pier maintenance</u>		84-4403	4
-Approve request Corps of Eng. for study of <u>Moorings Bay</u> - Safe harbor		84-4404	4
-Approve use of computer and ballot for Feb. 7, 1984 <u>election</u>		84-4405	4
-Approve list - election clerks & inspectors, Feb. 7, 1984 <u>election</u>		84-4406	5
<u>ORDINANCE - First Reading</u>			
-Approve Rezone Pet. 83-R12, to R3-18, north of Doctor's Pass. to City limits and west of Moorings Bay	84-		4
<u>DISCUSSION</u>			
-Approval to proceed with resolution for Vacation Pet. 83-SV1 & negotiate price			4
-Mr. Schroeder reported on Ft. Myers meeting re disposal of solid waste			5

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:10 a.m.

Date January 18, 1984

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 Mark Wiltsie, Assistant to the
David W. Rynders, City Attorney City Manager
Roger Barry, Community John R. McCord, City Engineer
Development Director Ellen P. Marshall Weigand,
Steve Cramer, Chief Planner Deputy City Clerk

See Attachment #1 - Supplemental Attendance list

INVOCATION - Reverend Walter Lauster ITEM 1
Church of God

ANNOUNCEMENTS ITEM 3

MAYOR BILLICK - read a portion of a letter from ITEM 3-a
Shirley Williams, president of the Naples Garden
Club, who invited all citizens to a tree planting ceremony
at the Carver complex in honor of Arbor Day.

CITY MANAGER JONES - None ITEM 3-b

APPROVAL OF MINUTES - .01/04/84, Regular Meeting ITEM 4

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

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

---RESOLUTION 84- ITEM 5

A RESOLUTION AUTHORIZING DREDGING ACTIVITIES FOR CONSTRUCTION OF
A NEW BOAT SLIP ADJACENT TO AN UNNAMED MANMADE SEAWALLED CANAL
LEADING TO NAPLES BAY, LOCATED AT 2190 SHEEPSHEAD DRIVE, SUBJECT
TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE
DATE.

Title read by City Attorney Rynders.
Public Hearing: Opened - 9:17 a.m. Closed - 9:46 a.m.
In response to a question from Mr. Thornton, City Manager Jones
noted that these matters were still routinely referred to the
Conservancy staff who would only respond if they had objections.
George Hermanson, representing the petitioner, addressed Council
in support of the petition. Mr. Anderson said he felt this was
a project of major proportions and that comments from the Conser-
vancy should be included. Local residents Gay Thomas (speaking
for herself and Mrs. Leone), Donald Gropp, and Helen Cone spoke
in opposition to the dredging and the large boat slip. Michael
Price, real estate agent, addressed Council and offered his
opinion that the size of the boat slip would lower property
values. Petitioner Russ Stahlman responded that he intended
that the boat slip enhance the neighborhood and if he could not
obtain permission to build it before his home

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

---RESOLUTION 84-____ (Cont) ITEM 5 (Cont)
 was built, it would not be possible later. It was his feeling that the neighbors would not like to look at his boats docked in the canal.

MOTION: To ADOPT the resolution as presented

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

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD ITEM 6

---RESOLUTION 84-4399 ITEM 6-a

A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CREECH ROAD AND TENTH STREET NORTH, BEING LOTS 1-4, INCLUSIVE, BLOCK "A" SUN TERRACE SUBDIVISION, AND LOT 4, BLOCK 1 TACOMA PARK SUBDIVISION, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to a question from Mr. Schroeder about enforcement of the maintenance of the landscaping, City Attorney Rynders noted that there were a variety of enforcement procedures; i.e. it could be treated as a violation of the zoning ordinance and prosecuted through the State Attorney's office, it could be treated as a civil suit and the City could obtain a mandatory injunction or it could be enforced through the persuasive powers of the Zoning Department.

MOTION: To ADOPT the resolution as presented.

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Mayor Billick noted that the N.A.A.C.P. had presented City Manager Jones with a distinguished achievement award for his work in developing a good working relationship with this group. City Manager Jones noted that several staff members also contributed to the effort.

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PUBLIC HEARING and Planning Advisory recommendation to approve: Vacation Petition 83-SV1 ITEM 6-b

City Attorney Rynders noted that no resolution had been prepared for this item because certain conditions (Attachment #2) had been stipulated and it was necessary for the petitioners to bring these to fruition prior to the passage of a resolution approving the petition.

PUBLIC HEARING: Opened - 9:58 a.m. Closed - 10:41 a.m.

Dr. William Johnson addressed Council representing the petitioners and indicated the petitioners' acceptance of the conditions. City Attorney Rynders noted that a fee had not yet been negotiated, but the he would work with the petitioners and bring in a figure for Council's approval based on the formula used for this type of vacation. Ed McMahon, president of the Old Naples Association, spoke in support of the petition. Richard Hahn, citizen, suggested that the City initiate a petition for each property owner individually for this same purpose. He also indicated his desire to know what price would be set on the land in question. It was the consensus of Council that the staff confirm the fulfillment of the conditions and that the City Attorney prepare a resolution and negotiate a price for Council action at the appropriate time.

*** *** ***

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

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

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD (Cont)

ITEM 6 (Cont)

---ORDINANCE 84-

ITEM 6-f

AN ORDINANCE REZONING CERTAIN PROPERTY ON GULF SHORE BOULEVARD NORTH, NORTH OF DOCTOR'S PASS TO THE CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3T-18" MULTIFAMILY RESIDENTIAL TO "R3-18" MULTIFAMILY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO CHANGE THE ZONING DESIGNATION OF SAID PROPERTY IN ORDER TO PRECLUDE TRANSIENT LODGING USES AND FACILITIES PURSUANT TO ORDINANCE NO. 3795, WHICH ESTABLISHED THE "R3-18" ZONING CLASSIFICATION FOR THIS PURPOSE.

Title read by City Attorney Rynders.

City Attorney Rynders pointed out that Council should direct the City Clerk to notify the property owners whose property is being rezoned and advertise the Public Hearing to be held at least 30 days after notice

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

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

---RESOLUTION 84-4403

ITEM 7

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR ENGINEERING DESIGN SERVICES RELATING TO THE CITY PIER STRUCTURAL MAINTENANCE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

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---RESOLUTION 84-4404

ITEM 8

A RESOLUTION REQUESTING THE DISTRICT ENGINEER OF THE U.S. ARMY CORPS OF ENGINEERS (JACKSONVILLE DISTRICT) TO INVESTIGATE THE ENGINEERING FEASIBILITY AND ECONOMIC JUSTIFICATION FOR FUTURE FEDERAL FUNDING ASSISTANCE FOR NAVIGATIONAL TYPE IMPROVEMENTS TO DOCTOR'S PASS, MOORINGS BAY AND WATERWAYS CONTIGUOUS THERETO, IN ACCORDANCE WITH SECTION 107 OF THE RIVER AND HARBOR ACT OF 1960; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders noted that a revised copy of the proposed resolution had been circulated and he had read the title of the revised resolution which included certain wording changes. City Manager Jones added that the resolution was in conjunction with the information in his memorandum dated January 12, 1984 (Attachment #3).

MOTION: To ADOPT the resolution as presented.

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CITY ELECTION - February 7, 1984

ITEM 9

---RESOLUTION 84-4405

ITEM 9-a

A RESOLUTION AUTHORIZING THE USE OF A COMPUTER ELECTION SYSTEM FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON FEBRUARY 7, 1984; APPROVING THE FORM AND CONTENT OF THE BALLOT FOR SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

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

Supplemental Attendance List - Regular Meeting, January 18, 1984

Reverend Walter Lauster
 Dr. William Johnson
 Alan Foster, Jr.
 Walter Olson
 Marshall Davenport
 Ed McMahon
 Gay Thomas
 Pla E. Leone
 Mr. & Mrs. Warren Cone
 Andrew Smith

Herb Anderson
 Tish Gray
 Harold Minier
 George Hermanson
 Richard Hahn
 Michael Price
 F. H. White, Jr.
 Charles Andrews
 Gilbert Weil
 Donald W. Gropp
 Don Pickworth

Russ Stahlman
 Glenn Mackay
 Otto Quale
 Ray Grover
 Mary Davison
 Herb Pohlmann
 Jim McGrath
 L. H. Lassiter
 Wm. J. Johnson
 Dan Spina

News Media;

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

Matt Spina, Naples Daily News
 Ben Garrett, TV-20, WBBH
 Cynthia Glicker, TV-20, WBBH

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: Vacation Petition 83-SV1; A portion of the west side of the Gordon Drive right-of-way between 3800 and 3900 Gordon Drive.
Petitioners: Lawrence Lassiter, et al

DATE: January 5, 1984

Background:

The petitioners are requesting the subject vacation to establish a larger building envelope within which to build a proposed residence, and to establish a smoother transition than now exists between the 100 foot right-of-way at lot 18 and to the north, and the 70 foot right-of-way at lot 17 and to the south.

PAB Recommendation:

The PAB held a public hearing on the petition at their meeting on January 5, 1984 and recommended approval of the requested vacation, subject to the following conditions:

1. A utility and drainage easement shall be retained for city use over the entire area requested to be vacated.
2. An existing fire hydrant within the area proposed to be vacated shall be relocated to an acceptable location within the remaining right-of-way, at the petitioners' expense.
3. The vacation shall be based upon a city-approved map prepared by a registered land surveyor.
4. A building setback line shall be established such that it runs from the southeast corner of the Gilman residence at 3800 Gordon Drive to the northeast corner of the Cosgrove residence at 3900 Gordon Drive.

The City Attorney has advised in the past that vacation petitions should not be approved subject to conditions. Council has previously indicated its approval of such petitions by consensus, with final action being taken by Council after all conditions have been met. We therefore suggest that this procedure be followed in this instance.

Respectfully submitted,
Franklin C. Jones
Franklin C. Jones
City Manager

Prepared by:

Roger J. Barry

Roger J. Barry
Community Development Director

*City of Naples*

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: POSSIBILITY FOR FUTURE FEDERAL FUNDING ASSISTANCE
RELATING TO CHANNEL CONSTRUCTION/MAINTENANCE -
DOCTORS PASS/MOORINGS BAY

DATE: JANUARY 12, 1984

BACKGROUND: As indicated by the attachments, the U.S. Army Corps of Engineers (COE) may be authorized to provide funding assistance in future navigation channel construction and maintenance as in the case of Gordon Pass/Naples Bay. The first step in determining whether or not the COE can expend federal tax monies to our benefit is for the Council to take affirmative action on the attached proposed Resolution.

ANALYSIS: City Council is aware of the work currently underway with the sponsorship of the Save the Bays Association, Inc. It is our understanding from meetings with their officers that over \$100,000 has been donated by about 1,500 contributors interested in maintaining Doctors Pass as a safe entrance channel.

Under Section 107 of the 1960 River and Harbor Act future projects as accomplished by Save the Bays, may qualify for assistance as a responsibility of the COE. Since the Pass and associated inland channels tend to require periodic cleaning out (i.e. like Gordon Pass) it is reasonable that we attempt to seek future funding support at this time. As noted by the attached, the last effort in 1974 was not successful; however, we now believe the conditions of the 1974 Study have changed.

This "change" has come about recently by the establishment of "public landing" facilities by Scottsdale Company Inc. As presented from the attached correspondence to Mr. Dan Spina, the facility is open to the public. The absence of such a facility proved to be the major stumbling block to a successful COE program in 1974. Finally, through the efforts of Save the Bays Association, we have received a very favorable verbal response by the Planning Division of the COE relative to this "changed situation".

RECOMMENDATION: In order that we may further determine possibilities for federal funding assistance, it is recommended Council take affirmative action on the proposed Resolution. It should be noted that this first step (i.e. requesting a reconnaissance study) requires no direct expenditures of local monies.

Honorable Mayor and Members of City Council
January 12, 1984
Page Two

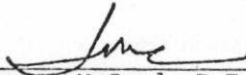
Later, if we meet with the Corps' favor, we may be asked to provide matching funds for further studies, design and construction. At that time, we may elect not to participate or to participate with a funding program of which there are many possibilities (i.e. assessment district, taxing district, utility tax revenues, boating improvement revenues, public donations, etc.).

In conclusion, we anticipate this project - if successful - being a lengthy one (i.e. 2-3 years). It will require a cooperative effort from environmentalists, boaters, developers, citizen groups and ourselves if we elect to sponsor. We do not, for example, expect to receive results of this initial study until late this summer.

Respectfully submitted,


Franklin C. Jones
City Manager

Prepared by:


John R. McCord, P.E., City Engineer
Engineering Memo #84-3

JRM:sdm

Attachments

xc: Dan Spina