



City of Naples

Regular Meeting August 1, 1984

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK -			1
-CITY MANAGER JONES-			1
<u>APPROVAL OF MINUTES</u> - 07/17/84, Workshop Meeting 07/18/84, Regular Meeting			1
<u>RESOLUTIONS</u>			
-Accept esmt & relocate fire hydrant - <u>The Oaks</u> , U.S. 41 & 22nd Av No		84-4515	1
-Authorize <u>temporary use permit</u> - Coastland Chrysler		84-4517	2
-Authorize <u>interlocal agreement re UDAG grant</u> - Everglades City & Naples		84-4519	3
<u>PURCHASING</u>			
-Authorize change order - <u>curbs & gutters</u>		84-4516	1
<u>ORDINANCE</u> - <u>Second Reading</u>			
-Approve for referendum amendment to Charter to permit <u>Mayor</u> one 4-year term and change filing & qualifying dates	84-4518		2
<u>DISCUSSION</u>			
-Authorize donation for Little League Allstar Girls			4
-Consensus of Council to hold workshop meetings on 1984-85 proposed budget on August 8, 14 and 22, 1984			4

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735 Eighth Street South
Naples, Florida 33940



Time 9:10 a.m.

Date August 1, 1984

Mayor Billick called the meeting to order and presided as Chairman

ROLL CALL:	Present:	ITEM 2	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	
	Stanley R. Billick Mayor							
	William E. Barnett William F. Bledsoe Lyle S. Richardson Wade H. Schroeder Kenneth A. Wood Councilmen							
	Absent: R. B. Anderson Councilman							
Also present:								
Franklin C. Jones, City Manager	Steve Cramer, Chief Planner							
David W. Rynders, City Attorney	John McCord, City Engineer							
Mark Wiltsie, Assistant to the City Manager	Chris Holley, Parks & Recreation Director							
Roger Barry, Community Development Director	Ellen Marshall Weigand, Deputy Clerk							
See Attachment #1 - Supplemental Attendance List								
<u>INVOCATION:</u>	Reverend Gordon H. Mann Trinity-by-the-Cove Episcopal Church	<u>ITEM 1</u>						
***	***	***						
<u>ANNOUNCEMENTS</u>		<u>ITEM 3</u>						
---	Mayor Billick - noted distribution of the preliminary 1984-85 budget and the lowered millage rate.	<u>ITEM 3-a</u>						
---	City Manager Jones - noted the donation of emergency lights for the new fire equipment by Mars Signal Light Company.	<u>ITEM 3-b</u>						
-----CONSENT AGENDA-----								
<u>APPROVAL OF MINUTES</u>	- 07/17/84, Workshop Meeting 07/18/84, Regular Meeting	<u>ITEM 4</u>						
---	<u>RESOLUTION 84-4515</u>	<u>ITEM 5</u>						
A RESOLUTION ACCEPTING AN EASEMENT FROM THE NATIONAL TRUST COMPANY FOR CONSTRUCTION OF A SIDEWALK AND RELOCATION OF AN EXISTING FIRE HYDRANT AT THE OAKS SHOPPING CENTER LOCATED AT THE INTERSECTION OF U.S. 41 AND 22ND AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.								
Title not read.								
<u>PURCHASING</u>		<u>ITEM 6</u>						
---	<u>RESOLUTION 84-4516</u>							
A RESOLUTION AUTHORIZING A CHANGE ORDER PROVIDING FOR ADDITIONAL EXPENDITURES UNDER THE CITY'S ANNUAL CONTRACT FOR THE INSTALLATION OF CONCRETE CURBS AND GUTTERS; AND PROVIDING AN EFFECTIVE DATE.								
Title not read.								
<u>MOTION:</u>	To APPROVE the minutes and ADOPT the resolutions as presented.							
-----END CONSENT AGENDA-----								
	Anderson Barnett Bledsoe Richardson Schroeder Wood Billick			X			C O N S E N S U S	X

COUNCIL MEMBERS

MOTION
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---RESOLUTION 84-4517

ITEM 7

A RESOLUTION AUTHORIZING COASTLAND CHRYSLER/PLYMOUTH TO USE TEMPORARY FACILITIES AT 2640 TAMiami TRAIL NORTH AS A SALES AND SHOW ROOM AREA FOR A PERIOD OF SIX (6) MONTHS; RATIFYING THE ACTION OF THE MAYOR WITH REGARD THERETO; AND PROVIDING AN EFFECTIVE DATE.

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

X
X
X
X
X
X
X

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

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

SECOND READING OF AN ORDINANCE

ITEM 8

---ORDINANCE 84-4518

AN ORDINANCE PROPOSING TO THE ELECTORS OF THE CITY OF NAPLES, FLORIDA AMENDMENTS TO THE CHARTER OF THE CITY OF NAPLES RELATING TO THE TERM OF THE MAYOR AND THE FILING AND QUALIFICATION PERIOD FOR CANDIDATES FOR CITY ELECTION; PROVIDING FOR SAID AMENDMENTS TO BE SUBMITTED TO THE ELECTORS OF THE CITY OF NAPLES AT THE NEXT GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 1984; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO PROPOSE TO THE ELECTORS OF THE CITY OF NAPLES AMENDMENTS TO THE CITY CHARTER CHANGING THE TERM OF THE MAYOR FROM TWO (2) YEARS TO FOUR (4) YEARS AND LIMITING THE MAYOR TO ONE TERM AND CHANGING THE FILING AND QUALIFICATION PERIOD FOR CANDIDATES FOR CITY ELECTION FROM "NOT MORE THAN THIRTY (30) DAYS NOR LATER THAN 5:00 P.M. ON THE THIRD TUESDAY PRECEDING THE GENERAL MUNICIPAL ELECTION" TO "NOT MORE THAN SIXTY (60) DAYS, NOR LATER THAN 5:00 P.M. ON THE SIXTH TUESDAY PRECEDING THE GENERAL MUNICIPAL ELECTION."

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:17 a.m. Closed - 9:30 a.m.

Mr. Schroeder suggested a change in the wording so an individual could not succeed himself but could run for another term later. Citizen Gilbert Weil stated that he had discussed this with City Attorney Rynders at which point the City Attorney read suggested wording, "No person elected as Mayor shall be eligible for re-election as Mayor for the term immediately succeeding the term for which he was elected". Mr. Schroeder responded that amendment would be satisfactory. It was the consensus of Council to incorporate the above suggestion. Citizens Tom Morgan and Harry Rothchild spoke in opposition to the proposal. Mr. Rothchild also noted that technically the word "each" should be changed to "a" in Section 1, Subsection 2.1(3). It was the consensus of Council to make that change.

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

X
X
X
X
X
X
X

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

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

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COUNCIL MEMBERS

MOTIONS VOTE ABSENT

---RESOLUTION 84-4519

ITEM 9

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EVERGLADES AND THE CITY OF NAPLES RELATING TO FUNDING OF THE EDGEWATER BEACH HOTEL URBAN DEVELOPMENT ACTION GRANTS PROJECT THROUGH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders suggested adding a statement to the resolution stating that the interlocal agreement would stand approved if the negotiations with Everglades City did not create any substantial change to the proposed agreement now attached to the resolution. He further suggested adding "Any substantial or significant changes negotiated between Naples and Everglades City shall be subject to further approval by Council." City Manager Jones reviewed the matter and explained his opinion that the grant would be beneficial to both cities. He felt that the City of Naples could use its income from the developer as repayment of the loan to establish a fund to be used for distressed businesses and areas within Naples. Mayor Billick stated his feeling that he would like to know the exact terms of the loan and repayment before he would feel comfortable such a grant. Mr. Bledsoe questioned why the developer assured the City the project would be completed if he did not have the complete financing when he began. Ed McMahon, speaking as vice-president of the Old Naples Association and as a private individual, voiced his doubts about applying for such a grant. David Barrett, a Washington attorney representing the developer, addressed Council and explained the grant program itself and noted that it was one of the least complex grants available through Housing and Urban Development (HUD). He noted that many small cities would be vying for this grant money and suggested that Naples was justified in attempting to participate. He answered questions from Councilmen and citizens with reference to the use of the monies loaned to the developer by HUD and the payments to each city from the developer.

*** BREAK: Recessed - 10:47 a.m. Reconvened - 10:59 a.m. ***

*** Ron Henderson, president of the National Association for the Advancement of Colored People, and Herb Cambridge, vice-president of the Black Betterment Committee, spoke in opposition to the proposed grant to a developer building a luxury hotel and suggested finding some HUD money to directly aid the River Park or Gordon River Apartments. At this point City Attorney Rynders suggested language to be added to Section 7 of the proposed interlocal agreement: "Naples and Everglades City will negotiate the terms of the funding to the project to the mutual satisfaction of HUD and the parties hereto prior to the acceptance of this grant. Citizens Harry Rothchild, Arnold Lamm, Doug Workman, Jim McGrath, and Otus Albright all spoke in opposition to this type of grant citing several reasons; i.e. that it was for a luxury hotel, that it would contribute to the Federal government's already large deficit, that it was of more benefit to the developer than the two cities, and others. They questioned the fact that it was being rushed and there wasn't sufficient information available. Mr. Rothchild asked that his statement be made a part of the record along with attachments he would submit (Attachment #2). Mayor Billick sought reassurance from the City Attorney that the City could withdraw at a later date if the situation became too doubtful, to which the City Attorney responded in the affirmative.

MOTION: To ADOPT the resolution as amended to meet with the City Attorney's suggestions.

Anderson X
Barnett X
Bledsoe X
Richardson X
Schroeder X
Wood X
Billick X
(4-2)

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p><u>REQUEST BY GREATER NAPLES LITTLE LEAGUE AND SENIOR LEAGUE GIRLS SOFTBALL FOR CONTRIBUTION TO BE USED AS TRAVEL EXPENSES FOR THE LITTLE LEAGUE ALLSTAR GIRLS IN SERIES OF PLAYOFFS LEADING TO WORLD SERIES IN KALAMAZOO, MICHIGAN</u> <u>ITEM 10</u></p> <p>Council noted that the City had donated \$1,000 last year when two teams were involved and that the County had only donated \$500.00 this year.</p> <p><u>MOTION:</u> To <u>DONATE</u> \$500.00 to the Little League Allstar Girls.</p> <p>*** *** ***</p> <p><u>CORRESPONDENCE & COMMUNICATIONS</u></p> <p>City Manager Jones asked for suggestions for workshop meetings to review the proposed 1984-85 budget. After discussion it was the consensus of Council to hold workshop meetings on August 8 and 14, and, if necessary, on August 22.</p> <p>*** *** ***</p> <p>ADJOURN: 11:58 a.m.</p>					
Anderson					
Barnett				X	
Bledsoe				X	
Richardson				X	
Schroeder	X			X	
Wood			X	X	
Billick				X	
(6-0)					X

Janet Cason
 Janet Cason
 City Clerk

Stanley R. Billick
 Stanley R. Billick, Mayor

Ellen Marshall Weigand
 Ellen Marshall Weigand
 Deputy Clerk

These minutes of the Naples City Council approved 09/05/84

Supplemental Attendance List - Regular Meeting August 1, 1984

Reverend Gordon H. Mann
Charles Andrews
Gene Lojewski
Jim Flagler
Joe B. Cox
Herb Cambridge
Tish Gray

Doug Workman
Jim McGrath
Tom Morgan
David Barrett
Otus Albright
Alice Bowling
Gilbert Weil

Bob Russell
Harry Rothchild
Ed McMahon
Chuck Mohlke
Ron Henderson
Mr. & Mrs. Arnold Lamm

News Media

Dorothy Yacobocci, TV-9
Chris Kucha, TV-9
Randy Sell, TV-9
Brian Grinonneau, WNOG

Brian Leightner, News Press
Todd Holzman, Naples Daily News
Mary Armbruster, WEVU, TV-26

Other interested citizens and visitors.

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Two weeks ago this Council adopted a resolution which expressed support for Everglades City in its application for Urban Development Action Grant funds (U.D.A.G.). I watched the proceedings on television and I recorded the discussion on tape. I found some of the comments by Council members to be quite interesting - for example one member said to City Manager Frank Jones at the beginning of the discussion of this item "Would you explain your sleight of hand" - Everybody laughed. Then after Mr. Jones finished his explanation one member of the Council said "Sounds unreal", and another member said "Sounds too good". Notwithstanding these comments the Council proceeded to approve the resolution without a dissenting vote and without any discussion of the merits of the proposal.

These comments by members of the City Council clearly indicate that they knew the City of Naples was getting something for nothing. I regret that they did not explore the matter further. They should know that there is no such a thing as a free lunch. Somebody has to pay for it - in this case it will be the American taxpayers.

It would appear to some that the City of Naples was extending a helping hand to Everglades City, but let us look a little closer -

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The City of Naples is indeed extending its hand but with its palms up for the single and express purpose of getting a "hand-out." A hand-out coming from public funds which means from the tax money you and I have paid and which we, our children and our grand children will be obligated to pay in future years. Now who will benefit from this Federal grant if it is approved - Everglades City, yes, and I wholeheartedly endorse their effort but why should the City of Naples benefit merely because we agree that Everglades City needs federal funds to relieve their distressed City? Why should we assist a developer to complete a privately owned enterprise which he is well able to complete on his own? The Edgewater Beach Hotel project was begun before an application for HUD funds was applied for and you may rest assured that whatever funds are needed to complete the Hotel restoration project is available to him without resorting to federal funds. Mr. Never Fail admitted as much to the Naples Daily News.

The City of Naples does not qualify for these Federal funds except through the most transparently devious and dubious methods. The developer of the Hotel project has apparently convinced the City Manager, City Attorney and the 5 members of the City Council who were present

the City Council to approve of his plan which would allow him to receive millions of dollars - one tax dollar, at the incredibly low rate of $2\frac{1}{2}\%$ and would also create a windfall for the City of Naples to the tune of several million dollars.

It may be that the law governing the disposition of the U. S. A-G funds permits schemes of this sort to gain approval, but that does not mean it is proper for the City of Naples to be party to such a scheme. If we are not entitled to any federal grant because we do not qualify on our own we should not attempt to come in by the back door.

It is quite common these days to criticize the amount of money spent by the Federal Government on so-called "entitlement programs" and to suggest that because of our tremendous Federal debt and our ever-increasing annual ~~budget~~ ^{deficit} that some of these programs be ~~reduced~~ ^{reduced} or eliminated. Programs such as Medicare, Social Security, Student Loans, School lunches - and the list goes on. How can we criticize some of the alleged "welfare cheats" when we lend ourselves to a scheme which will take money allocated for the poor, the sick and the distressed. How is this an

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It comes in poor grace for a city as affluent as Naples to lend itself to a scheme which will allow our tax dollars to be diverted to our city which does not qualify for these monies and to a developer who does not need the money he is attempting to secure through using the good name of the City of Naples. There is a terrible odor arising from this proposal and it will not blow away nor can it be talked away.

The citizens of Naples and indeed of all Collier County should write to our elected representatives, local, county, state and Federal and tell them that the law as presently written apparently permits and almost invites the gross misuse of a Federal project which was designed to help "distressed areas" and "pockets of poverty".

I urge the defeat of the proposal before the Council. As it is presently constituted it does indeed resemble a "sleight of hand" trick, it not only "sounds unreal" it is unreal and unworthy of the good name of the City of Naples.

Hastily I submit that this Council does not have the right or the mandate to get involved with a questionable scheme which can only

5, ~~Is from attached~~

I ask that my statement be made a part of the record of this meeting. Attached to my statement will be copies of several articles which appeared in the Naples Daily News and copies of several letters to the editor published in the Naples Daily News. Further I shall send a copy of my statement to our local newspapers and to our elected representatives in the County, the state and to our United State Senators and to the Department of Housing and Urban Development.

As a man who loves his City I must admit. I am ashamed of the action taken in this matter. It is wrong! I know it, the City Council knows it and every decent citizen of Naples knows it.

Harry Lockchild.

Forum To Review Grant for Resort

By TODD HOLZMAN
Staff Writer

A rare meeting between officials of Collier County's only two incorporated cities is scheduled for Tuesday night and a \$4 million federal grant hangs in the balance.

At a 7 p.m. public hearing in the aging Everglades City Hall, Mayor Herman Askren and his five council members will greet a contingent of Naples officials led by City Manager Frank Jones.

Also on hand will be a condominium developer named Never Fail Jr.

JONES AND Fail have a simple goal: convince Everglades City to participate in a grant request that could fund urban renewal projects in both cities for the next three decades.

Fail wants the cities to work together to secure a \$4 million Urban Development Action Grant from

the the U.S. Department of Housing and Urban Development.

The money would be loaned to Fail at very low interest — in the neighborhood of 2.5 percent — as a final boost for his ongoing, \$19 million restoration of the Edgewater Beach Hotel on Gulf Shore Boulevard in Naples.

As Fail repays the loan, over the next 30 years, the interest and principle would be shared by the two cities, and used for urban development projects.

Everglades City's participation is critical. By itself, Naples does not qualify for the grant program.

BUT EVERGLADES City officials are skeptical, according to their part-time attorney, Naples resident Gene Lojewski.

Lojewski said Fail took Everglades City by surprise with his request, and an Aug. 31 filing deadline. (Please see GRANT, Page 2A)

Grant

line has created more pressure.

"(Everglades officials) are conservative by nature," he said. "Anything that requires them to make a quick decision goes against the grain of their conservatism."

Even so, Lojewski thinks an agreement may be reached.

"They're cautiously optimistic," he said. "This opens the door to them, since they don't have any projects that they could apply for grants with a reasonable chance of success."

If Everglades City agrees to participate in the grant request, Naples City Council will have a

final say on the matter Wednesday.

Fail has set a Dec. 1 opening date for the hotel, and told the Naples Daily News the project would be completed with or without the grant.

WORK ON the project started earlier this summer, and is proceeding quickly.

And while local officials scramble after "free" federal money, at least one HUD spokesman said the application sounded flimsy.

"We've got to make sure this is something that wouldn't happen otherwise," said Jack Flynn, speaking from HUD's Washington, D.C.,

office. "If we believe the project would go ahead anyway, we're going to say no."

"Generally, if there's a project under way, it's too late to submit a (grant) application," he added.

But he conceded there is no way

to tell what the federal government will do.

"On it's face, (the application) is not ineligibile," he said. "The stronger the connection to (Everglades City), the more plausible it would be."

Rare Sea Life Found

NEWPORT, Ore. (UPI) — Scientists in small submarines have found an oasis of sealife off the Pacific Northwest coast, including some previously unknown species and swarms of 5-foot-long worms

assembled a large wheat field. Researchers were surprised by the

Surveying the region in a 22-foot submarine, the "Alvin," the scientists made 16 dives to depths of over 2,300 meters and found several active volcanic vents, and