



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - None			1
-CITY MANAGER JONES - introduced Chris Holley, new Parks & Recreation Director			1
<u>APPROVAL OF MINUTES</u> - 03/13/84, Workshop Meeting			
03/20/84, Workshop Meeting			1
03/27/84, Workshop Meeting			
04/04/84, Regular Meeting			
<u>RESOLUTIONS</u>			
-Approve dredging, DR 84-2, 860 12th Av So - adj. to <u>City Dock</u>		84-4453	1
-Approve dredging, DR 84-3, lot so. of 1060 Galleon Dr, Carnrick		84-4454	2
-Auth. expansion of Nonconformity, 84-N2, SE crnr 7th Av So & 2nd St So		84-4455	2 & 3
-Approve Spec. Ex. 84-S3, permit dancing & stgd. entertainment for lyr with noise reduction at east exit, <u>Elephant Walk</u> , 2840 Tamiami Tr.		84-4456	2
-Approve Variance Pet. 84-V5, convert 2nd flr storage area to habitable area, 2999 Rum Row, Robt. Morris		84-4457	3
-SUSPEND - Administrative Appeal 84-AD2, <u>Brian Béardsley</u> , use of 2nd floor, 380-386 Broad Av So		SUSPEND	3
-Auth. application for <u>Department of Natural Resources</u> grant for groin removal		84-4458	6
-Appt. underwriters for refunding portion of water sewer bond issue, series 1977 - Shearson American Express, senior mgr/Arch W. Roberts & Co. and William R. Hough & Co.-co-managers		84-4459	6
<u>FIRST READINGS</u>			
-Approve increased fees and deposit - <u>water service</u>	84-_____		4
-Approve deletion of installment payment on <u>sewer service connection</u>	84-_____		4
-Approve revision of <u>garbage collection rates</u>	84-_____		5
-Approve closing <u>pier parking lot</u> from 11:00 p.m. to 5:00 a.m.	84-_____		5
-Approve rules, regulations & rates, <u>City Dock</u>	84-_____		5 & 6
<u>DISCUSSION</u>			
-Define areas for study of <u>beach problems</u> for possible action: parking for beach access, use of pier and beach area adj. to pier, and storage of small sail boats at beach ends			7



Mayor Billick called the meeting to order and presided as Chairman						
ROLL CALL:	Present: Stanley R. Billick Mayor	ITEM 2	M O T I O N	S E C O N D	VOTE	
					Y E S	A B S E N T
COUNCIL MEMBERS						
	R. B. Anderson William E. Barnett William F. Bledsoe Wade H. Schroeder Kenneth A. Wood Councilmen					
	Absent: Lyle S. Richardson Councilman					
Also present: Franklin C. Jones, City Manager Mark Wiltsie, Assistant to David W. Rynders, City Attorney the City Manager Roger Barry, Community John R. McCord, City Engineer Development Director Bill Hanley, Finance Director Chris Holley, Parks & Ellen Marshall Weigand, Recreation Director Deputy Clerk						
See Supplemental Attendance list - Attachment #1						
	INVOCATION - Lt. Don Vick Salvation Army	ITEM 1				
***	!	***				
	ANNOUNCEMENTS	ITEM 3				
	MAYOR BILLICK - None	ITEM 3-a				
	CITY MANAGER JONES - introduced Chris Holley, newly hired Parks & Recreation Director	ITEM 3-b				
***		***				
	APPROVAL OF MINUTES	ITEM 4				
	Workshop of March 13, 1984 Workshop of March 20, 1984 Workshop of March 27, 1984 Regular Meeting of April 4, 1984		Anderson Barnett Bledsoe Richardson Schroeder Wood Billick	X	X C O N S	X
	MOTION: To APPROVE the minutes above as presented.				E N S U S	
***		***				
-----ADVERTISED PUBLIC HEARINGS-----						
	---RESOLUTION 84-4453	ITEM 5-a				
A RESOLUTION AUTHORIZING DREDGING ACTIVITIES ASSOCIATED WITH AN EXISTING COMMERCIAL BOAT MARINA FACILITY AT 860 TWELFTH AVENUE SOUTH, ADJACENT TO NAPLES BAY AND THE NAPLES CITY DOCK, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.						
	Title read by City Attorney Rynders.					
	Public Hearing: Opened - 9:09 a.m. Closed - 9:14 a.m.					
	Dr. William Johnson, representing the petitioner, presented him- self to Council to answer questions about the dredging.					
	MOTION: To ADOPT the resolution as presented.					
***		***				
			Anderson Barnett Bledsoe Richardson Schroeder Wood Billick (6-0)	X	X X X X X X	X

COUNCIL MEMBERS	M	O	T	I	O	N	S	E	C	O	N	D	Y	E	S	N	O	T	
---RESOLUTION 84-4454																			
ITEM 5-b																			
A RESOLUTION AUTHORIZING DREDGING ACTIVITIES ADJACENT TO A MANMADE CANAL, RUNAWAY BAY, AT 1060 GALLEON DRIVE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.																			
Title read by City Attorney Rynders.																			
Public Hearing: Opened - 9:15 a.m. Closed - 9:25 a.m.																			
In the absence of Bruce Green, City Engineer John McCord explained the deed restriction that prohibited a dock from extending more than 10 feet from the shoreline. He suggested the City Council approve this petition to assist in the conformance to the deed restriction. Bruce Green, engineer for the petitioner, appeared and confirmed Mr. McCord's remarks.																			
MOTION: To <u>ADOPT</u> the resolution as presented.																			
-----END ADVERTISED PUBLIC HEARINGS-----																			
COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD																			
ITEM 6																			
---RESOLUTION 84-4455																			
ITEM 6-a																			
A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMITY TO PERMIT CONSTRUCTION OF TWO ADDITIONAL DWELLING UNITS IN A DETACHED BUILDING AT THE BEACHWALK CONDOMINIUM LOCATED AT THE SOUTHEAST CORNER OF SEVENTH AVENUE SOUTH AND SECOND STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.																			
Title read by City Attorney Rynders.																			
Bernard Dudley, petitioner, appeared before Council to answer any questions they may have.																			
MOTION: To <u>ADOPT</u> the resolution as presented.																			

---RESOLUTION 84-4456																			
ITEM 6-b																			
A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT DANCING AND/OR STAGED ENTERTAINMENT AT THE ELEPHANT WALK RESTAURANT LOCATED AT 2840 TAMiami TRAIL NORTH; AND PROVIDING AN EFFECTIVE DATE.																			
Title read by City Attorney Rynders.																			
Attorney George Vega addressed Council on behalf of the petitioner and introduced Robert Tanner, an acoustical engineer. Mr. Tanner reviewed the material in his report (Attachment #2). He said he did not feel that a fence would be of any value in reducing the noise. It was the consensus of Council that the petitioner should return in a year for a permanent special exception after providing the remedy of an "emergency only" east exit or adding a vestibule at the east exit. Harold Emerick, an adjacent resident immediately to the east of the Elephant Walk, spoke in opposition to the continuance of live music in the club (Attachment #3).																			
MOTION: To <u>ADOPT</u> the motion as amended to provide that the petitioner return in one year for a review prior to receiving a special exception that would run with the property and to provide either an "emergency only" or a vestibule for the east exit.																			

Anderson																			
Barnett																			
Bledsoe																			
Richardson	X																		X
Schroeder																			
Wood		X																	
Billick																			
(6-0)																			
Anderson																			
Barnett																			
Bledsoe																			
Richardson																			X
Schroeder																			
Wood																			
Billick																			
(5-1)																			
Anderson																			
Barnett																			
Bledsoe																			
Richardson																			X
Schroeder																			
Wood																			
Billick																			
(6-0)																			

COUNCIL
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COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD (Cont)

ITEM 6 (Cont)

RETURN TO ITEM 6-a

Mayor Billick noted the presence of Robert O'Smith who had wished to speak to Item 6-a. Mr. O'Smith addressed Council concerning his objections to the granting of the petition; however, none of the Councilmen indicated a desire to change their vote of approval which had been 5-1 with Mr. Schroeder dissenting.

---RESOLUTION 84-4457

ITEM 6-c

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2F(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT THE CONVERSION OF AN EXISTING SECOND-LEVEL STORAGE AREA AT 2999 RUM ROW INTO A HABITABLE AREA; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Robert Morris, petitioner, spoke on behalf of his petition and noted that the house could have been placed on the lot when it was built to conform with the setbacks for a two story dwelling.

MOTION: To ADOPT the resolution as presented.

ADMINISTRATIVE APPEAL 84 AD-2

ITEM 6-d

A RESOLUTION SUSTAINING THE ADMINISTRATIVE DECISION RELATING TO THE USE OF A SECOND FLOOR AREA IN A COMMERCIAL BUILDING LOCATED AT 380-386 BROAD AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mr. Barnett moved to approve the petition for relief from the administrative decision, seconded by Mr. Schroeder for purposes of discussion. Attorney George Vega and Planner William Vines were present to address the petitioner's appeal. Mr. Anderson asked if the petitioner had complied with the letter dated September 27, 1983 from the Building and Zoning Department (page 7 of Attachment #4). Community Development Director Barry responded that the petitioner had complied and had filed this administrative appeal as a direct result of the letter. Mr. Vines outlined his contention that the staff had incorrectly interpreted the ordinance concerning the petitioner's property (Attachment #4). City Attorney Rynders maintained that the City's position was correct and that the entire second floor could not be properly used for commercial purposes because the parking was inadequate. He further noted that the owner could continue to use a portion of the second floor for commercial and a portion for residential use. Mr. Vines responded that the new owner planned to take steps to increase the parking 3 spaces. He further noted that the property had been 6 spaces short when they were refused a variance last year. Mr. Barry offered his opinion that the petitioner could make another request for a variance. Mr. Vega asked that the administrative appeal be suspended at this time so that a variance petition could be requested. It was the consensus of Council to do so.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Wood
Billick
(5-1)

X
X
X
X
X
X
X
X

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

COUNCIL MEMBERS

MOTION
SECTION
YES
NO
ABSENT

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

FIRST READINGS

ITEM 7

---ORDINANCE 84---

ITEM 7-a

AN ORDINANCE RELATING TO WATER SERVICE; AMENDING SECTIONS 26-8(a)(4), 26-9, 26-10(a), 26-13 AND 26-17.1(d) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO DELETE "APARTMENT HOUSES" FROM THE DEFINITION OF "BUSINESS AND INSTITUTIONAL" AS SET FORTH IN SECTION 26-8(a)(4); TO INCREASE CERTAIN DEPOSITS REQUIRED PRIOR TO SERVICE; TO PROVIDE FOR AN ADDITIONAL DEPOSIT WHEN A LANDLORD-TENANT RELATIONSHIP EXISTS; TO INCREASE THE CHARGES FOR REINSTATEMENT OF SERVICE FOLLOWING DISCONTINUANCE; AND TO PROVIDE FOR THE PAYMENT OF SYSTEM DEVELOPMENT CHARGES PRIOR TO CONNECTION, DELETING THE PROVISION FOR PAYMENT THEREOF IN INSTALLMENTS.

Title read by City Attorney Rynders.

J. Sandy Scatena addressed Council as a property owner, landlord and tenant and stated his questions about the increased deposit in the proposed ordinance and the fact that there was no interest paid on deposits held by the City for water, sewer, and garbage service. He distributed copies of a portion of his presentation (Attachment #5). City Manager Jones explained that any interest from deposits was used to reduce the costs of the system, thereby lowering costs to users. Mayor Billick suggested that Mr. Scatena obtain his clarifications from the City staff because it is unnecessarily time consuming for him to bring these inquiries before Council.

Anderson			X	
Barnett	X	X	X	
Bledsoe			X	
Richardson				X
Schroeder	X		X	
Wood			X	
Billick (6-0)			X	

BREAK: Recessed - 11:10 a.m. Reconvened - 11:16 a.m.

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

---ORDINANCE 84---

ITEM 7-b

AN ORDINANCE RELATING TO THE PAYMENT OF SEWER SERVICE CONNECTION CHARGES; SYSTEM DEVELOPMENT CHARGES AND CHARGES FOR SEWER SERVICE; AMENDING SECTIONS 11-3.1(b)(4), 11-3.1(c)(4) AND 11-3.4 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO PROVIDE FOR THE PAYMENT OF SUCH CHARGES PRIOR TO CONNECTION AND TO DELETE THE PROVISION FOR THE PAYMENT THEREOF IN INSTALLMENTS AND TO PROVIDE THAT THE PROPERTY OWNER WILL BE RESPONSIBLE FOR PAYMENT OF ALL SEWER SERVICE CHARGES, WITH CERTAIN EXCEPTIONS.

Title read by City Attorney Rynders.

Mayor Billick noted that this was a First Reading and no public discussion was scheduled. He stated that public input would be received during the Public Hearing that would be scheduled in conjunction with the Second Reading.

Anderson			X	
Barnett			X	
Bledsoe			X	
Richardson				X
Schroeder	X		X	
Wood		X	X	
Billick (6-0)			X	

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

COUNCIL MEMBERS

M	S		A
O	E		B
T	C		S
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O	N	E	N
N	D	S	O
			T

FIRST READINGS (Cont)

ITEM 7 (Cont)

---ORDINANCE 84---

ITEM 7-c

AN ORDINANCE RELATING TO GARBAGE AND REFUSE CHARGES; AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY REPEALING PARAGRAPHS (c) AND (d) FROM SUBSECTION (B) (2) OF SECTION 10-9 AND SUBSTITUTING A NEW PARAGRAPH (c) THEREFOR AND BY ADDING A NEW SECTION 10-10 THERETO; AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO REVISE THE RATES FOR COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE TYPE I FOR MULTIUSERS AND TO PROVIDE FOR THE PROPERTY OWNER TO BE RESPONSIBLE FOR THE PAYMENT OF ALL GARBAGE AND REFUSE COLLECTION AND DISPOSAL CHARGES, WITH CERTAIN EXCEPTIONS.

Title read by City Attorney Rynders.

City Manager Jones noted a revision to the proposed ordinance (Attachment #6) that should replace the last line of (2) "1 yard rates shall apply to all multiusers, with a minimum rate of \$21.67 bi-monthly for up to 2 yards".

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

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---ORDINANCE 84---

ITEM 7-d

AN ORDINANCE RELATING TO THE PIER PARKING LOT AT TWELFTH AVENUE SOUTH AND GULF SHORE BOULEVARD SOUTH; AMENDING SECTION 16-20 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING A NEW SUBSECTION (5) THERETO; AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO PROVIDE FOR THE CLOSING OF THE PIER PARKING LOT BETWEEN THE HOURS OF 11:00 P.M. AND 5:00 A.M.

Title read by City Attorney Rynders.

Jim Weigel, speaking on behalf of the Old Naples Association, indicated their approval of the proposed ordinance.

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

*** - ***

---ORDINANCE 84---

ITEM 7-e

AN ORDINANCE RELATING TO RULES, REGULATIONS AND MOORING RATES FOR THE CITY OF NAPLES MUNICIPAL DOCK; AMENDING SECTION 7-7.1 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; REPEALING THE SCHEDULE OF FEES FOR THE CITY DOCK CONTAINED IN SECTION 16-29 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO REVISE THE RULES AND REGULATIONS FOR THE USE AND OPERATION OF THE CITY DOCK; TO INCREASE THE MOORING RENTAL RATES THEREFOR AND TO DELETE THE CITY DOCK FEE SCHEDULE SET FORTH IN SEC. 16-29 WHICH CONFLICTS WITH THE PROVISIONS OF THIS ORDINANCE.

Title read by City Attorney Rynders.

Charter boat captains Allen Walburn, Hugh McGowan, Thomas Marvel, Simon Phillips, and Mike Erickson, along with Glenn Mackay of the Parks & Recreation Advisory Board and pleasure craft owner Arthur Lee, addressed Council with comments and criticisms regarding the proposed rules and regulations (Attachment #7). Mayor Billick directed City Manager Jones

Anderson			X	
Barnett			X	
Bledsoe		X	X	
Richardson				X
Schroeder	X		X	
Wood			X	
Billick			X	
(6-0)				

Anderson	X		X	
Barnett			X	
Bledsoe			X	
Richardson				X
Schroeder		X	X	
Wood			X	
Billick			X	
(6-0)				

COUNCIL MEMBERS	M	S	Y	A
	O	E	N	B
	T	C	O	S
	I	O	N	E
	O	N	S	N
	N	D	O	T
FIRST READINGS (Cont)				
ITEM 7 (Cont)				
---ORDINANCE 84--- (Cont)				
ITEM 7-e Cont)				
to meet with the charter boat captains and others to gain more input on these proposed rules and regulations before the scheduled Second Reading of the proposed ordinance. The City Manager stated he would schedule a meeting through the Parks and Recreation Department.				
MOTION: To APPROVE the ordinance as presented on First Reading.				
-----END FIRST READINGS-----				
---RESOLUTION 84-4458				
ITEM 8				
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO THE FLORIDA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND SHORES, FOR STATE FUNDING ASSISTANCE RELATING TO PROPOSED BEACH IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.				
Title read by City Attorney Rynders.				
Jim Weigel, representing the Old Naples Association, asked which groins would be removed and what funds the grant might generate. City Manager Jones explained that the broken and dangerous groins would be removed and the grant would be approximately \$70,000 to be matched with \$30,000 in City funds.				
MOTION: To ADOPT the resolution as presented.				

---RESOLUTION 84-4459				
ITEM 9				
A RESOLUTION SELECTING AN UNDERWRITER TO PROVIDE SERVICES RELATING TO THE REFUNDING OF OUTSTANDING WATER AND SEWER BONDS, SERIES 1977; AND PROVIDING AN EFFECTIVE DATE.				
Title read by City Attorney Rynders.				
Stanley Ross, representing the City's financial advisor Dean Witter Reynolds, Inc., addressed Council and recommended a negotiated sale through underwriters as opposed to a public sale of the bond issue, due to the complex nature of the re-funding issue. He recommended Shearson American Express be appointed the senior manager and Arch Roberts & Company and William R. Hough & Company be appointed co-managers. He further recommended that Dean Witter Reynolds negotiate the terms and conditions of the underwriting agreement with the City which will be submitted to Council for approval. Citizen J. Sandy Scatena asked Mr. Ross for an explanation of the re-funding portion. Mr. Ross explained that there were very strict rules to be followed, that the moneys obtained would be held in escrow to pay off outstanding bonds, and that the City was not allowed to make a profit on the refunding.				
MOTION: To ADOPT the resolution appointing Shearson American Express as senior manager and Arch W. Roberts & Company and William R. Hough & Company as co-managers.				

Anderson			X		
Barnett			X		
Bledsoe			X		
Richardson					X
Schroeder	X		X		
Wood		X	X		
Billick			X		
(6-0)					
Anderson	X		X		
Barnett			X		
Bledsoe			X		
Richardson					X
Schroeder			X		
Wood		X	X		
Billick			X		
(6-0)					
Anderson	X		X		
Barnett			X		
Bledsoe		X	X		
Richardson					X
Schroeder			X		
Wood			X		
Billick			X		
(6-0)					

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	

DISCUSSION/ACTION REGARDING RECOMMENDATIONS ITEM 10
FROM THE STAFF BEACH ACTIVITIES REPORT.
 Requested by City Manager.

City Manager Jones indicated that he was interested in confirming with the Council the areas to be reviewed for proposed action at the beach. He stated that he felt the three areas of concern were the preserving of access to the beach by some means of regulated parking; developing rules and regulations for the use of the pier and the adjacent beach rather the entire beach; and the question of storage of small sail boats at the beach ends. Mr. Schroeder suggested that the City continue to encourage the County to increase their beach facilities. Mayor Billick questioned storing any boats on the beach if overcrowding is a problem in that area. It was the consensus of Council that the City Manager and staff review and report on the three areas mentioned.

ADJOURN: 12:40 p.m.

Stanley R. Billick
 Stanley R. Billick, Mayor

Janet Cason
 Janet Cason
 City Clerk

Ellen Marshall Weigand
 Ellen Marshall Weigand
 Deputy Clerk

These minutes of the Naples City Council approved 05/02/04

Supplemental Attendance list - Regular Meeting, April 18, 1984

Lt. Don Vick
 Charles Andrews
 Robert Tanner
 Bernard Dudley
 Harold Emerick
 Hugh McGowan
 Tom Marvel
 Allen Walburn
 Simon Phillips
 Dan Bruce
 Doug Workman
 Robert O'Smith, Jr.
 Robert Selund
 Leonard Johns

Tish Gray
 Bob Galloway
 Joseph Carosino
 William Johnson
 Ralph Sexton
 Sharon Fischer
 Bruce Holley
 Bill Turner
 Lloyd Sarty
 Bob Russell
 Jim McGrath
 Bruce Green
 Gilbert Weil

Peter Zendt
 Jim Weigel
 Glenn Mackay
 Herb Anderson
 Sam Aronoff
 Bill Vines
 Ann Combs
 Marilyn Andrews
 J. Sandy Scatena
 Brian Beardsley
 Stanley Ross
 Arthur Lee
 Mike Erickson
 Geroge Vega

NEWS MEDIA:

Jim Forner, TV-9
 Susan Gardner, TV-9
 Jerry Pugh, TV-9
 Brian Grinonneau, WNOG

Todd Holzman, Naples Daily News
 Beverly Cameron, WINK, TV-11
 Brian Leighton, News Press

Other interested citizens and visitors.

118 Robert H. Tanner M.Sc., F.A.S.A., F.I.E.E.E., F.E.I.C., F.I.E.E., P.E.

ARCHITECTURAL ACOUSTICS
NOISE CONTROL
April 17, 1984

POST OFFICE BOX 533
NAPLES, FLORIDA 33939 - 0533
(813) 261-5840

The Elephant Walk
2840 Tamiami Trail North
Naples, Florida, 33940

Attention: Mr. M. Maceli

Dear Sirs:

Last night as requested, I visited the Restaurant to make some sound level measurements in the parking lot, in order to ascertain the validity of certain complaints which had been received regarding the noise of the band.

The measurements were made at about 9.45 p.m. with a GenRad Precision Sound Level Meter and Analyzer Type 1982, at the eastern boundary of the parking lot. In accordance with standard practice, they were made with the A-weighting filter, in order to simulate the response of the human ear. The results are therefore given in dB(A).

The tests indicated that traffic on the Trail and other noise sources in the area, exclusive of the Restaurant's band, resulted in a background noise level of about 50 dB(A), rising to 60 to 65 dB(A) during the passage of a noisy vehicle or a greater amount of traffic than normal. The level dropped below 50 dB(A) very seldom during the course of the tests. Normal conversation in the vicinity of the sound level meter gave readings of between 60 and 65 dB(A).

No increase whatever in the meter readings could be observed when the Restaurant band was playing, even during loud passages and when the door into the parking lot was open. This indicates that the sound level produced by the band at the measurement location was at least 5 dB lower than the background noise, and therefore could not exceed 45 dB(A) at its loudest.

The City of Naples Noise Ordinance does not appear to cover this type of situation at all, and the only sound level mentioned in it is a limitation of 60 dB(A) on noise from an air conditioning unit, as

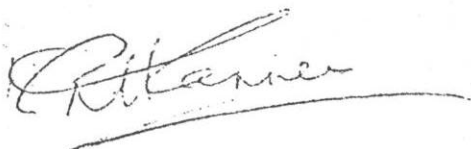
measured at the property boundary.

Broward County has a more detailed ordinance which controls permissible sound levels by "receiving land use". For residential land use, it states that the noise must not exceed 55 dB(A) for more than 50% of the time, for all times of day or night. Using this as a guide, we see that the sound levels produced by the band are at least 10 dB below the permissible limit, not for 50%, but for 100% of the time.

Another guide which leads to the same conclusions is to be found in the "Environmental Criteria and Standards", published July 12, 1979, by the Department of Housing and Urban Development (HUD). This publication states: "It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels." Calculations show that, using a "worst case" assumption that the band produces a steady noise level of 45 dB(A) for the whole time that it is playing (which of course it does not), the day-night average sound level would be 46 decibels, again well below the HUD goal.

In view of these findings, there would seem to be no basis for the complaints. It may however be suggested that, in spite of the convincing measurements given above, remedial measures should be taken, such as the construction of a concrete block wall along the eastern boundary of the parking lot, or the erection of a vestibule/sound-lock around the door opening from the restaurant to the parking lot. Of these, the former would be quite pointless, since sound would merely deflect over the top. The latter would certainly reduce the sound level of the band in the parking lot, especially when the existing door is opened, but as has already been pointed out, the sound level from the band is at present so low as to be unmeasurable under existing background noise conditions. A third possibility would be to close the parking lot door for general use, retaining it solely as a fire or emergency exit, but again there is no rational reason for taking such a step.

Yours sincerely,



Robert H. Tanner, P.E.

cc: Mr. George Vega

66 (2)

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We the undersigned residents of 10th St N directly east of the Elephant Walk Resturant do hereby authorize Mr Harold Emerick to be our representative in urging the City Council to reject the application of the Elephant Walk Resturant for a license for live entertainment in their resturant and lounge as recommended by the Naples Planning Advisory Board.

Mrs. + Mrs. Paul Shaper
Joseph Belmont 5/1/85

Mr + Mrs Carlotta

Joe Antonino

PRESENTED
TO COUNCIL
09-18-84

ATTACHMENT #4 - page 1
APPEAL RELATIVE TO AN ADMINISTRATIVE DECISION
PERTAINING TO THE CITY ZONING ORDINANCE,
FILED IN ACCORD WITH SECTION 10 OF THE
ZONING ORDINANCE

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6-D

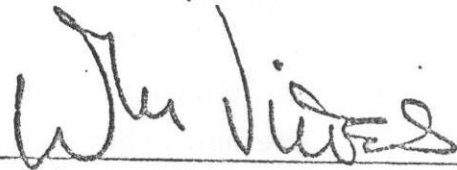
Members, Naples City Council
City Hall
735 Eighth Street South
Naples, Florida 33940

Gentlemen:

This appeal involves a zoning determination made by Carl A. Weigand, City Zoning Enforcement Inspector. Mr. Weigand's determination, together with previous actions taken by the city, make it impossible to utilize the entire second floor of the building located at 380-386 Broad Avenue South for the purposes permitted by the C 1 Zoning District in which it is located. The purpose of this appeal is to provide council with factual information which will permit a ruling that the entirety of the second floor of the subject building may be lawfully utilized as permitted by the C 1 Zoning District regulations.

This appeal is filed by William R. Vines, Urban Planner and George Vega, Attorney, as agents for Brian V. Beardsley, immediate past building owner and Stephen Farrington, current building owner.

FILING DATE: March 1, 1984



William R. Vines, for the Applicants

A copy of Mr. Weigand's letter which made the appeal necessary follows.



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Members, Naples City Council
March 1, 1984
Page 2.

The following points set forth the pertinent background facts, in chronological order.

1. The subject property, located in the 300 Block of Broad Avenue South, consists of Lots 3 & 4, Block 8, Tier 4, Plat of Naples. In 1971 the two lots were vacant and were zoned "I" Retail Shopping District.
2. On February 22, 1971, an application was made by the land owner to construct a single building on the two lots, with the ground floor to be devoted to commercial uses and with the second floor to be devoted to two residential dwelling units. The "I" District permitted residential uses only by Special Exception. The specific language in the Special Exception section of the "I" District was worded as follows:
 1. Single or multiple family residences, when such residences are an integral part of and contribute to the character and quality of the complex of shops in this district.
3. On August 18, 1971, City Council adopted Ordinance #1668 which approved the requested Special Exception, authorizing two dwelling units on the second floor of the building.
4. On February 7, 1979, the City enacted a new zoning ordinance. The new ordinance changed the zoning of the subject property from "I" to "C 1". Both the "I" and the "C 1" Districts permitted commercial uses, and both districts permitted residential uses by Special Exception, but the language in the new ordinance governing the development of residential uses as Special Exceptions was changed from the previous language. The new language reads:
 - (7) Residential dwelling units when such dwelling units are accessory to and compatible with a permitted use

and are located within the same building as a permitted use.

There is an important distinction between this new language and the language which it replaced. The distinction is that while residential uses were permitted in the "I" District so long as they were judged to be an integral part of and to contribute to the character and quality of the shops in the district, the C 1 language permits residential uses only when they are accessory to and compatible with a permitted use. Prohibiting dwelling units, unless they are accessory to a commercial use constituted a major change in the Special Exception language.

5. An accessory use is defined by the Zoning Ordinance as: "A use of a nature customarily incidental and subordinate to the principal use." A typical accessory residence in a commercial building is a watchmans or building managers apartment which occurs in a commercial building which warrants such a facility. The residential dwelling units constructed on the subject property were not, at the time they were permitted, either required or intended to be accessory uses. The first floor of the building was limited to uses permitted by the "I" District. The second floor of the building was permitted by Special Exception to be utilized for two residential units. There was no accessory relationship between the commercial and the residential uses.
6. When the residential Special Exception language was changed in January 1979, all residential structures and uses in the district which were not accessory to a commercial use became nonconformities. This included the two residential units on the second floor of the subject property.
7. In January 1979, when the above noted nonconformity status was

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Members, Naples City Council
March 1, 1984
Page 4.

established, the second floor of the building was not being used for residential purposes. No residential use of the second floor of the building occurred for the following twelve months. Therefore, in accord with Section 4, Paragraph F. of the Zoning Ordinance entitled Cessation of Non Conformities, permission to use the second floor of the building for two residential units was voided. This effectively terminated the previously granted Special Exception, as of January 1980, and limits use of the second floor of the building to uses permitted by the C 1 District.

8. A change in use of the second floor of the building from residential to commercial occurred in the mid 1970's. The city offered no objection to the change of use, and for a period of seven years issued annual occupational licenses for use of the second floor of the building as offices for Alden Harris and the Carlson-Harris contracting business. It appears that issue of these occupational licenses by the City was initially in error, but the above described changes in the Zoning Ordinance corrected the error in January 1980.
9. In August 1980, the building was sold to Brian Beardsley, whose Gulfcoast Coin Brokers shop is located in the east half of the first floor of the building.
10. In July 1982, the second floor office tenants moved to a north Tamiami Trail address, and the vacated second floor space was advertised for lease. At that time, the City Zoning enforcement staff advised Mr. Beardsley that the second floor building space could only be used for the originally approved two dwelling units or, alternatively, half of the second floor space could be utilized for any permitted use in the C 1 District, with the other half required to remain vacant. The staff advised that the entire second floor could not be utilized for permitted C 1 uses because there are fewer onsite parking spaces than

required by the Zoning Ordinance.

11. In August 1982, in compliance with the advice of the city planning staff, Mr. Beardsley applied for a variance which sought city permission to use the entirety of the second floor of his building for uses permitted by the C 1 District. On November 17, 1982, three members of council voted in favor of approving the variance application, three members voted against approval. On February 16, 1983, Council reconsidered the petition. Two council members voted in favor and five members voted against, resulting in denial of the request for a variance, and thus denial of the right to utilize the second floor of the building for uses permitted by the zoning district in which it is located.
12. In recent months Mr. Beardsley leased the east half of the second floor to an accounting firm, and subsequently began using a portion of the vacant west side of the second floor for his Gulf Coast Coin Broker bookkeeping purposes. He was advised by city staff to cease this office useage, and keep that space vacant. Mr Beardsley has now sold the building to Stephen Farrington, but retains an obligation to resolve the matter of full utilization of the building's second floor in a manner which does not conflict with the City Zoning Ordinance.
13. In spite of the fact that no additional onsite parking spaces are needed to serve the building from a practical use standpoint, the number of parking spaces existing on the property is in fact less than required by current zoning regulations. There are many instances in the City of Naples where older buildings fail to have as many onsite parking spaces as current zoning regulations require. This situation results from periodic amendments to the Zoning Ordinance, which amendments modify parking and other development standards. Such properties are lawfully nonconforming with

respect to parking, and are subject to Section 4. Paragraph B. of the Zoning Ordinance entitled: Continuation of Non Conformities. The basic rule regarding buildings which are nonconforming with respect to parking is that they may be utilized for any use permitted by the district in which they are located, with City approval being required only in the event of a proposed expansion or change of the structure or use.

14. The variance application which the City Council denied was neither a necessary nor an appropriate remedy for the parking nonconformity situation. The parking nonconformity was not caused by actions of the land owner, but by the City via a modification of the Zoning District regulations applicable to the property. Section 4, Paragraph B. of the Zoning Ordinance contains the applicable rules, and no variance is required to utilize a building which is nonconforming with respect to parking.

In light of the above circumstances, the City Council is respectfully requested to:

1. review the staff ruling that the entire second floor of the property may not be utilized for uses permitted by the zoning district in which it is located;
2. determine that the staff ruling was incorrect;
3. determine that the 1971 grant of Special Exception for two dwelling units on the second floor of the building is no longer valid;
4. determine that the number of onsite parking spaces is lawfully nonconforming by virtue of city zoning ordinance modifications in years past;
5. determine that the entirety of the building may be utilized for uses permitted by the C 1 District, subject to the standards of Zoning Ordinance Section 4 relating to nonconformities.



City of Naples

735 EIGHTH STREET, SOUTH • NAPLES, FLORIDA 33940

DEPARTMENT OF BUILDING AND ZONING

September 27, 1983

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Brian Beardsley
Gulf Coast Coin Brokers, Inc.
380-386 Broad Avenue South
Naples, FL 33940

Ref: Building at 380-386 Broad Avenue South

Dear Mr. Beardsley:

It has been brought to our attention that a portion of the area on the west side of the second floor of the above referenced property is now being used as a business office which is in direct violation of the City of Naples Zoning Ordinance and the Naples City Council which on February 16, 1983, ruled against any such activity.

We therefore ask that you immediately cease all commercial use of this area of the property.

Violations of the City of Naples Zoning Ordinance are subject to fines of \$36.25 or court appearances. Violations would be considered on a daily basis.

If you have a need for any further information, feel free to contact our office in room 216, City Hall, or phone 261-8002.

Sincerely,

Carl A. Weigand
Zoning Enforcement Inspector

CAW/aw

Opening Statement: Naples City Council Meeting - April 18, 1984

Good Morning, Mr. Mayor and Councilmen:

My name is J. Sandy Seaton and my wife and I reside at 2990 Binnacle Drive, Naples, Florida. We have lived in this city for over 13 years.

As Property Owners, Landlords and Established Members of the Business Community - we own a Women's Apparel Shop - Clothes Rack - located at 539 Fifth Ave. So., which we have been renting for over 9 years - I am here today to discuss Agenda Item NO. 7 - An Ordinance relating to Water Services.

We as concerned citizens would like to know what affect this proposed Ordinance will have on us - As we are Property Owners, Landlords and Tenants.

At this time, Mr. Mayor, I would like to place into the Record of this Meeting, the following Exhibits marked NO. 1 through NO. 4 which are pertinent to this discussion. I will make brief comments upon each of these Exhibits at the appropriate time.

Then, Mr. Mayor, I will ask you questions concerning this proposed Ordinance - And when I am finished asking you these questions, I would like you to answer them. This is the only way that my wife and I will have a better understanding as to how this proposed Ordinance will affect us - As Property Owners, Landlords and Tenants of a Retail Store.

Exhibit NO. 1 129

Proposal Would Raise Renters' Water Bills

ATTACHMENT #5 - page

By TODD HOLZMAN
Staff Writer

A move to slap future Naples renters with a \$100 deposit for city water, sewer and garbage removal services is in the works at City Hall.

The author of the proposal is Finance Director Bill Hanley, who is seeking City Council's help in updating certain deposits and fees for city services.

COUNCIL IS scheduled to discuss Hanley's proposals on Wednesday.

Deposits for water, sewer and garbage are currently set at \$20 or \$30, depending on the size of the water meter at the residence.

Hanley's proposal represents a 450 to 900 percent increase over current deposits, and establishes a double standard for landlords and tenants.

Renters billed directly by the city would be hit with the \$100 charge. If the property owner's name is on the bill, however, the charge would be just \$60.

"It's only good business," Hanley said in defense of the proposed increase. "We're performing

a service for the landlord (by billing tenants directly), and we want to protect ourselves.

"If A RENTER leaves town without paying his water bill, Hanley said, there's little the city can do to collect.

"In the case of a property owner, we can file a lien on the property," Hanley said. "It may take a while, but we can get our money back that way."

Hanley also said that the deposit charge in question hasn't increased for some time.

"The deposit doesn't really relate to the average utility bill anymore," he said.

Even so, Hanley wouldn't speculate on the proposal's chances for adoption.

"I'm just throwing out some possibilities and figures (Council) can consider," he said.

SEVERAL LESS dramatic increases will also be up for consideration on Wednesday.

Hanley wants to see the charge for reinstatement of services raised from \$9 to \$20. And if the city has

to reinstall a water meter at a residence, Hanley wants to charge \$75, not \$35. Neither fee has changed since 1958.

3

City May Raise Utility Deposits

A person renting a home in Naples in the future might have to pay a minimum of \$100 in utility deposits and new homeowners would be charged at least \$60. Council members discussed utility fees during their Wednesday morning meeting at city hall and a first reading on proposed changes could be considered April 18.

Council members discussed utility fees during their Wednesday morning meeting at city hall and a first reading on proposed changes could be considered April 18.

Finance Director Bill Hanley is suggesting that the amount of the deposit for water, sewer and garbage removal services be increased from \$20 and \$30 to \$100. According to a memo written by Hanley, the amount of the deposit was last increased in 1958 and current deposits no longer

cover a delinquent bill. HANLEY SAID later that the fees proposed would only affect new utility installations and not current customers.

Renters would have to pay more — three times what a homeowner would pay — because city officials can put a lien on property and wouldn't want to penalize homeowners for a tenant's bill.

In addition, the following is being considered:

- Property owners would be responsible for all garbage and sewer charges at his or her property, in addition to all water charges.
- Reinstatement of service fee from \$9 to \$20 and meter reinstatement fee from \$20 to \$75.

2

City of Naples
NAPLES CITY COUNCIL AGENDA
CITY COUNCIL CHAMBER
735 EIGHTH STREET, SOUTH
NAPLES, FLORIDA 33940
COUNCIL CONFERENCE CANCELLED
-- Regular Meeting --
Wednesday, April 4, 1984 - 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
Regular Meeting of March 21, 1984
5. Acceptance of water facilities to provide service to Royal Arms Villas, Phase I. Requested by Public Works Department, Utility Division.

END CONSENT AGENDA
ADVERTISED PUBLIC HEARINGS

9:10 A.M.

6. Second Reading of an Ordinance:
An ordinance relating to handicapped parking; amending Sections 23-9(k) and 23-12.2(a) (2) (b) and (c) of the Code of Ordinances of the City of Naples, Florida; and providing an effective date. Purpose: To change the reference to Section 316.1955, F.S., contained in Section 23-9(k) to Section 320.0848, F.S., and to increase the fine for parking in handicapped parking spaces from \$15.00 to \$50.00. (Approved on First Reading at Regular Meeting of March 21, 1984)

END ADVERTISED PUBLIC HEARINGS

9:20 A.M.

7. Recognition of retiring Planning Advisory Board members. Requested by City Manager.

9:35 A.M.

8. Resolution designating a certain portion of the beachfront area of Lowdermilk Park as a temporary launching area in conjunction with the Naples Michelob Regatta '84. Requested by Gulf Coast Sailing Club.

9:45 A.M.

Authorization to execute an amendment to the area fire mutual aid agreement to provide for change in status of Golden Gate Fire District. Requested by Fire Department.

9:55 A.M.

10. Staff report regarding beach activities. Requested by City Council.

10:25 A.M.

11. Discussion of utility billing procedures. Pursuant to City Council discussion of the Regular Meeting of March 7, 1984.

10:55 A.M.

12. Discussion of City Dock Rules, Regulations and slip rates. Requested by City Manager.

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.

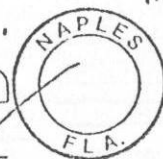
April 11, 1984 No. 820

Note: This discussion concerning Agenda Item NO. 11 - lasted approximately 15 minutes, not enough time to fully explain to the public who was present on 4/11. The importance of this

Exhibit No.

CITY OF NAPLES, FLORIDA, FINANCE DEPT.
735 8th STR. SOUTH, NAPLES, FLORIDA 33940

ACCOUNT NO.	SERVICE FROM	SERVICE TO	DATE BILLED
32-0195-1	02/03	04/05	04/11/84



PRE-SORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT NO. 1

METER READINGS PREVIOUS	TRANSACTION DATE	AMOUNT	CODE
95	02/09/84	17.76	PRB
	02/22/84	-17.76	PAY CLOTHES RACK
	04/11/84	5.38	WC 539 5TH AVE S
	04/11/84	7.88	SC NAPLES FL
PRESENT	04/11/84	7.46	GC 33940
100			

6*32 METER SIZE = 5/8"

CONSUMPTION 5

SEE REVERSE SIDE FOR CODES

METER ADDRESS: 539 5TH AVE S

Handwritten: Paid at Sun Bank on Tuesday April 17, 1984 for check #53

ACCOUNT NUMBER	DATE
32-0195-1	04/28/84
AMOUNT DUE	

\$20.72

Exhibit No.

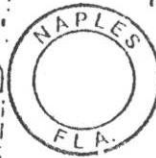
CITY OF NAPLES, FLORIDA, FINANCE DEPT.
735 8th STR. SOUTH, NAPLES, FLORIDA 33940

ACCOUNT NO.	SERVICE FROM	SERVICE TO	DATE BILLED
48-0275-1	04/14	05/16	07/06/83

METER READINGS PREVIOUS	TRANSACTION DATE	AMOUNT	CODE
180	12/31/67	0.00	PRE
	07/06/83	5.38	WC
	07/06/83	6.71	SC
	07/06/83	12.58	GC
PRESENT			
183			
CONSUMPTION			
3			

SEE REVERSE SIDE FOR CODES

AMOUNT DUE **24.67**



RETURN THIS STUB

PRE-SORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT NO. 1

RETURN POSTAGE GUARANTEED

WC MILDRED ROGERS
SC 2980 BINNACLE DR
GC NAPLES FL
33940

3*48 METER SIZE = 3/4"
INCLUDE ACCOUNT NUMBER ON YOUR CHECK TO INSURE PROPER CREDIT

INCLUDES WATER/SEWER AD.

ACCOUNT NUMBER	DELINQUENT DATE
48-0275-1	07/21/83

METER ADDRESS: 2980 BINNACLE DR

Copy of Mildred's June 16, 1983 - Bill \$24.67

132

Exhibit No

CITY OF NAPLES, FLORIDA, FINANCE DEPT.
735 8th STR. SOUTH, NAPLES, FLORIDA 33940

ACCOUNT NO.	SERVICE FROM	SERVICE TO	DATE BILLED
48-0280-1	12/16	02/14	02/27/84

METER READINGS PREVIOUS	TRANSACTION DATE	AMOUNT	CODE
527	12/19/83	31.98	PRB
	12/29/83	-31.98	PAY
	02/27/84	9.93	WC
	02/27/84	11.94	SC
PRESENT	02/27/84	12.84	GC

539

CONSUMPTION
12

SEE REVERSE

AMOUNT DUE \$34.71

00105143 030684

005 030684 12-72

RECEIVED
PAYMENT

MAR 6 '84

SUN BANK /
NAPLES, N.A.
TELLER #5

\$34.71
34.71

SUN BANK - NAPLES, FL 005 030684 12-72
METER ADDRESS: 2990 BINNACLE DR

7c

Offices and businesses generating less than eight (8) yards per month and sharing a container with others shall be charged a minimum of \$5.26 per month plus 80¢ per yard for every yard between one (1) and eight (8) yards per month.

*Charter boat captain

- *Allen Walburn - objected to method of measurement of boats; state and federal measurements are from bow to stern
- assignment of berths
 - wanted facilities to clean fish
 - requested right to have small sign and/or directory sign
 - objected to additional \$25.00 fee for charter boats

- Glenn Mackay (Parks & Rec. Board) - questioned the size of the lockers for each boat slip
- suggested a directory sign and a sign at each commercial slip
 - asked that rules and regulations be posted at dock
 - asked if Dockmaster would be deputized
 - questioned whether a wheelbarrow or dolly would be allowed on the dock

- *Hugh "Ted" McGowan (agreed with Walburn) - wanted facilities to clean fish
- questioned the size of the lockers
 - objected to the language in (26) re termination of lease

- *Thomas Marvel (agreed with Walburn - measurement of boats & McGowan) - fish cleaning - he felt cannister for waste wouldn't

MAYOR SUGGESTED CHANGING THE METHOD OF MEASUREMENT AND INCREASING SLIP RENTALS TO COME OUT WITH THE SAME AMOUNT OF RENTAL FEE

- Arthur, Lee (pleasure craft owner) - questioned measurement of boat
- clarification of a fire in an authorized boat stove
 - could varnish and mineral spirits be kep in locker
 - did this permit touch-up painting
 - did (16) prohibit drying bedding and towels after hard trip
 - many boats carried pets - could the leash law be substituted:
 - suggested permitting two slips for live-aboard for security of dock

- *Simon Phillips (agreed with other captains) - felt that waste from fish cleaning would feed pelicans
- objected to the \$25.00 charge for charter boats
 - cannister for fish cleaning would create problems

- *Mike Erickson (agreed with other captains) - leash law instead of prohibiting pets
- should get credit if his leased slip in rented during his absence
 - fish cleaning tables
 - locker box size

It was noted that feeding the pelicans with the waste from fish cleaning has been a tourist attraction that also generated business for the charter boats.