



City of Naples

Regular Meeting Aug. 15, 1984

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u> -MAYOR BILLICK - noted cake for City's 59th birthday -CITY MANAGER JONES - None			1 1
<u>RESOLUTIONS</u> -WITHDRAWN-Spec. Ex. Pet. 84-S9 <u>Cactus Flower's</u> request for staged entertainment -Approve <u>Var. Pet. 84-V10</u> - Permit constr. on 97.96' wide lot, 3535 <u>Gordon Drive</u> , Richard Lesson -Approve <u>Var. Pet. 84-V9</u> - Permit swimming pool w/reduced setback, 2555 10th St No, Dale Allem -Approve Preliminary & Final Plat - Pet. 84-SD1, <u>Elliot S/D</u> , Marina Dr -Appt. Sergio E.G.-Montes and Walter Keller to <u>Board of Appeals</u> -Accept esmt from <u>Moorings Park</u> for generator bldg -Approve <u>temporary use permit</u> to park <u>motorhome</u> at Arby's, 2390 Ninth St No, Wade A. Hohler -Auth. amendments to <u>City/County Water</u> agreement -POSTPONE designating <u>Collier County Historical Society</u> as official sponsor for 1985 <u>Centennial year</u> -Oppose closing <u>State Insurance Branch</u> in Ft Myers -Approve revised Consent Order between <u>DER</u> and City re completion of <u>WWTP</u>		84-____ 84-4520 84-4521 84-4522 84-4523 84-4524 84-4525 84-4526 84-____ 84-4527 84-4528	1 2 2 2 3 3 3 4 4 5 5
<u>ORDINANCES - First Reading</u> -Approve annexation of Lot 16, North Naples Estates & redefine City boundaries	84-____		3

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>---RESOLUTION 84-4520 ITEM 4-b</p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTIONS 5.2(E) AND 6(25) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REDUCING THE MINIMUM LOT REQUIREMENTS TO PERMIT CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 3535 GORDON DRIVE AND REDUCING THE DRIVEWAY EASEMENT REQUIREMENTS THEREFOR, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Richard Lesson, petitioner, noted he was present to answer any questions.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson	X		X		
Barnett		X	X		
Bledsoe			X		
Richardson					X
Schroeder			X		
Wood			X		
Billick			X		
(6-0)					
<p>---RESOLUTION 84-4521 ITEM 4-c</p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6 (35) (A) (1) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REDUCING THE REAR YARD SETBACK REQUIREMENTS TO PERMIT CONSTRUCTION OF A SWIMMING POOL AT A SINGLE-FAMILY RESIDENCE AT 2555 TENTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Martha Kinkaid, president of Old Naples Association, spoke for the Board of Directors of the Association in opposition to this petition. She cited their opinion that the hardship had been created by the petitioner when he built a porch before deciding to build the swimming pool. Mr. Anderson noted the Planning Advisory minutes which stated that the property abuts commercial property which mitigated the setback requirement. Mr. Schroeder responded that there were many pieces of residential property in similar circumstances and he suggested tightening the ordinance.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson	X		X		
Barnett		X	X		
Bledsoe			X		
Richardson					X
Schroeder					X
Wood			X		
Billick			X		
(5-1)					
<p>---RESOLUTION 84-4522 ITEM 4-d</p> <p>A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT AND THE FINAL PLAT FOR A PROPOSED SUBDIVISION TO BE KNOWN AS THE ELLIOTT SUBDIVISION, LOCATED AT 2255 MARINA DRIVE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>PUBLIC HEARING:</u> Opened - 9:36 a.m. Closed - 9:38 a.m.</p> <p>Ed Kant, representing the petitioner, spoke in support of this request. He noted agreement with City Attorney Rynders regarding notations to be added to the plat, one with regard to an easement and one with regard to the fact that there is no requirement for dedication of public open spaces or rights of way, since there are no parks or streets created by the subdivision.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
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	
<u>FIRST READING OF AN ORDINANCE</u> <u>ITEM 5</u>					
---ORDINANCE 84---					
AN ORDINANCE AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES RELATING TO THE BOUNDARIES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ANNEX LOT 16, NORTH NAPLES ESTATES TO THE CITY OF NAPLES AT THE REQUEST OF THE PROPERTY OWNERS AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY.					
Title read by City Attorney Rynders.					
City Manager Jones reviewed the location of the property and offered his opinion that the owners' motivation was to deal with only one agency during development of the property. He noted that the larger portion of the property was in the City. Michael Zewalk, resident of the North Naples Estates and member of the North Naples Civic Association, spoke in opposition to the proposed annexation. He stated his opinion that the proper procedures had not been followed. City Attorney Rynders cited Florida Statute 171.044 regarding voluntary annexation. Citizen Harry Rothchild addressed Council in opposition to the proposed annexation. He noted the petitioner's past failure to develop in accordance with City building codes.					
Anderson	X		X		
Barnett			X		
Bledsoe			X		
Richardson					X
Schroeder		X	X		
Wood			X		
Billick (6-0)			X		
MOTION: To APPROVE the ordinance as presented on First Reading. -----END FIRST READING-----					
---RESOLUTION 84-4523 <u>ITEM 6</u>					
A RESOLUTION REAPPOINTING SERGIO E.G. MONTES AND WALTER KELLER TO THE BOARD OF APPEALS; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
MOTION: To ADOPT the resolution as presented.					
Anderson			X		
Barnett		X	X		
Bledsoe			X		
Richardson					X
Schroeder			X		
Wood	X		X		
Billick (6-0)			X		

---RESOLUTION 84-4524 <u>ITEM 7</u>					
A RESOLUTION ACCEPTING AN EASEMENT FROM MOORINGS PARK, INC. FOR CONSTRUCTION OF A GENERATOR BUILDING; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
City Manager Jones explained that providing a generator in this area would allow the City water system to be self-sustaining in the event of a hurricane disaster.					
MOTION: To ADOPT the resolution as presented.					
Anderson		X	X		
Barnett			X		
Bledsoe			X		
Richardson					X
Schroeder			X		
Wood	X		X		
Billick (6-0)			X		

---RESOLUTION 84-4525 <u>ITEM 8</u>					
A RESOLUTION GRANTING WADE A HOHLER A TEMPORARY USE PERMIT TO PARK HIS MINI-MOTOR HYE BEHIND ARBY'S RESTAURANT AT 2390 NINTH STREET NORTH FOR A PERIOD OF THREE MONTHS, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
MOTION: To ADOPT the resolution as presented.					
Anderson			X		
Barnett			X		
Bledsoe	X		X		
Richardson					X
Schroeder			X		
Wood			X		
Billick (6-0)			X		

COUNCIL MEMBERS

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

---RESOLUTION 84-4526

ITEM 9

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE AGREEMENT DATED OCTOBER 16, 1977, BETWEEN THE CITY OF NAPLES, COLLIER COUNTY AND THE COUNTY WATER-SEWER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mr. Anderson confirmed that the County had approved the agreement. In response to a question from Mr. Wood, City Manager Jones noted that the money to be refunded to the County had been kept in a reserve account and there would be no impact on the City's finances. Mr. Schroeder stated his opinion that amendment No. 7 in the agreement attached to the resolution was not specific enough regarding the source of the figure to be used as an interest rate. After discussion, it was the consensus of Council to adopt the resolution and agreement and direct the City Attorney and the City Manager to work with the County staff to develop more specific language for amendment No. 7. City Manager Jones noted that B+K on the first page of the agreement should be (B+K). In response to questions from citizen Harry Rothchild, City Attorney Rynders explained that meetings between a member of the City Council and the County Commission were not in violation of the Sunshine law. City Manager Jones also explained how the \$700,000 to be refunded had been calculated over the period of time since the beginning of the agreement in 1977 and as agreed to through recent negotiations. The City Manager did recommend that the amount to be refunded to the County including the interest be incorporated in the body of the proposed resolution. Mr. Schroeder suggested that the total amount be in the resolution rather than a breakdown.

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

X

X

X

X
X
X
X
X
X

X

MOTION: To ADOPT the resolution as amended to include the lump sum to be refunded to the County.

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---RESOLUTION 84-

ITEM 10

A RESOLUTION DESIGNATING THE COLLIER COUNTY HISTORICAL SOCIETY AS THE OFFICIAL SPONSOR OF CENTENNIAL YEAR (1985); AND PROVIDING AN EFFECTIVE DATE.

Title not read.

City Attorney Rynders noted that a resolution had been prepared; however, he further noted City Manager Jones' recommendation (Attachment #4) to listen to the presentation and postpone any action until the next meeting. Charles Dauray, Jr., chairman of the Collier County Historical Society, explained the Society's intentions of forming a Naples Centennial Commission, Inc. to organize several activities throughout 1985 for a centennial celebration. He added that they had not filed the corporation papers with the Secretary of State, pending the City's approval of a resolution of support designating them as the sole sponsor for these centennial activities. Mr. Dauray suggested that established annual activities could participate by using the word "Centennial" along with their usual designations. He further stated that there was no intention to ask for public funds for any of the projects. Mayor Billick asked that Mr. Dauray meet with the City Manager or his designee and provide more information about the type of activities planned and the possible members of the proposed commission so that Council could review the matter at the next meeting. It was the consensus of Council to postpone any action until the next meeting.

*** **

COUNCIL MEMBERS	MOTION	SECTION	Y N		A B S E N T
			O S	O	
	***	***	***		
	Mr. Bledsoe left the Council chambers - 10:35 a.m.				
	***	***	***		
	---RESOLUTION 84-4527	ITEM 11			
	A RESOLUTION OPPOSING THE CLOSING OF THE STATE INSURANCE BRANCH OFFICE IN FT. MYERS; URGING THE STATE LEGISLATURE AND THE STATE INSURANCE COMMISSIONER'S OFFICE TO RECONSIDER THEIR ACTIONS WITH REGARD THERETO; AND PROVIDING AN EFFECTIVE DATE.				
	Title read by City Attorney Rynders.				
	Mr. Schroeder read a copy of an editorial broadcast by Palmer Cablevision on August 6, 1984(Attachment #5). He further estimated the approximate cost of trips to Miami made necessary by closing the Fort Myers office to be \$360,000 a year. He suggested that the approved resolution and a copy of the editorial be forwarded to State Representative Mary Ellen Hawkins, the Governor, and the State Insurance office.	Anderson Barnett Bledsoe Richardson Schroeder Wood Billick (5-0)	X X X X X X		X X
	MOTION: To ADOPT the resolution as presented.				
	***	***	***		
	---RESOLUTION 84-4528	ITEM 12			
	A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSENT ORDER, AS REVISED, BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION AND THE CITY OF NAPLES, RELATING TO THE COMPLETION SCHEDULE FOR THE CITY'S WASTEWATER TREATMENT PLANT PROJECT; AND PROVIDING AN EFFECTIVE DATE.				
	Title read by City Attorney Rynders.				
	City Attorney Rynders noted his memorandum dated August 9, 1984 (Attachment #6) and recommended adoption of the resolution. In answer to a question from Mr. Anderson, the City Attorney concurred that this did not change the schedule of engineering, it was just a change in deadlines by the Department of Environmental Regulations.	Anderson Barnett Bledsoe Richardson Schroeder Wood Billick (5-0)	X X X X X X		X X
	MOTION: To ADOPT the resolution as presented.				
	***	***	***		
	CORRESPONDENCE & COMMUNICATIONS - None				
	***	***	***		
	ADJOURN: 10:40 a.m.				
	<i>Janet Cason</i> Janet Cason City Clerk	<i>Stanley R. Billick</i> Stanley R. Billick, Mayor			
	<i>Ellen Marshall Weigand</i> Ellen Marshall Weigand Deputy Clerk				
	These minutes of the Naples City Council approved 09/05/84				

Supplemental Attendance List - Regular Meeting, August 15, 1984

Reverend Don Houser
Garland Harris
James Rawlings
Michael Zewalk
Charles Andrews
Dale Allem
Robert Hines

Bill Hill
Tish Gray
Margaret Peters
Mr. & Mrs. Lesson
Herbert Lund
Mrs. Schugar
Mrs. Roberts
Martha Kinkaid

Robert Russell
Harry Rothchild
Dr. Floyd Peterson
Jim McGrath
Charles Dauray
Wade A. Hohler
Bob Wallace
Ed Kant

News Media

Dorothy Yacabocci, TV-9
Kris Kucha, TV-9
Jerry Pugh, TV-9
Mary Armbruster, WEVU, TV-26

Caroline Bischoff, Naples Star
Todd Holzman, Naples Daily News
Tom Morgan, Naples Sun
Beverly Cameron, WINK, TV-11
John Moore, WINK, TV-11

Other interested citizens and visitors.

250

1 M GARLAND HARRIS - 1300 GULF SHORE BLVD (N) THE DEL MAR CLUB

1 THIS PETITION 84-59 BY THE CACTUS FLOWER RESTAURANT IS WITHOUT MERIT
 THEY NOW HAVE STAGED ENTERTAINMENT IN THE BAR AND LOUNGE SECTION
 MANAGEMENT WISHES TO EXPAND THE NUMBER OF PERFORMERS AND INSTRUMENTS
 MANAGEMENT EMPHATIZES AND CATERS TO LATE NIGHT BUSINESS
 THEIR ADVERTIZED SECOND HAPPY HOUR, 11 PM TO 1 AM TOGETHER WITH THIS ENTERTAINMENT
 IS CONTRIBUTORY TO THE NOISE PROBLEM WE TAXPAYING RESIDENTS ARE ~~ARE~~ SUBJECTED
 THE 2 FOR 1 DRINKS AT LATE NIGHT IS THE ^{basic} CAUSE OF OUR DISCOMFORT BY THE PATRONS
 WHEN OTHER PLACES IN TOWN CLOSE FOR THE NIGHT THEIR CUSTOMERS AND EMPLOYEES FLOCK
 TO THE CACTUS FLOWER BECAUSE OF 2 FOR 1 DRINKS AND ENTERTAINMENT
 WITHOUT THIS SUBSIDY THEY WOULD NOT COME AND THE RESIDENTIAL COMMUNITY COULD
 ENJOY THE QUIET AND PEACEFUL NIGHTS TO WHICH WE ARE ENTITLED.

2 THE FEDERAL GOV'T, AND STATE AND LOCAL OFFICIALS THROUGHOUT THE COUNTRY ARE TAKING
 A DIM VIEW OF THE DANGERS OF ALCOHOL AS A RESULT OF ABUSES,
 NEW JERSEY HAS BANNED 2 FOR 1 DISCOUNTS; NEW YORK LIQUOR COMMISSION IS CONSIDERING
 A BAN ON BARROOM SPECIALS; 3 MASSACHUSETTS ^{TOWNS} HAVE BANNED HAPPY HOURS AND THE
 STATE OFFICIALS HAVE PROPOSED A BAN ON ~~ON~~ HAPPY HOURS AND OTHER GIMMICKS
 USED BY BARS TO ATTRACT CUSTOMERS. SPRINGFIELD COUNCIL IS CONSIDERING SUCH
 A BAN

3 THE CITY OF NAPLES SHOULD FOLLOW THE LEAD AND OUTLAW 2 FOR 1 DRINKS PARTICULARLY
 AS BEING DONE BY THE CACTUS FLOWER FROM 11 PM TO 1 AM
 ON APRIL 12TH I HAND CARRIED A LETTER TO YOUR SECRETARY MR. MAYOR, FOR DELIVERY
 TO YOU, MEMBERS OF COUNCIL AND THE CITY MANAGER AND HIS STAFF, SETTING FORTH
 OUR GRIEVANCES AND THE CAUSES RELATING TO THE CACTUS FLOWER OPERATION,
 ON MAY 15TH AREA REPRESENTATIVES OF RESIDENTIAL CLUBS AND OFFICERS OF COQUINA SANDS
 ASSN MET WITH MR. JONES AND HIS STAFF RESPECTING THE NOISE PROBLEM
 I WAS AMAZED WHEN THE CITY ATTORNEY ^{in p. 116d} ~~STATED~~ CHAPTER 14 OF THE CODE OF CITY ORDINANCE
 ENTITLED "NOISE" WAS OF LITTLE VALUE AND UNENFORCEABLE

I WOULD SUGGEST THAT BEFORE THIS BECOMES WIDELY KNOWN THAT THE ORDINANCE BE
 RESTRUCTURED TO BE ENFORCEABLE BEFORE WE THE PEOPLE ARE SUBJECTED TO MORE AND
 VARIOUS NUISANCES

4 THIS ESTABLISHMENT IS FLANKED ON 3 SIDES BY RESIDENTIAL CLUBS AND HOMES
 ALL WERE CONSTRUCTED AND OCCUPIED PRIOR TO THE GRANTING OF THIS LICENSE TO OPERATE
 A BAR AND LOUNGE FOR LATE NIGHT BUSINESS
 THE OCCUPATIONAL LICENSE COMES UP FOR RENEWAL IN OCTOBER. WE DO NOT OBJECT
 TO THE RESTAURANT OPERATION, IT IS THE BAR AND LOUNGE ACTIVITY AFTER 11 PM
 CAUSED BY THIS HAPPY HOUR COME-ON ^{to which we object}

MR. MAYOR AND MEMBERS OF COUNCIL PLEASE RE-READ MY LETTER OF APRIL 11TH AND OTHERS
 IN YOUR FILES ON THIS NOISE PROBLEM AND INSTRUCT THE CITY MANAGER TO BE
 RESTRICTIVE ON THE ISSUANCE OF THE LICENSE AT TIME OF RENEWAL

THE COUNTY COMMISSION JUST RECENTLY DENIED AN ESTABLISHMENT A PERMIT FOR LIVE
 ENTERTAINMENT BECAUSE OF DISTURBING EFFECTS TO AREA RESIDENTS

5 MR. MAYOR, I WILL HAND THE CLERK PETITIONS OF 8 RESIDENTIAL CLUBS BEARING 247
 SIGNATURES SEEKING RELIEF OF THIS NOISE PROBLEM CAUSED BY THE CACTUS FLOWER
 PATRONS AND REQUEST THESE BE MADE A PART OF THE OFFICIAL RECORDS

THE COQUINA SANDS ASSN IS LIKEWISE DEEPLY CONCERNED ABOUT THIS MATTER BECAUSE
 OF NUMEROUS COMPLAINTS RECEIVED BY ITS OFFICERS

(A)

BY ORDINANCE COUNCIL DOES NOT ~~not~~ ALLOW
 PERSONS "HOOP AND HOLLER" IN LOUDERMILK
 PARK AT THIS HOUR. WHY IS IT PERMITTED
 300' AWAY IN THE SAME RESIDENTIAL
 area

Handwritten notes:
 8/11/51
 11/11/51
 1/11/52
 3/11/52
 5/11/52
 7/11/52
 9/11/52
 11/11/52
 1/11/53
 3/11/53
 5/11/53
 7/11/53
 9/11/53
 11/11/53

RESOLUTION

We, the undersigned residents and unit owners of the Colonial Club Association, a condominium located at 1275 Gulf Shore Boulevard, North, in Naples, wish to affirm our opposition to, and petition the duly authorized public boards having jurisdiction over the matter, not to permit the application of the Cactus Flower Restaurant, located at 1400 Gulf Shore Boulevard, North, for changes in zoning regulations which would allow the said Cactus Flower Restaurant to engage in or otherwise use live and/or loud entertainment within the confines of the restaurant property or area contingent thereto.

The members of the Colonial Club Association have predicated their opposition on the following facts:

1) A large majority of residents in the area are elderly people who have no interest in participating in or listening to such entertainment. These residents are, for the most part, happy to have the restaurant, as such, serve food and drinks in connection with such food, and many of these residents do, on occasion, patronize the restaurant for this purpose.

2) The entertainment envisaged will introduce new and undesirable noises of varied volume of decibels and at late hours, and such noises will be disturbing to the sleep and comfort and peace of the residents of the area, especially those who sleep with open windows in order to enjoy the healthful atmosphere of Naples.

3) The addition of entertainment would be in the nature of "night club", and this would introduce additional and heavy and noisy automobile, motorcycle and other traffic which will also disturb the peace, tranquility and order within our area.

NOW THEREFORE BE IT RESOLVED that the authorities involved in permitting or denying the use of the Cactus Flower Restaurant as a place of entertainment should permanently deny permission for use of the property it currently occupies for that purpose.

Signed this 4th day of April, 1984, in Naples, Florida:

J. Butters President. *Harold W. Weber* Secretary

Jess Perry - VICE PRESIDENT

Owner-members of the Colonial Club Association:

- | | | |
|----------------------------|---------------------------|-----------------------|
| 101 Mrs Philip B Harris 30 | 101 Gretchen Peterson 501 | <i>John F. St...</i> |
| 102 Linda Pregill | | |
| 103 Mrs. Carl Whitford 30 | 502 | |
| 201 Mrs. John Bibby 30 | 303 Mary A. Gillies 503 | <i>Jane St...</i> |
| 202 Ellen Olson 40 | 1 Mrs. Mrs. Hamilton 601 | <i>J. D. Thompson</i> |
| 203 Lucy A. Hunter 40 | 2 Mrs. Amelia Rover 602 | <i>Wm. H. Brady</i> |
| | 403 Gae Weber 603 | <i>Sarah Perry</i> |

PETITION

WE ARE the property owners and/or residents of the various residential developments surrounding Gulf Shore Square, which contains the restaurant/lounge known as the CACTUS FLOWER, located at 1400 Gulf Shore Boulevard North, Naples, Florida.

Nightly entertainment is provided at the CACTUS FLOWER. Regularly in the past, and up to the present time, a great deal of noise and disturbance has existed during the evening hours, up to and after 2:00 A.M. closing time of the CACTUS FLOWER. These disturbances are caused primarily by the conduct of CACTUS FLOWER patrons as they arrive and leave the establishment during the evening. The disturbances are further aggravating because of the late evening hours, thereby interfering with the peace and quiet of residents, particularly during regular sleeping hours.

WE HEREBY strenuously object to the approval of any Special Exception or Variance petition on behalf of the CACTUS FLOWER for any expansion or increase in the type of entertainment provided by the CACTUS FLOWER.

Our objections are based on the current level of disturbance to residents of homes in the neighborhood, and the anticipated increase in traffic, congestion and disturbance which would be caused by an expansion of any staged entertainment at the CACTUS FLOWER.

RESPECTFULLY SUBMITTED,

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Edna J. Raithel</u>	<u>Del Mar 501</u>
2. <u>[Signature]</u>	<u>Del Mar 401</u>
3. <u>H. C. Harris</u>	<u>Del Mar Club 401</u>
4. <u>Carleton J. Davis</u>	<u>Del Mar Club 203</u>
5. <u>Earl Davis</u>	<u>Del Mar Club 303</u>
6. <u>Thelma B. Harlow</u>	<u>Del Mar Club 505</u>
7. <u>Janet E. Stanley</u>	<u>Del Mar Club 109</u>
8. <u>W. Lloyd Peters</u>	<u>Del Mar Club 410</u>
9. <u>Constance C. [Signature]</u>	<u>Del Mar Club 110</u>
10. <u>Engene W. [Signature]</u>	<u>Del Mar Club 110</u>
11. <u>Herbert D. Lind</u>	<u>Del Mar Club 300</u>
12. <u>Ellis Lind</u>	<u>Del Mar Club 300</u>
13. <u>[Signature]</u>	<u>Del Mar Club 504</u>
14. <u>Margaret Peters</u>	<u>Del Mar Club 410</u>
15. <u>W. George Babcock</u>	<u>Del Mar Club 507</u>
16. <u>[Signature]</u>	<u>Del Mar Club 767</u>
17. <u>Mary Lewis Tische</u>	<u>Del Mar Club 709</u>
18. <u>Edna B. Atten</u>	<u>Del Mar Club 405</u>

19.	<u>William C Allen</u>	<u>Del Mar Club 405</u>
20.	<u>Leona K Binder</u>	<u>Del Mar Club 407</u>
21.	<u>John P. King</u>	<u>Del Mar 409</u>
22.	<u>Maria P. Knox</u>	<u>Del Mar Club 409</u>
23.	<u>J. Reynolds</u>	<u>Del Mar Club 411</u>
24.	<u>Mary M. Sargent</u>	<u>Del Mar Club 305</u>
25.	<u>Mary Sargent</u>	<u>Del Mar Club 305</u>
26.	<u>Virginia Kerner</u>	<u>Del Mar Club 205</u>
27.	<u>C. P. Swafford</u>	<u>Del Mar Club 103</u>
28.	<u>Betty E. Harwood</u>	<u>Del Mar Club 706</u>
29.	<u>John P. Harwood</u>	<u>Del Mar Club 706</u>
30.	<u>Suee Hobb</u>	<u>Del Mar Club 704</u>
31.	<u>Charles Hobb</u>	<u>Del Mar Club 704</u>
32.	<u>Mary C. Delahanty</u>	<u>Del Mar Club 500</u>
33.	<u>Elizabeth J. Delahanty</u>	<u>Del Mar Club 402</u>
34.	<u>R. O. Kulex</u>	<u>Del Mar Club 402</u>
35.	<u>Mary E. Dawson</u>	<u>Del Mar Club 200</u>
36.	<u>Midge Paschak</u>	<u>Del Mar Club 206</u>
37.	<u>Walter Curtis</u>	<u>Del Mar Club 208</u>
38.	<u>Pauline Paschak</u>	<u>Del Mar Club 206</u>
39.	<u>Margaret Storey</u>	<u>Del Mar Club 209</u>
40.	<u>Matthew J. Storey</u>	<u>Del Mar Club 209</u>
41.	<u>Jessie Burdick</u>	<u>Del Mar Club 108</u>
42.	<u>Mary Jane Burdick</u>	<u>Del Mar Club 108</u>
43.	<u>Fred M. Paschak</u>	<u>" " "</u>
44.	<u>Wery is Deeffner</u>	<u>" " " 104</u>
45.	<u>Jack & Alice Case</u>	<u>" " " 104</u>
46.	<u>Francis Zaal</u>	<u>Del Mar Club</u>
47.	<u>David F. Biensch</u>	<u>Del Mar Club 602</u>
48.	<u>F. Schreck</u>	<u>" " " 302</u>
49.	<u>Halene B. Schreck</u>	<u>" " " 302</u>
50.	<u>William C. Hansen</u>	<u>Del Mar Club</u>
51.	<u>Bert Hansen</u>	<u>Del Mar Club</u>
52.	<u>Victory J. Delahanty</u>	<u>Del Mar Club Apt 500</u>
53.	<u>Constance H. Greer</u>	<u>Del Mar Club Apt 506</u>

PETITION

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RESPECTFULLY SUBMITTED,

	<u>NAME</u>	<u>ADDRESS</u>
1.	<u>Maxine Savery</u>	<u>Del Mar Club</u> <u>1300 Gulfshore</u>
2.	<u>Jean Shuger</u>	<u>Del Mar Club</u>
3.	<u>Leonor Smith</u>	<u>" "</u>
4.	<u>Russ Kradet</u>	<u>" "</u>
5.	<u>Helen Parsons</u>	<u>" "</u>
6.	<u>Virginia P. Bonfield</u>	<u>Del Mar Club</u>
7.	<u>Jane Robinson</u>	<u>Del Mar Club</u>
8.	<u>Ethel S. Mackay</u>	<u>" " "</u>
9.	<u>Alma A. Parker</u>	<u>100 Del Mar Club</u>
10.	<u>M. D. ...</u>	<u>510 Del Mar</u>
11.	<u>Walter B. Krupp</u>	<u>703 Del Mar Club</u>
12.	<u>Frances D. Krupp</u>	<u>700 " " "</u>
13.	<u>Magella ...</u>	<u>Del Mar Club</u>
14.	<u>...</u>	<u>" " "</u>
15.	<u>...</u>	<u>" " "</u>
16.	<u>...</u>	<u>" " "</u>
17.	<u>...</u>	<u>" " "</u>
18.	<u>...</u>	<u>" " "</u>

- 19. Ruth Buelton Del Mar Club apt 607
- 20. ~~Vivian [unclear]~~ Del Mar Club
- 21. ~~[unclear]~~ Del Mar Club
- 22. ~~Camille Elliott~~ Del Mar Club
- 23. ~~Gayle K. [unclear]~~ Del Mar Club
- 24. ~~Tanya [unclear]~~ Del Mar Club
- 25. ~~Ellen [unclear]~~ " " " 710
- 26. ~~[unclear]~~ " " " "
- 27. ~~Leona Bennett~~ Del Mar Club
- 28. ~~Donald Bennett~~ Del Mar Club
- 29. ~~Wendy [unclear]~~ Del Mar Club 105
- 30. ~~Charles M. [unclear]~~ " " " 603
- 31. ~~Florence [unclear]~~ Del Mar #306
- 32. ~~Hank W. [unclear]~~ Del Mar 211
- 33. ~~Joseph A. [unclear]~~ Del Mar Club #703
- 34. ~~Betty Rawlings~~ Del Mar Club #601
- 35. ~~Jane Rawlings~~ Del Mar Club #601
- 36. ~~Stephen K. [unclear]~~ Del Mar Club #609
- 37. ~~Ruth H. [unclear]~~ Del Mar Club #609
- 38. ~~W.C. [unclear]~~ Del Mar Club #353
- 39. ~~Ruth [unclear]~~ Del Mar Club 303
- 40. ~~Robert [unclear]~~ Del Mar Club - 511
- 41. ~~Carl [unclear]~~ Del Mar Club 511
- 42. ~~George [unclear]~~ Del Mar #711
- 43. ~~C.H. [unclear]~~ Del Mar #503
- 44. ~~Ruth [unclear]~~ Del Mar #211
- 45. ~~[unclear]~~ Del Mar #503
- 46. ~~Mary [unclear]~~ Del Mar #103
- 47. ~~[unclear]~~ Del Mar #702
- 48. ~~[unclear]~~ Del Mar #702
- 49. ~~[unclear]~~ Del Mar #101
- 50. ~~[unclear]~~ Del Mar #101
- 51. ~~[unclear]~~ Del Mar #101
- 52. ~~[unclear]~~ Del Mar #704
- 53. ~~[unclear]~~ Del Mar #504

THE CALUSA CLUB

PETITION

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RESPECTFULLY SUBMITTED,

NAME

ADDRESS

- 1. Richard O. Lykes 234 Banyan Blvd.
- 2. Bob C. Lier 226 BANYAN BLVD.
- 3. J. Anne S. Rice 226 Banyan Blvd.
- 4. Karatty J. Robert 218 Banyan Blvd.
- 5. Franklin M. Robert 218 BANYAN BLVD.
- 6. North C. Lykes 234 Banyan Blvd.
- 7. Charles B. Rimmer 220 Banyan Blvd.
- 8. Allen N. Mefford 212 Banyan Blvd.
- 9. William H. Mefford 212 Banyan Blvd.
- 10. William H. Foreman 232 Banyan Blvd.
- 11. Mr. W. W. Foreman 232 Banyan Blvd.
- 12. Helen S. Green 222 Banyan Blvd.
- 13. Alice S. LaBrecque 242 Banyan Blvd.
- 14. Mary Ann Kessom 220 Banyan Blvd.
- 15. Mary J. Kessom 216 Banyan Blvd.
- 16. F. J. Kessom (LaBrecque Blvd) 246 Banyan Blvd.
- 17. Bulaya M. Kessom 242 Banyan Blvd.
- 18. Robert M. Kessom 242 Banyan Blvd.
- F. H. Kessom 250 Banyan Blvd.

- 19. Fred H. Lippucci #238 Banyan Blvd
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____
- 26. _____
- 27. _____
- 28. _____
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RESPECTFULLY SUBMITTED,

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Lawrence D. Terry</u>	<u>296 Banyan Blvd Naples 33940</u>
2. <u>Mr & Mrs K.T. Johnson</u>	<u>278 Banyan Blvd. Naples 33940</u>
3. <u>Mr. & Mrs. Ted Whelan</u>	<u>258 Banyan Blvd " "</u>
4. <u>Joan O'Connell</u>	<u>284 Banyan Blvd. 33940</u>
5. <u>Mr. & Mrs. W. Bahl</u>	<u>270 Banyan Blvd.</u>
6. <u>Evelyn B. Harkins</u>	<u>280 Banyan Blvd.</u>
7. <u>Tom Dahfen</u>	<u>274 Banyan Blvd</u>
8. <u>RK Pelton</u>	<u>292 Banyan Blvd</u>
9. <u>Shirley Trafen</u>	<u>286 Banyan Blvd</u>
10. <u>Muri H. Howell</u>	<u>298 Banyan Blvd</u>
11. <u>Sally Zink</u>	<u>282 Banyan Blvd.</u>
12. <u>Josephine Perry</u>	<u>296 Banyan Blvd</u>
13. <u>Delores G. Ross</u>	<u>288 Banyan Blvd.</u>
14. <u>Ann Ross</u>	<u>288 Banyan Blvd.</u>
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____

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RESPECTFULLY SUBMITTED, *Owners of*
Coquina Cove
Condominium
ADDRESS

NAME

- | | | |
|-----|-----------------------|-------------------------|
| 1. | <u>Wm M. Balf</u> | <u>261 Banyan Blvd.</u> |
| 2. | <u>Esther G. Ball</u> | <u>261 Banyan Blvd.</u> |
| 3. | <u>Laura R. Bond</u> | <u>261 Banyan Blvd.</u> |
| 4. | <u>Edward Wolfe</u> | <u>261 Banyan Blvd.</u> |
| 5. | <u>John Myranda</u> | <u>261 Banyan Blvd.</u> |
| 6. | <u>A F Quinter</u> | <u>261 Banyan Blvd.</u> |
| 7. | <u>John Myranda</u> | <u>261 Banyan Blvd.</u> |
| 8. | _____ | _____ |
| 9. | _____ | _____ |
| 10. | _____ | _____ |
| 11. | _____ | _____ |
| 12. | _____ | _____ |
| 13. | _____ | _____ |
| 14. | _____ | _____ |
| 15. | _____ | _____ |
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| 17. | _____ | _____ |
| 18. | _____ | _____ |

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RESPECTFULLY SUBMITTED,

NAME THE ADDRESS
LAURENTIAN'S CLUB

1. Rose R Dale 1285 Gulf Shore Blvd. N, Naples, FL
2. Gerald Grant Jr 1285 Gulf Shore Blvd N, Naples
3. Mary W. Clark 1285 Gulf Shore Blvd N, Naples, Fla.
4. Elaine L. Doherty 1285 Gulf Shore Blvd. N. Naples Fla.
5. Marion Bowen 1285 Gulf Shore Blvd N Naples
6. Josephine W. Blair 1285 Gulf Shore Blvd. N. Naples
7. Miss J. Monaghan 1285 Gulf Shore Blvd N Naples
8. Steph A. Hablen 1285 Gulf Shore Blvd. N. Naples
9. Cecybeth C. Hartman 1285 Gulf Shore Blvd No Naples
10. Mary G. Dotte 1285 Gulf Shore Blvd N.
11. W. J. Sanders. 1285 Gulf Shore Blvd N.
12. Ruth S. Beaman 1285 Gulf Shore Blvd No
13. John P. Bean 1285 Gulf Shore Blvd. Fla.
14. Mrs. E. J. ... 1285 Gulf Shore Blvd. No.
15. Mary M. ... 1285 Gulf Shore Blvd. No.
16. Virginia B. ... 1285 Gulf Shore Blvd. N.
17. _____
18. _____

OWNERS - PLEASE

READ

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RESPECTFULLY SUBMITTED,

NAME

THE LAURENTIANS CLUB

ADDRESS

- | | | |
|-----|----------------------|---------------------------------|
| 1. | C. BURT HOLMES | 1285 GULFSHORE BLVD. NO. NAPLES |
| 2. | E. M. Craft | 1285 Gulfshore Blvd. No. Naples |
| 3. | Anne Day Holden | 1285 " " " " " |
| 4. | R. S. Erickson | " " " " " |
| 5. | J. H. Curtis | 1285 GULF SHORE BLVD. NO. " |
| 6. | Esther V. Cronin | 1285 Gulf Shore Blvd N |
| 7. | Maryb. Kelly | 1285 Gulf Shore Blvd No |
| 8. | Walter R. Lushington | " " " " |
| 9. | Fred Heffel | " " " " |
| 10. | J. F. Curbieth | " " " " |
| 11. | Mary J. Krause | " " " " |
| 12. | N. Pauline Curtis | " " " " |
| 13. | M. L. Cronin | " " " " |
| 14. | M. L. Erickson | " " " " |
| 15. | Bea Stamped | " " " " |
| 16. | R. L. Tolford | " " " " |
| 17. | Mrs. Fred Heffel | " " " " |
| 18. | Lee M. Craft | " " " " |
| | C. J. McFarlane | " " " " |
| | Wm. T. Higgs | 1285 GULF SHORE IC |

262

Ocean Terrace Condominium Association, Inc.

1500 Gulf Shore Boulevard

Naples, Florida 33940

March 26, 1984

Re: Cactus Flower Resturant
1400 Gulf Shore Blvd. N.
Naples, Florida 33940

Dear Sir:

It has come to our attention that the Cactus Flower Resturant has applied for permit to have Live Band Entertainment.

We strongly oppose the City of Naples granting such a permit. The fact that Naples requires a special permit for Live Band Entertainment would indicate that not all locations would be appropriate for this activity. Considering that all surrounding property is zoned residential, we can not imagine the introduction of Live Band Entertainment being appropriate here.

The facts are that Gulf Shore Square (Cactus Flower Resturant) is located in the midst of an otherwise totally residential setting. Since this new business opened approximately three months ago, there has been a major change in the night time atmosphere in this neighborhood. The one piece music entertainment that they have been offering has been heard within residential living units at our address. In addition to the one piece music they have huge speakers which put out such a loud noise that it is heard within the units at our address with the windows closed. The outside patio speakers only add to the noise problem. The results are such that it has been very unpleasant to say the least. Imagine trying to go to sleep with loud music coming through your windows.

The additional traffic and related noises of people coming and going, talking and laughing plus foul language at times, and the starting of motorcycles and Vans, we believe will lead to very serious problems for the future. Granting a special permit for a Live Band at Cactus Flower Resturant would be an irresponsible act at this location.

Ocean Terrace Condominium Association, Inc.

1500 Gulf Shore Boulevard
Naples, Florida 33940

In talking with several Police Officers, we have been told that most of the night time problems in our area result from actions by people coming into the area that don't live here. We believe that granting this special permit will cause this situation to worsen.

We have talked to property owners in the surrounding residences and find that they share these same feelings and concerns.

We will appreciate your careful consideration of this most serious matter and trust that you act to protect our rights to peace and quiet and our property values.

Sincerely,



Wyman A. Suits
Secretary-Treasure
Ocean Terrace Condo. Association
of Naples, Florida Inc.
1500 Gulf Shore Blvd. N.

263-7169

Bob Davison

261-1903

MR. ROGER BARRY
COMMUNITY DEVELOPMENT DIRECTOR
735 8th STREET SOUTH
ROOM 216
NAPLES FLORIDA 33940

MAYOR STANLEY BILICK
590 REGATTA RD.
NAPLES FLORIDA 33940

R.B. ANDERSON
CITY COUNCILMAN
11 SABRE CAY
NAPLES FLORIDA 33940

W.H. SCHROEDER
CITY COUNCILMAN
710 STARBOARD DR.
NAPLES FLORIDA 33940

KENNETH WOOD
CITY COUNCILMAN
1942 KINGFISH RD.
NAPLES FLORIDA 33962

LYLE RICHARDSON
CITY COUNCILMAN
1525 BONITA LANE
NAPLES FLORIDA 33962

WILLIAM BLEDSOE
CITY COUNCILMAN
801 SPY GLASS LANE
NAPLES FLORIDA 33940

WILLIAM BARNETT
CITY COUNCILMAN
THE COMMONS BUILDING
720 GOOLETTE RD.
NAPLES FLORIDA 33942



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: CITY CENTENNIAL OBSERVANCE
DATE: AUGUST 10, 1984

Although this item was requested by the Collier County Historical Society, they have not forwarded any further information concerning the request. I would recommend that following presentation to the Council on Wednesday, the staff be directed to review the proposal and return at a subsequent meeting with their recommendation.

Sincerely,
Franklin C. Jones
Franklin C. Jones
City Manager

FCJ/tan

266 PALMER COMMUNICATIONS CENTRE

333 Eighth Street South • Naples, Florida 33940

EDITORIAL - MONDAY, AUGUST 6, 1984

THERE'S BEEN A CASUALTY CAUSED BY THE STATE LEGISLATURE'S COST-CUTTING PROGRAM WHICH AFFECTS US IN SOUTHWEST FLORIDA. IT'S THE STATE INSURANCE BRANCH OFFICE IN FT MYERS, WHICH WILL BE PERMANENTLY CLOSED IN LATE SEPTEMBER. THIS OFFICE HAS COUNSELED THE RESIDENTS OF GLADES, HENDRY, CHARLOTTE, LEE AND COLLIER COUNTIES ON INSURANCE CLAIMS FOR OVER 25 YEARS.

APPROXIMATELY 1,500 PEOPLE PER MONTH ARE ASSISTED WITH THEIR INSURANCE CLAIMS.. AND THIS NUMBER INCREASES CONSIDERABLY DURING THE WINTER MONTHS. FURTHERMORE, THE AVERAGE RECOVERY RATE FOR THESE CLAIMS TOTALS ABOUT \$38,000 MONTHLY. THE MAJORITY OF THESE CLAIMS REPRESENT PROBLEMS SENIOR CITIZENS EXPERIENCE WITH MEDICARE INSURANCE PROCESSING.

WE PROFOUNDLY REGRET THE LEGISLATURE'S DECISION. WHEN THE FT. MYERS OFFICE IS CLOSED, PEOPLE WILL BE ABLE TO USE A TOLL-FREE NUMBER TO CALL FOR HELP. BUT WITH THE QUANTITY OF PAPERWORK AND DETAILS INVOLVED IN MOST CASES, IT IS NECESSARY TO VISIT THE OFFICE IN PERSON. WITH THE FT.MYERS OFFICE CLOSED, LEE COUNTY RESIDENTS WILL HAVE TO VISIT THE NEAREST OFFICE IN TAMPA. FOR THOSE IN COLLIER COUNTY IT WILL MEAN A TRIP TO MIAMI.

WE FEEL THE PEOPLE OF SOUTHWEST FLORIDA SHOULD NOT BE TREATED BY THE STATE LEGISLATURE AS SECOND-CLASS RESIDENTS AND DESERVE BETTER THAN SECOND-CLASS SERVICE.

*City of Naples*-----
MEMO

August 9, 1984

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: .. Consent Order with DER
for Wastewater Treatment Plant

To accommodate the present schedule for completion of the Wastewater Treatment Plant project, the Department of Environmental Regulation has requested that the City execute the attached revised Consent Order which has been reviewed by the City Manager, the Public Works Director, the City Engineer, our consulting engineers, Camp Dresser & McKee and this office. The Consent Order stipulates reasonable dates for completion of the various stages of the construction project, all of which are acceptable to the City staff and our consulting engineers.

David W. Rynders
City Attorney

DWR:bh