



*City of Naples*

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLY LICK - County Manager Lusk will attend next meeting			1
- no determination made yet about which timber groins were unsafe and should be removed			1
-CITY MANAGER JONES - None			
-MR. ANDERSON - noted that revenues from Naples Landing metered parking were only \$268 short of the capital investment after 18 months of operation			1
APPROVAL OF MINUTES - 05/01/84 - Workshop Meeting			1
05/02/84 - Regular Meeting			
<u>RESOLUTIONS</u>			
-Accept esmt, B/S and quitclaim deed for <u>water facilities-Windstar</u>		84-4472	1
-Adopt amendments - <u>Civil Defense Plan</u>		84-4473	1
-Approve Spec. Ex. 83-S7 and Nonconformity Pet. 84-N3, <u>Edgewater Beach Hotel</u>		84-4476	2
-Approve extension of Spec. Ex. 82-S12, <u>Trails End Motel</u>		84-4477	3
-Adopt Grievance Procedure for <u>Handicapped</u>		84-4480	5 & 6
<u>PURCHASING</u>			
-Award bid - 2 automobiles		84-4474	2
-Award bid - paper & plastic disposables		84-4475	2
-Award bid - resurfacing & drainage improvements, streets		84-4479	5
<u>ORDINANCES - First Reading</u>			
-Approve <u>Rezone</u> Pet. 84-R2 to "PS", <u>Naples Yacht Club, 700-14th Av So</u>	84-		3
- <u>Second Reading</u>			
-Adopt rules, regulations & rates, <u>City Dock</u>	84-4478		3 & 4
<u>DISCUSSION</u>			
- <u>Traffic</u> control on <u>Goodlette-Frank Road</u>			5



COUNCIL MEMBERS

MOTION  
SECTION  
YES  
NO  
ABSENT

CONSENT AGENDA (Cont)

PURCHASING

ITEM 7

---RESOLUTION 84-4474

ITEM 7-a

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) USED AUTOMOBILES, WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE..

Title not read.

---RESOLUTION 84-4475

ITEM 7-b

A RESOLUTION AWARDED BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR PAPER AND PLASTIC DISPOSABLES; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

In response to Mr. Anderson's question about waiving the bidding for Item 7-a, City Attorney Rynders explained that while comparative prices had been requested, the complete bidding procedure had not been utilized. Regarding Item 6, Mr. Schroeder suggested a better method of indexing and cross-referencing the civil defense plan and City Manager Jones said that had been done.

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick

X

C  
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N  
S  
E  
N  
S  
U  
S

MOTION: To APPROVE the minutes and ADOPT the resolutions as presented.

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

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES  
PLANNING ADVISORY BOARD

ITEM 8

---RESOLUTION 84-4476

ITEM 8-a

A RESOLUTION GRANTING A SPECIAL EXCEPTION FOR AN EXISTING TRANSIENT LODGING FACILITY AND AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE AT 1901 GULF SHORE BOULEVARD NORTH (EDGEWATER BEACH HOTEL), SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Attorney J. Dudley Goodlette addressed Council on behalf of the prospective developers of the Edgewater Beach Hotel. He noted the presence of Messrs. Garmaker, Fail, Cox, Forsythe, and Kendrick. Attorney Goodlette stressed the fact that the building would be used as a luxury hotel only. Mr. Fail, one of the developers, explained that the restaurant would be on the sixth floor because it was not to be used by the general public due to lack of sufficient parking for this use. Community Development Director Barry noted that there would be no objection to the restaurant serving some of the public if it were not advertised as such. Mr. Anderson asked that the record reflect that determination and Mr. Schroeder suggested that the hotel make it a private club. Architect Kendrick directed Council's attention to sample interior and exterior materials and the architectural renderings. In answer to Mr. Schroeder's questions about setback from the coastal control line, Mr. Barry and City Attorney Rynders confirmed that this building did not encroach any more than the adjacent buildings, that it was grandfathered-in, and that, in fact, the setback was not a part of either petition before Council.

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(7-0)

X

X  
X  
X  
X  
X  
X  
X

MOTION: To ADOPT the resolution as presented.

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COUNCIL  
MEMBERS

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

---ORDINANCE 84-4478 (Cont)

ITEM 10 (Cont)

Mr. Anderson moved to adopt the ordinance as amended on Second Reading, seconded by Mr. Barnett. City Manager Jones noted that he would be suggesting further amendments as listed in his memo dated May 15, 1984 (Attachment #2). He explained that these changes would be in addition to the amendments suggested in Parks & Recreation Director Holley's memo (Attachment #3). These latter amendments had been discussed affirmatively at the May 2, 1984 Regular Meeting (Attachment #4), although no action had been taken on them at the time. Arthur Lee, private boat owner, addressed Council and expressed his appreciation for the meetings with the staff and the resolution of some of the problems. Ray Graeber, chairman of the newly formed boat owners' association, also expressed appreciation for the meetings with Messrs. Jones, Wiltsie, and Holley. He noted that the boat owners would like to see installation of a proper antenna to be used for better communications with boats at sea and would work with the City to defray the cost. He reviewed City Manager Jones' memo of May 15 and suggested various changes. It was his opinion that Rule 19 was still too vague regarding the safety reasons for which a dock master could board and inspect a boat; and that the City Manager's comments in Item 4 did not provide for any further definition of "safety". He expressed appreciation, however, for the clarification offered by the City Manager on Item 6. He said he still objected to the use of the word "privilege" in Rule 5 and felt that if the rent were paid and the rules obeyed, the wording should be "right", not "privilege" to moor boats at the City Dock. City Manager Jones then reviewed his memo and noted that there had been an agreement to delete the two week sublease requirement that had been inserted at the May 2nd meeting. He cited an agreement to redistribute to participating slip renters any excess funds generated through subleasing. He noted that the surcharge would not go into effect until November 1, 1984, and the change in the wording regarding holding tanks to "approved and properly operating marine device". He further emphasized that boat owners could come back to the City staff and request a change if the rules and regulations were not being properly administered. City Attorney Rynders stressed his recommendation not to change Rule 26 which states that mooring at the City Dock is a privilege. Motioner Mr. Anderson and seconder Mr. Barnett noted their acceptance of the amendments as discussed at the May 2nd meeting as well as those discussed today.

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

Mayor Billick confirmed with City Manager Jones that the construction was nearing completion and announced that the formal dedication would be on Saturday, July 7, 1984. The City Manager commented on a communication he had received from the Department of Environmental Regulation that progress was being made on the amendment of the permit to enable the City to make some arrangements for fish cleaning on the dock. He indicated that one method may be to collect the remains of cleaned fish, freeze them and sell them to another marine for bait. He noted that there was a freezer at the Dock and the revenue from the sales would offset any other possible expense in this regard.

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Anderson	X	X
Barnett	X	X
Bledsoe		X
Richardson		X
Schroeder		X
Wood		X
Billick (7-0)		X



COUNCIL MEMBERS

MOTION

SECONDS

YES

NO

ABSENT

---RESOLUTION 84-4480 (Cont)

ITEM 13 (Cont)

"Finance Officer or his designee" should be substituted throughout the document for "Frank W. Hanley". He also suggested "the complaint should be filed in writing or verbally" be changed to "or orally".

MOTION: To ADOPT the resolution as amended.

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ADJOURN: 10:53 a.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 06/06/84

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(7-0)

X

X

X

X

X

X

X

X

## Supplemental Attendance List - Regular Meeting, May 16, 1984

Reverend Richard Maples	Henry "Hank" Caballero	Herb Anderson
F. Dudley Goodlette	Jim McLaughlin	Bob Galloway
Arthur Lee	Bob Forsythe	John F. Forsyth
Ray Graeber	Joseph Cox	Mrs. Kinkaid
Never Fail, Jr.	Mark Weakley	Bob Russell
David Kendrick	Dick Garmaker	Anita Utter
Charles Andrews	Tish Gray	Mr. & Mrs. Richard Grant
	Max Hasse	

## News Media

Jim Forner, TV-9	Brian Leighton, News Press
Susan Gardner, TV-9	Todd Holzman, Naples Daily News
Randy Sell, TV-9	Beverly Cameron, WINK, TV-11
Brian Grinnoneau, WNOG	Cynthia Glicker, WBBH, TV-20
	Mary Armbruster, WEVU, TV-26

Other interested citizens and visitors.



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# City of Naples

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
 FROM: CITY MANAGER FRANKLIN C. JONES  
 SUBJECT: CITY DOCK FACILITY - RULES, REGULATIONS AND RATES  
 DATE: MAY 15, 1984

In order to finalize discussions concerning the adoption of the rules and regulations for the operation of the dock facility, we met with Ray Graeber who represented the boat owners leasing spaces at the dock. We discussed the provisions in the rules concerning the method of measuring boats; the \$25 surcharge for charter boats; the income from subleasing slips when regular tenants are away; the need for the city to be able to inspect boats moored at the dock for safety purposes; alternatives to holding tanks for transient boats moored at the dock; and the method by which leases can be terminated for violation of the rules and regulations. We now have an agreement with the representatives of the dock tenants on each of the following items about which they were concerned.

1. Measurement of Boats: Representatives of the tenants have agreed that the measurement of the boats will remain as written in the proposed ordinance and as contained in the existing ordinance. The overall length of the boat will be included from bow sprints and/or dinghies hung on transoms.
2. Surcharge for Charter Boats: The city has taken the position that the \$25 surcharge is required to cover additional costs of the operation of charter boats from the dock and to meet our overall financial requirements. The charter boat operators indicated they felt it would be fairer to collect the surcharge only during the charter operating season from November to April. As a compromise, we will begin collection of the surcharge November 1, 1984. At the end of April, 1985, we will make an analysis of the financial operations of the dock in order to determine whether six months or 12 months are required to meet the dock's expenses.
3. Subleasing of Slips: The city has taken a position that the income from subleasing slips will be needed to meet the financial obligations incurred in financing the dock. We have agreed, however, that we will account for one-half of the revenues from the subleasing until the end of one year's operation to determine whether or not those revenues are needed to meet the

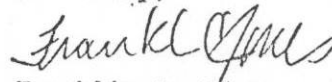
Mayor and Council  
May 15, 1984  
Page 2

operating expenses. If we find that they are not required, we would redistribute the surplus of those revenues back to the slip renters who had made their slips available while they were absent, based on the number of days the slip was made available for sub-lease.

4. Boat Inspections: Rule No. 19 provides that the dockmaster and the U.S. Coast Guard are able to board any vessel to inspect it for safety purposes. We still feel that there are no other provisions that would give the city or the Coast Guard access to these vessels. This provision would not be changed.
5. Holding Tanks - Transient Boats: Rule No. 21 provides that transient boats moored at the dock could be lived aboard providing the boat is equipped with an adequate and properly operating holding tank. The tenants have requested and we have agreed that the holding tank requirement could be expanded to include "or an approved chemical equivalent".
6. Termination of Leases for Violation of Rules: We have agreed to clarify Rules No. 5 and No. 26 to provide that the dockmaster is responsible for the enforcement of the rules and regulations for the City of Naples Municipal Dock. He may recommend the termination of the dockage agreement to the Director of Parks & Recreation who will order the termination of the agreement. Rule No. 26 will be amended to provide that any termination made by the Parks & Recreation Director may be appealed to the City Manager. The City Manager will hear the facts presented by the tenant, the dockmaster and the Parks & Recreation Director and make a final determination as to the violation.

At the meeting Wednesday, we will propose amendments to accommodate these changes. If you have any questions, please feel free to contact me prior to the meeting.

Sincerely,



Franklin C. Jones  
City Manager

FCJ/tan



# City of Naples

## MEMO

TO: FRANKLIN C. JONES, CITY MANAGER  
 FROM: CHRISTOPHER L. HOLLEY, PARKS & RECREATION DIRECTOR  
 SUBJECT: PUBLIC MEETING ON PROPOSED CITY DOCK RULES AND REGULATIONS  
 DATE: APRIL 27, 1984

On April 27, 1984 at 10 a.m. the Parks and Recreation Department held an advertised public meeting, in order to obtain input pertaining to the proposed City Dock rules and regulations. The following represents items of discussion at that meeting, with Staff's recommendations addressing the public's concerns. The items are numbered as they appear in the proposed ordinance.

SECTION 1.A. (3) - Boat Measurement Procedure

Citizen concerns center around our proposal to measure, and charge, based on total length of the vessel, rather than United States Coast Guard certified length.

Staff Recommendation

Because the vessel must be placed in a slip that provides adequate space for the entire length, we feel justified in charging for that entire length. A survey of municipal marinas Daytona Beach, Fort Myers, and St. Petersburg, found that they also measure entire length of each vessel.

SECTION 1.B. (10) - Renting of Temporary Vacant Slips by the Dock Master

Boat owners felt that they should receive a credit for revenues generated by the City renting their slip while they were on extended trips.

Staff Recommendation

Even though this appears to have been authorized in past years by the City and may appear to be fair to the boat owners, a policy allowing this would limit the Parks and Recreation Department's ability to meet debt service requirements for the City Dock.

SECTION 1.B. (15) - Fish Cleaning at City Dock

There was a lengthy discussion concerning the options and alternatives for providing both short-term and long-term solutions to the Department of Environmental Regulation's condition prohibiting fish cleaning at the City Dock. Staff assured those present that we would continue to request a reconsideration of this condition by the Department of Environmental Regulation.

Staff Recommendation

Short-Term - Request cooperation from the charter boat captain by asking them to, as much as possible, clean all fish on the way in from their excursions. For those fish brought in and cleaned, this Department would provide for storage of fish remains, which would be disposed of by either:

- 1) Charter boats taking remains out to sea the following day, or
- 2) This material taken by the charter boat captains to Turner's Fish House, which has volunteered to accept the material for use as crab bait, or
- 3) To be deposited in the solid waste disposal truck.

Long-Term - Develop a mechanism that would be located at the Dock, which would grind up fish remains and disposed of in the City's sewer system.

SECTION 1.B. (16) - Hanging of Laundry on Boats

Boat owners felt that they should be allowed to hang certain articles out to dry upon return from wet passage.

Staff Recommendation

I feel that boat cushions and other equipment should be allowed to be placed on deck, in order to dry. However, to allow the hanging of laundry items above deck would create an unsatisfactory and unsightly situation at the City Dock.

SECTION 1.B. (18) - Animals on the Dock

Citizens expressed a concern that both permanent slip occupants and transient vessels frequently have pets aboard, and that the City should provide them an opportunity to remove these pets without having to carry them.

Staff Recommendation

No animals will be permitted on the Dock, except those that are being brought to or removed from a vessel on a leash. If this creates an unsanitary situation in the future, Staff will recommend prohibiting animals at that time.

SECTION 1.B. (23) - Privately Owned Signs

Charter boat captains expressed their concern with not being allowed to have a sign on the Dock while they are out fishing.

Staff Recommendation

For the purpose of charter boat captains, privately owned signs shall be permitted on the Dock. However, the dimensions and location of these signs shall be regulated by the Parks and Recreation Director or his designee.

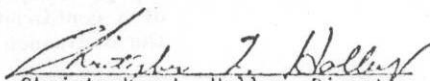
SECTION 1.B. (24) - Dock Box Sizes

Boat owners expressed concern that Dock boxes 36 inches in length, did not provide an adequate space for storage of materials.

Staff Recommendation

Alter the dimensions in the ordinance to read 24" in depth, 24" in height, 48" in length.

The above represents the general public's concerns with the proposed ordinance establishing rules and regulations for the City Dock. I feel our Staff has made an attempt to modify some of these rules, based on the input provided. Please let me know if I can provide further research or assistance with reference to this matter.

  
Christopher L. Holley, Director  
Parks & Recreation Department



ATTACHMENT #4

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

ROLL CALL

Present: Stanley R. Billick  
Mayor

ITEM 2

- R. B. Anderson
  - William E. Barnett
  - William F. Bledsoe
  - Lyle S. Richardson
  - Wade H. Schroeder
  - Kenneth A. Wood
- Councilmen

COUNCIL MEMBERS	M	S	Y	N	G
	O	E			
	T	C			
	I	O			
	O	N			
	N	D			
Anderson					
Barnett	X				
Bledsoe					
Richardson			X		
Schroeder				X	
Wood					X
Billick				X	

---ORDINANCE 84---

ITEM 9-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; REPLACING 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.

Public Hearing: Opened - 9:47 a.m. Closed - 10:56 a.m.

---ORDINANCE 84---

ITEM 9-e (cont)

Mr. Anderson moved adoption of the proposed ordinance on Second Reading, seconded by Mr. Wood. City Manager Jones reviewed a memorandum from Parks & Recreation Director Chris Holley dated April 27, 1984 (Attachment #5). He noted the amendments the staff was recommending to the proposed ordinance as heard on First Reading; i.e., animals would be permitted to and from each boat on a leash, privately owned signs for charter boats would be permitted up to 3 foot by 4 foot, and dock boxes for storage would be permitted up to 24" x 24" x 48". Charter boat captain Allen Walburn addressed Council and explained that they had retained the services of an attorney, but had not had time to gather the information they felt they needed to refute some of the provisions in the rules and regulations. He requested a two week postponement of action on this ordinance so they could prepare properly. He noted the charter boat captains' objections to the rate structure, the \$25.00 surcharge and the rental of their slip if they were gone more than 7 days. City Manager Jones stated the City's reasoning in charging the surcharge for commercial boats at the Dock. He noted the additional traffic created by the commercial ventures and the telephone message service that would be utilized. He emphasized the need to have the rate structure established so that contracts would be drawn and signed by June 1st. After Council's discussion of the temporary rental of a slip vacated for a certain period of time, Mr. Barnett suggested that the slip not be rented unless it was to be vacated longer than 14 days. It was the consensus of a majority of Council to agree with this amendment.

Captains Tom Marvel, Simon Phillips, Ray Gracher and E. E. Bailey and private boat owner Arthur Lee also asked Council for a two week continuation of this item. They also suggested that the dockmaster have more control that the rules seemed to imply. City Manager Jones and Mayor Billick were not in favor of a continuation at this time, but were in favor of passing the ordinance now and amending it later.

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(5-2)

MOTION: To POSTPONE action on this item and CONTINUE it for two weeks.

Shortly after the re-opening of Goodlette Road as a 6-lane artery from Golden Gate Parkway to U. S. 41, the Naples Police Department requested and received a reduction in the speed limit from 45 MPH to 35 MPH. This request was based on numerous facts which follow:

DISTANCE

The distance in the length of Goodlette Road from Golden Gate Parkway to U. S. 41 is exactly 2.0 miles.

TRAFFIC HAZARDS

Along this two-mile stretch of road are:

1. Two school zones (elementary and middle school)
2. Entrance and exit to Fleischman Park and Community Center
3. Entrance and exit to major attraction (Jungle Larry's)
4. Entrance and exit to Conservancy/Nature Center
5. Entrance and exit to U. S. Post Office
6. Entrance and exit to police department
7. Entrance and exit to municipal maintenance
8. Entrance and exit to Naples landfill area (both  
Items 7 and 8 generate a large amount of truck,  
trailer and heavy equipment traffic)
9. Entrance and exit to two major shopping centers
10. Entrance and exit to two major condominiums, one of  
which is utilized by predominantly elderly drivers  
coming and going

TIME

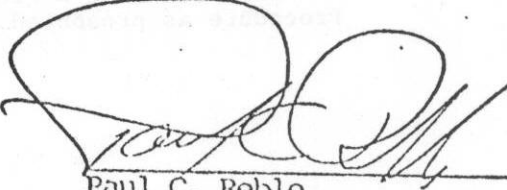
Traveling at 45 MPH, one would cover this distance (2 miles) 45 seconds sooner than a vehicle traveling at 35 MPH.

BRAKING DISTANCE

Traveling at 45 MPH requires approximately 55 more feet to stop a vehicle than traveling at 35 MPH.

SUMMARY

It is felt that the 45 seconds saved traveling at 45 MPH is not worth the potential hazard created by the additional braking distance required and the high hazard area to be crossed over the length of this short two miles.

  
Paul C. Reble  
Chief of Police



# City of Naples

## --- MEMO ---

TO: Honorable Mayor and Members of City Council  
 FROM: Franklin C. Jones, City Manager  
 SUBJECT: GRIEVANCE PROCEDURE FOR THE HANDICAPPED  
 DATE: May 7, 1984

### BACKGROUND

On 10-17-83 the Office of Revenue Sharing published final regulations in the Federal Register prohibiting handicapped discrimination and implementing Section 504 of the Rehabilitation Act of 1973. These regulations placed several requirements and timetables on those governmental entities receiving \$25,000 or more in Federal Revenue Sharing. The requirements and deadlines are as follows:

<u>Requirements</u>	<u>Deadline</u>
Notice Requirements and Designation of Responsible Employee	1-17-84
Self Evaluation and Adoption of Grievance Procedure	10-17-84
Non Structural Changes to Achieve Accessibility	10-17-84
Transition Plan for Structural Changes	10-17-84
Structural Changes to Achieve Accessibility	10-17-86

### ANALYSIS

We have already complied with the notification, designation of responsible employee requirement. The next step we should take is the adoption of a grievance procedure. This would be the next most logical step under the requirements as it provides the vehicle for the handicapped community to formally address those areas they feel it necessary to grieve. A Section 504 grievance procedure is included for your review. The procedure outlines where the complaints should be filed and the time periods for action and investigation. The remainder of the requirements will be systematically addressed within the deadlines provided.

### CONCLUSIONS & RECOMMENDATIONS

I would recommend a resolution adopting the Handicapped Grievance Procedure as presented.

Respectfully submitted,

*Franklin C. Jones*  
 Franklin C. Jones  
 City Manager

Prepared by: Frank W. Hanley, Finance Director  
 -14-