



City of Naples

City Council Minutes

Regular Meeting Dec. 5, 1984

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLY - appointed Fire Chief Ijams as Sergeant-at-Arms			1
-CITY MANAGER JONES - City Hall to be closed December 24 and 25			1
- Assistant to the City Manager Wiltsie inspected storm damage on East Coast			1
- State Bureau of Conservation to plant some test grasses on the beach			1
<u>APPROVAL OF MINUTES</u> - Special Meeting, 11/14/84			
Regular Meeting, 11/21/84			1
<u>PURCHASING</u>			
-Award bid - sandblasting & repainting accelerator #3-Water Plt #2		84-4612	1&2
-Award bid - overhead doors at Fire Stations #1 & #2		84-4613	1&2
<u>RESOLUTIONS</u>			
-Accept easement - W. E. Frank (formerly SCLRR property)		84-4614	2
-Appt. Planning Advisory Board as committee re <u>Block Grant</u> appl.		84-4615	4
-Rank architectural firms re <u>Public Safety</u> bldg. exp.		84-4616	5
-Approve <u>Police Officers' pension board's</u> termination of contract w/Travelers Insurance		84-4617	6
<u>ORDINANCES - Second Reading</u>			
- <u>TABLED FOR 90 DAYS</u> - Ordinance creating statutory nuisance (Cactus Flower)	84-		2&3
- <u>CONTINUED</u> to December 19, 1984 - Amend <u>Comprehensive Plan</u> re Caribberan Golf Driving Range	84-		
- <u>CONTINUED</u> to December 19, 1984 - <u>Rezone</u> N.E. corner of Golden Gate Parkway & U.S. 41	84-		3
- <u>First Reading</u>			
-Approve rate increase - <u>water</u> rates	84-		4
-Approve rate increase - <u>sewer</u> rates	84-		5
<u>DISCUSSION</u>			
-Presentations/Interviews w/architectural firms re <u>Public Safety</u> bldg. expansion			5
-Discussion of drafting an ordinance pertaining to serving <u>alcoholic</u> beverages to teenagers in private homes			6
-Discussion/action - bid award for <u>wastewater treatment plant</u> expansion - <u>NONE</u>			6

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:07 a.m.

Date December 5, 1984

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

ROLL CALL:	Present:	ITEM 2	COUNCIL MEMBERS	VOTE			A B S E N T
				M O T I O N	S E C O N D	Y E S	
	Stanley R. Billick Mayor						
	R. B. Anderson William E. Barnett William F. Bledsoe Lyle S. Richardson Wade H. Schroeder Kenneth A. Wood Councilmen						
Also present:	Franklin C. Jones, City Manager David W. Rynders, City Attorney Bill Hanley, Finance Director Roger Barry, Community Development Director Mark Wiltsie, Assistant to the City Manager	Norris Ijams, Fire Chief Paul Reble, Police Chief John McCord, City Engineer Steve Cramer, Chief Planner Ellen Marshall Weigand, Deputy Clerk					
See Supplemental Attendance list - Attachment #1							
<u>INVOCATION:</u>	Reverend Wilbur Coates Hope Wesleyan Church	<u>ITEM 1</u>					
***	***	***					
<u>ANNOUNCEMENTS:</u>		<u>ITEM 3</u>					
	---Mayor Billick - appointed Fire Chief Ijams as Sergeant-at-Arms for this meeting.	<u>ITEM 3-a</u>					
	---City Manager Jones - noted that City Hall would be closed December 24 and 25.	<u>ITEM 3-b</u>					
	- stated that Assistant to the City Manager Wiltise had traveled to the east coast to survey the storm damage to the beaches over there and that photos were available in his office.						
	- noted that the State Bureau of Conservation had asked permission to plant some test grasses on Naples beaches.						
---CONSENT AGENDA---							
<u>APPROVAL OF MINUTES</u>	- Special Meeting, 11/14/84 Regular Meeting, 11/21/84	<u>ITEM 4</u>					
<u>PURCHASING</u>		<u>ITEM 5</u>					
	---RESOLUTION 84-4612	<u>ITEM 5-a</u>					
	A RESOLUTION AWARDING THE BID FOR SANDBLASTING AND REPAINTING ACCELERATOR NO. 3 AT WATER PLANT NO. 2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.						
	Title not read.						
	---RESOLUTION 84-4613	<u>ITEM 5-b</u>					
	A RESOLUTION AWARDING THE BID FOR INSTALLATION OF OVERHEAD DOORS WITH RADIO CONTROLLED ELECTRIC OPERATORS AT FIRE STATION NO. 1 AND FIRE STATION NO. 2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.						
	Title not read.						

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COUNCIL MEMBERS

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CONSENT AGENDA (Cont)

---RESOLUTION 84-4614

ITEM 6

A RESOLUTION ACCEPTING AN EASEMENT FOR UTILITY, STORM DRAINAGE, SIDEWALK AND ROADWAY PURPOSES FROM W. E. FRANK AND MILDRED B. FRANK; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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

---END CONSENT AGENDA---

---ADVERTISED PUBLIC HEARINGS---

---ORDINANCE 84---

ITEM 7

AN ORDINANCE RELATING TO BUSINESSES WHICH SERVE ALCOHOLIC BEVERAGES; AMENDING THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING A NEW SECTION 3-3 THERETO; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CREATE A STATUTORY CAUSE OF ACTION FOR CERTAIN NUISANCES SUFFERED BY RESIDENTIAL NEIGHBORS OF BUSINESSES SERVING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AFTER CERTAIN HOURS AND TO PROVIDE FOR SPECIFIED EQUITABLE RELIEF IN THE EVENT THAT SUCH A CAUSE OF ACTION IS PROVEN IN A COURT OF COMPETENT JURISDICTION.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:17 a.m. Closed - 10:11 a.m.

Mr. Schroeder moved to adopt the ordinance on Second Reading, seconded by Mr. Bledsoe. Attorney Richard Treiser, representing the Cactus Flower, addressed Council and suggested that action on the ordinance be tabled for 90 days in order to give the restaurant and the complaining neighbors time to work out a satisfactory solution to the problem without going to court. He noted one suggestion to rope off the portion of the parking lot in which the noise occurred that bothered the residents of the adjacent condominium. Attorney Henry Johnson, representing the residents of the Delmar Club and other residents living in Coquina Sands area, asked that Council adopt the ordinance today. He further stated his feeling that roping off a portion of the parking lot would only shift the annoying sounds to another area. He said that if the ordinance were adopted, negotiations would continue to resolve the problem before any further court action was initiated. He noted that the current suit by the Delmar Club against the Cactus Flower had been "frozen" for the time being. James Rawlings, resident of the Delmar Club, noted that there had been a problem with Mykanos many years ago and peaceful coexistence with the Contentintal Cafe, and similar problems again with the Cactus Flower. Robert Davidson, resident of the Ocean Terrace Condominium which is north of Gulfshore Square, noted that closing the parking lot near the Delmar Club would shift the problem closer to him. He presented a petition from residents at the Ocean Terrace Club (Attachment #2). He outlined problems that occurred last weekend and for which the police had been summoned. Attorney Richard Grant, representing the Beach Club, spoke in opposition to the ordinance and noted a letter from his client (Attachment #3). Lois Kostroski and Ron Jordan, representing the Florida Restaurant Association, spoke against the passage of the proposed ordinance and noted some of the negotiations attempted to relieve the problem. Robert Stern, president of the Coquina Sands Property Owners' Association, distributed a survey (Attachment #4) that he had done to

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Wood
Billick

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<u>FIRST READINGS (Cont.)</u>					
---ORDINANCE 84- <u>ITEM 10-b</u>					
<p>AN ORDINANCE RELATING TO RATES AND CHANGES FOR SEWER SERVICE, AMENDING SECTION 11-3.1, ENTITLED "NEW SERVICE CONNECTIONS INSIDE AND OUTSIDE THE CITY LIMITS; DEFINITIONS; METHOD OF COMPUTING; METHOD OF PAYMENT AND CHARGES", AND SECTION 11-3.3, ENTITLED "SEWER SERVICE-RATES AND CHARGES", OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR SEWER SERVICE RATES AND CHARGES.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Anderson stated his feeling that the sewer rates were rather high and his intention to discuss this with City Manager Jones. The City Manager noted that the staff was preparing the sample bills to be mailed to all customers with a notice of a public hearing on these rates scheduled for December 18 at 9:00 a.m.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the ordinance as presented on First Reading.</p> <p style="text-align:center">-----END FIRST READINGS-----</p> <p><u>PUBLIC SAFETY BUILDING EXPANSION PROJECT</u> <u>ITEM 11</u></p> <p><u>PRESENTATIONS/INTERVIEWS WITH ARCHITECTURAL FIRMS</u> <u>ITEM 11-a</u></p> <p>Presentations were made by the following: Robert Forsythe, representing his firm; Bob Bevis and Lin Graziani for Brownell/Connell Associates; and Kris Dane for Reynolds, Smith and Hills.</p> <p><u>REVIEW OF RECOMMENDATION OF CONSULTANT SELECTION COMMITTEE AND RANKING OF FIRMS.</u> <u>ITEM 11-b</u></p> <p>---RESOLUTION 84-4616</p> <p>A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE PROFESSIONAL DESIGN ENGINEERING SERVICES RELATING TO THE PUBLIC SAFETY BUILDING EXPANSION; DIRECTING THE CITY MANAGER TO NEGOTIATE A FEE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Manager Jones.</p> <p>Mr. Anderson suggested accepting the recommendation of the Consultant Selection Committee (Attachment #8).</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution ranking the firms as recommended by the Consultant Selection Committee.</p> <p>*** *** ***</p>					
Anderson				X	
Barnett				X	
Bledsoe				X	
Richardson				X	
Schroeder			X	X	
Wood	X			X	
Billick (7-0)				X	
Anderson		X		X	
Barnett				X	
Bledsoe				X	
Richardson			X	X	
Schroeder				X	
Wood				X	
Billick (7-0)				X	

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

DISCUSSION OF AN ORDINANCE PERTAINING TO THE SERVING OF ALCOHOLIC BEVERAGES AT OPEN PARTIES. Requested by Naples Informed Parents. ITEM 12

Pat Barton addressed Council representing Naples Informed Parents. She emphasized the need to impress this responsibility on the parents of teenagers. It was the CONSENSUS of Council to direct City Attorney Rynders to draft a proposed ordinance similar to the one in the meeting packet (Attachment # 9).

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RESOLUTION 84-4617 ITEM 13

A RESOLUTION APPROVING THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM TO TERMINATE ITS CONTRACT WITH THE TRAVELERS INSURANCE COMPANIES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

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DISCUSSION/ACTION WITH REFERENCE TO AWARD OF BID FOR WASTEWATER TREATMENT PLANT EXPANSION PROJECT. Requested by City Manager. ITEM 14

City Manager Jones reported that Camp Dresser & McKee (CDM) had not finished their evaluation of the two low bids and were not prepared to present any recommendations to Council.

It was the CONSENSUS of Council to PASS on this item until CDM's recommendations were available.

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CORRESPONDENCE & COMMUNICATIONS

City Manager Jones asked that Council go into Executive Session following this meeting.

ADJOURN: 11:55 a.m.

Janet Cason
Janet Cason
City Clerk

Stanley R. Billick
Stanley R. Billick, Mayor

Ellen Marshall Weigand
Ellen Marshall Weigand
Deputy Clerk

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

These minutes of the Naples City Council approved 12/19/84

Supplemental Attendance list - Regular Meeting, December 5, 1984

Reverend Wilbur Coates	Ted Waller	Robert Forsythe,
Charles Andrews	Henry Johnson	Forsythe Associates
Trish Gray	Robert Galloway	Pat Barton
Egon Hill	Ron Jordan	Mary Peterson
Don Pickworth	Bob Russell	Bob Bevis, Brownell/ Connell
Herb Anderson	Harry Rothchild	Lin Graziani, Brownell/Connell
Garland Harris	Jim McGrath	Kris Dane, Reynolds, Smith & Hills
Bierne Brown	June Marsh	Robert Davidson
Tony Ridgeway	Gilbert Weil	Lois Kostroski, Exec. Dir., Florida Restaurant Association
Richard Treiser	Mary Brandt	
Richard Grant	Robert Stern	
Louis Amato		

NEWS MEDIA

Dorothy Yacobocci, TV-9	Todd Holzman, Naples Daily News
Anna-Maria Carsello, TV-9	Don Goodwin, Naples Star
Randy Sell, TV-9	Tom Morgan, Naples Sun
Brian Grinonneau, WNOG	Bev Cameron, WINK, TV-11
Mary Armbruster, WEVU, TV-26	

Other interested citizens and visitors.

Ocean Terrace Condominium Association, Inc.

1500 Gulf Shore Boulevard
Naples, Florida 33940

DECEMBER 1984

PETITION

We are the property owners at 1500 Gulf Shore Blvd. N. that share the North property line with Gulf Shore Square, which contains the restaurant /lounge known as the CACTUS FLOWER, located at 1400 Gulf Shore Boulevard North, Naples, Florida.

As Owners and Residents of the apartments at 1500 Gulf Shore Blvd. North, we strenuously object to the excessive late night noise, the vulgar language, the screeching of tires and roaring of motors caused by those who frequent the CACTUS FLOWER MID-NIGHT HAPPY HOUR.

We therefore support and urge any and all planned action to limit their operating hours to 11:PM for each day of their service to the public.

RESPECTFULLY SUBMITTED,

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Edman Smith</u>	<u>Apt NW 2</u>
2. <u>Priscilla D. Scitte</u>	<u>apt NW 2</u>
3. <u>Jane Erikson</u>	<u>Apt I NE</u>
4. <u>Al. C. Smith</u>	<u>Apt NE 3</u>
5. <u>Evelyn Johnson</u>	<u>Apt NE 3</u>
6. <u>Marylou Thomas</u>	<u>Apt. N.E. 2</u>
7. <u>Marguerite Orane</u>	<u>apt S.E. 3</u>
8. <u>Elizabeth Baath</u>	<u>apt. S.W. 3</u>
9. <u>Susan J. Davidson</u>	<u>Apt. S.W. 2</u>
10. <u>Robert Davidson</u>	<u>Apt. SW-2</u>
11. <u>Ann B. Smith</u>	<u>Apt SW 3</u>
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____



The Naples Beach Hotel & Golf Club

December 1, 1984

Mayor Stanley Billick and
Members of the Naples City Council
735 Eighth Street South
Naples, Florida 33940

Gentlemen:

This letter is written to you concerning the proposed city ordinance which seeks to add a new Section 3-3 to the City Code of Ordinances respecting businesses which serve alcoholic beverages. We understand the ordinance is to be taken up on a second reading at the Council meeting on December 5, 1984.

We believe the ordinance should not be adopted and are opposed to it. It would appear that it has been prepared as a means of solving a single controversy that exists between the operators of the Cactus Flower Restaurant and adjoining condominium properties. We question if the enactment of legislation by the Naples City Council is the proper method for resolving such disagreements. In solving such a problem in this manner, apparently it is necessary that the legislation be written in a way so as to include all properties in a similar category, and it is for this reason that the Naples Beach Hotel and almost all other owners and operators of restaurants serving alcoholic beverages within the city have difficulty with this ordinance. In addition, it would appear that such an ordinance also applies to all private clubs which serve alcoholic beverages to their members. This, of course, would include the Moorings Country Club, Naples Yacht Club, Port Royal Beach Club and Naples Sailing & Yacht Club as they are all surrounded by residential property.

We oppose the ordinance because its enactment could, in the future, subject a number of restaurants and private clubs within the city limits to litigation brought by owners of adjoining residential property. We are concerned that such an ordinance will put restaurant and club owners in a position of having to defend such suits even if many would end up not being sustained as lacking merit. We hope you will consider these ramifications of the adoption of such an ordinance and in your judgment conclude it is not well founded and will not adopt it.

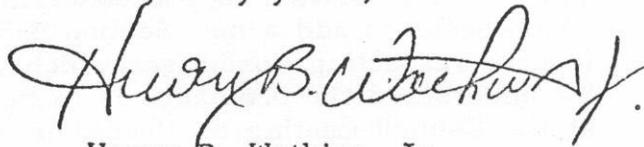
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I would personally like the opportunity to address the Council at its meeting on December 5, however I am unable to be present because of plans to be out of the state during the week of December 3rd. I have asked our attorney, Mr. Richard C. Grant, of the law firm of Mershon, Sawyer, Johnson, Dunwody & Cole, to be present at the Council meeting to answer any questions concerning our position.

It is our hope that through negotiation and compromise between the owners and operators of the Cactus Flower Restaurant and the surrounding property owners that a solution may be found as an alternative to the suggested ordinance.

Very truly yours,



Henry B. Watkins, Jr.
President

HBW:mf

cc: Mr. Richard C. Grant

.SURVEY OF LOCAL RESTAURANTS AND BARS SUPPOSED TO BE AFFECTED BY
PROPOSED CITY NOISE ORDINANCE.

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ATTACHMENT #4 - page 1

Of the original listing of 57 establishments who would be affected by the acceptance of the proposed Noise Ordinance by the Naples, Florida City Council, this survey includes only 50. The following seven establishments were not interviewed for the reasons of not being in the City of Naples, not being directory listed, being closed, or not operating presently.

The Shore Club, Whistle-Stop, Nick's Drive-Thru Swamp Buggy Lounge, Directors' One, Sammy's, Mason Jar, and Edgewater Beach Inn.

The remainder were questioned and canvased by volunteers interested in the passing of the proposed Ordinance. The following pertinent questions led to the results and percentages below. These are basically the result of what we assumed to be honest answers by mostly owners, or managers, but, in a few cases, other employees.

QUESTION OR STATEMENT TO REMAINING 50 ESTABLISHMENTS	NUMBER	PERCENTAGE
Are you a member of the Florida Restaurant Assoc. ?	29	58%
Are you not a member?	13	26%
Unknown to the above questions.	8	16%
Are you closed by 11:30 PM normally?	37	74%
Are you closed by 2:00 AM normally?	6	12%
Are you closed by 1:00 AM normally?(involves Fri., Sat.)	7	14%
Do you have a "Happy Hour", 2 for 1 drinks? No!	43	86%
Do you have an afternoon-evening "Happy Hour"? Yes!	6	12%
Do you have a "Happy Hour" after 11:00 PM (until 1:00 AM ?	1 (both)	2%
Have you had noise complaints, or citings?	4	8%
Have you not had noise complaints?	43	86%
Above not known or publicized.	3	6%
Do you have a full alcoholic beverage license?	32	64%
Do you have only a Beer & Wine license?	15	30%
Do you have no license or alcoholic beverage sales?	3	6%
Do you believe the Ordinance would or could affect you?	14	28%
Do you believe you will not be affected by the acceptance	36	72%

Business Name & Address	Yes/No	Hours	NO LATE	ATTACHMENT #4 - page	YES	Notes
WALLY'S FISH HOUSE 1000 3RD ST., SOUTH	YES	4:30-10:30	NO	NO	YES	BELONGS TO ASSOC. MAY BE AFFECTED
WALLEES - CHIEFS GARDEN	YES	LUNCH - 2:00 PM WHEN EARLIER	NO	NO	YES	MAY BE AFFECTED
SQUIRES CLUB 1249 12th AVE., SOUTH	NO	CLOSE BEFORE 11:00 PM	NO LATE	NO	YES	OWNER - J. ZAPPAY ORDNANCE WOULD NOT AFFECT
ISLAND CLUB 4535 9th ST., NORTH	YES	CLOSE 11:30 TO MIDNITE	NO LATE	NO	YES	SHOULDN'T BE AFFECTED BY ORDNANCE HOURS CHANGES
ELEPHANT WALK 2540 9th ST., NORTH	—	CLOSE 2 AM, MIDNITE SUN.	4-7 PM NO LATE	YES	YES	MAY BE AFFECTED FOR ZONING
THE DOCK 12th AVE. S. AT 8th ST. S	YES	11 AM TO 1:00 AM	NO	NO	YES	OUTSIDE 400 FT. BELONGS TO ASSOC.
THE RIVERWALK OLD MARINE MARKET PL.	YES	11:00 AM - 1:00 AM	NO	NO	YES	OUTSIDE 400 FT. BELONGS TO ASSOC.
MERRIMANS 1200 5th AVE., SOUTH	YES	11 AM - 11:30 PM	NO	NO	YES	OUTSIDE 400 FT. BELONGS TO ASSOC.
LA VERSAILLE 1355 5th AVE., SOUTH	YES	5:00 PM TO 12:00 AM.	EARLY - NO LATE	NO	YES	OUTSIDE 400 FT. BELONGS TO ASSOC.
MASON JAR 1345 5th AVE., SOUTH	CLOSED					
PICADILLY PUB 625 5th AVE., SOUTH	YES	LUNCH & DINNER 12:00 - 3:00 PM 5:00 PM TO 11:00	DRINKING BUT NO HAPPY HOUR - 2 AM	NO	YES	MAY BE AFFECTED IF NOISY. PATS STAYING. PATS OUTSIDE 400 FT.
ST. GEORGE & THE DRAGON 936 5th AVE., SOUTH	YES	7 AM - 11 PM	NO LATE	NO	YES	BELONGS TO ASSOC. NOT AFFECTED
SPOONBILL SECOND CENTRAL STATION	?	3:30 PM TO 2:00 AM	NO LATE	NO	YES	MIGHT BE AFFECTED IF NOISY.
WHISTLE STOP	N.L.					
WELLS DRIVE-THRU SWAMP BUGGY LOUNGE	N.L.					
THE SHORE CLUB 4050 GOLF SHORE NORTH	NOT IN CITY	6 PM TO 10 PM				
THE BELLEVUE 851 GOLF SHORE, NORTH	YES	7: AM - 11: PM	NO	NO ?	YES	MAY BE AFFECTED
THE BEACH CLUB 851 GOLF SHORE, NORTH	YES	BAR 9: PM - 1: AM	NO	NO ?	YES	MAY BE AFFECTED
LUMS 1350 9th ST., NORTH	YES	REST. 6:30 AM 11 PM BAR TO 11 PM	NO	YES - 1	YES	LORNA JACOBS SAYS WOULD NOT AFFECTED
PADDLE-WHEEL 990 9th ST., NORTH	YES	11:30 AM 11:00 PM	NO	NO	YES	TOM WENDALL WOULD NOT BE AFFECTED
CLAM SNACK 900 9th ST., NORTH	YES	11:30 AM 10:00 PM	NO	NO	BEER AND WINE	TINY WOULD NOT BE AFFECTED
CHICKEN EXPRESS 610 9th ST., NORTH	—	NOT OPEN LATE	NO	NO	BEER AND WINE	NOT AFFECTED
SUTTON HOUSE 615 9th ST., NORTH	NO	11: AM TO 11: PM	NO	YES - 1	BEER AND WINE	CONCERNED IF FORCED TO CLOSE BY 9:00 PM
PIZZA HUT 675 9th ST., NORTH	YES	11 AM - 11 PM EXCEPT TO 1 AM FR. SHT.	NO	NO	BEER AND WINE	TONY NOT CONCERNED
MAMA MIAS 1541 9th ST., NORTH	YES	11 AM - 11 PM	NO	NO	BEER AND WINE	MIKE (C) NOT AFFECTED MANAGE
FRANCOS 835 4th AVE., SOUTH	NO	CLOSE BY 11 PM EXCEPT 12: AM SHT.	NO	NO	BEER AND WINE	NOT AFFECTED
HOFFBRAU HOUSE 602 5th AVE., SOUTH	NO	CLOSED BY 10:00 PM	NO	NO	BEER AND WINE	NOT AFFECTED
THE GALLEY 509 3rd ST., SOUTH	NO	MOSTLY EARLIER THAN 2 AM	NO	NO	YES	CHUCK BLUM NOT AFFECTED

Address	Yes	5 PM - 10 PM	To 7 AM No Late	No	Yes	NOT AFFECTED
1390 9th St., North CHRISTOPHERS'	—	5 PM - 11 PM	No	No	YES	NOT AFFECTED
3826 N. 9th St. SEASONS'	YES	OPEN 24 HRS	NO	NO	NO	NO LIQUOR NO NOISE
3000 9th St., North WARD JOHNSONS	NO	TO 2: AM	NO	NO	BEER AND WINE	NO NOISE BECAUSE OF GUESTS OF MOTEL
9th St., South VITALITY HOUSE	YES	11 AM - 2:30 PM 4:30 PM - 8 PM	NO	NO	YES	DOESN'T WANT LATE CLOSING. NOT AFFECTED
2555 9th St., North CARLO'S PIZZARIA	NO	CLOSED EARLY	CLOSE 11 PM 10 PM FRI-SAT	NO	BEER AND WINE	NEVER CLOSE LATE NOT AFFECTED
ANN'S 'SPEAK OF LIFE' 489 5th Ave. South	NO	5: AM - 3: PM	NO	NO	NO	BREAKFAST - LUNCH ONLY - NO ALCOHOL
MOORINGS COUNTRY CLUB 2500 CAYTON RD. N.	NO?	DINNER 5 PM TO 8 PM OR DANCE - 9 PM	NO	NO	YES	WALK OUTSIDE NOT AFFECTED
NAPLES YACHT CLUB 14th Ave. S on Bay	NO	SELDOM OPEN TO 11 PM	NO	NO	YES	JAMES SUTTERLY NOT AFFECTED
BEI JING 2073-D 9th St., North	YES	DINNER 5 PM TO 10: PM	NO	NO	BEER AND WINE	NOT AFFECTED
NAPLES SAILING & YACHT CLUB 896 RIVER POINT DR.	NO	PRIVATE CLUB 5 PM - 11: PM	NO	NO	YES	LATE IF DANCE NO NOISE -
BUD'S DINER 536 9th St., North	NO	6: AM TO 3:30 PM	NO	NO	BEER AND WINE	SAM NOT AFFECTED
PORT ROYAL CLUB GORDON DRIVE	NO	USUALLY CLOSE BY 10: PM	NO	YES - 1 DANCE	YES	BERNARD CASEY NOT AFFECTED
CARZOLIS PIZZARIA COSTLAND MALL	YES	WHEN MALL CLOSES	NO	NO	BEER AND WINE	NOT AFFECTED
ED WATER BEACH INN GULF SHORE, NORTH	NOT ACTIVE					
FUJIYAMA STEAK HOUSE 2555 9th St., North	YES	5:30 PM TO 10:30 PM	NO	NO	YES	NOT AFFECTED
PORKY'S RESTAURANT 590 9th St., North	YES	11 AM - 9 PM	NO	NO	BEER AND WINE	PETER NOT AFFECTED
PATES MARKER FOUR 1193 8th St., South	YES	5 PM - 11 PM	NO	NO	YES	NOT AFFECTED TIMELINESS
HAROLD'S (QUALITY INN) 2555 9th St., North	YES	11 AM - 3:30 PM BAR TO 12 AM	NO	NO	YES	MAY BE AFFECTED BUT MOTEL QUIET IS
RAYMONDS' 2329 9th St., North	—	5-11 TUES-FRI 7-1 AM SAT	NO	NO	YES	MAY BE AFFECTED BUT MOTEL STAYS MOSTLY
HOLIDAY INN 1100 9th St., South	YES	5:30 - 11 PM BAR LATER	NO	NO	YES	CUT NOISE BECAUSE OF GUESTS OF MOTEL
DIRECTORS ONE	N.L.					
TOKYO RESTAURANT 414 Goodlette Rd.	NO?	CLOSE BY 10: PM	NO	NO	BEER AND WINE	NOT AFFECTED
PASTRAMI DUNS 947 3rd Ave., North	NO	CLOSE BY 5: PM	NO	NO	BEER AND WINE	NOT AFFECTED
PEACOCKS RESTAURANT 455 9th St., North		OPEN BREAK- FAST, LUNCH DINNER	NO	NO	NO	IN PARK SHORE SHOPPING PLAZA NOT AFFECTED OUTSIDE 400 FT.
5th Ave. Room 1055 5th Ave., South	YES	5: PM - 11 AM	EARLY - NO LATE	NO	YES	BELONGS TO ASSOC MAY BE AFFECTED
SAMMY'S 3rd St. South	N.L.					
OLD WORLD CHEESE SHOP 41 AT MOORING LINE DR.	YES	TO 11 PM TO 1 AM FRI. SAT.	NO	NO	YES	NOT AFFECTED
CACTUS FLOWER		11:30 PM - 2: AM	4:30 - 7:30	YES	YES	

ASBELL, HAINS, DOYLE & PICKWORTH

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS
ATTORNEYS AT LAW

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JOHN R. ASBELL, P.A.
TIMOTHY G. HAINS, P.A.
ROBERT E. DOYLE, JR., P.A.
DONALD A. PICKWORTH, P.A.
KIMBERLY LEACH JOHNSON
J. CHRISTOPHER LONBARDO
DANIEL A. GREGORY

THE LEGAL CENTRE
3174 EAST TAMiami TRAIL
NAPLES, FLORIDA 33962-5793
(813) 775-2888

November 28, 1984



Honorable Stanley Billick, Mayor
CITY OF NAPLES
City Hall Building
8th Street South
Naples, Florida 33940

Re: Petition for Comprehensive Plan Amendment
84-CPl, Rezone Petition 84-R4 and Special
Exception Petition 84-S10; Edith Troy as
Personal Representative of the Estate of
Zigfield Troy, Petitioner

Dear Mr. Mayor:

The above referenced Petitions for Comprehensive Plan
Amendment and Rezoning are currently scheduled to be heard
by the City Council at its meeting of December 5, 1984.
Some of the items of information regarding the proposed
project, including the market study, will not be complete
as of that date, and therefore we are requesting a continu-
ance of the public hearing until the council meeting of
December 19, 1984.

At the suggestion of the City Attorney, we are requesting
that when this agenda item is advertised for the December 5
agenda, that the agenda item show in the advertisement that
Petitioner is requesting a continuance until December 19. In
this way members of the public who may wish to speak on this
item will know in advance that Petitioner is requesting a
continuance.

I will be present at the meeting of December 5, 1984 to
orally request the continuance or to answer any questions.
Thank you for your consideration in this matter.

Very truly yours,

Donald A. Pickworth

DAP/jad

cc: Frank Jones, City Manager
David Rynders, City Attorney
Roger Barry, Community Development Administrator
Paul Jacobson
Richard M. Jones

*City of Naples*

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: APPOINTMENT OF PLANNING ADVISORY BOARD AS
CITIZEN ADVISORY TASK FORCE
DATE: NOVEMBER 29, 1984

Background: The staff has been investigating the possibility of obtaining a grant from the State to provide funds for the rehabilitation of a portion of the River Park Apartment Project. The grant would be under the State's Small Cities Community Development Block Grant Program. We are now in the process of preparing the required data to be included with the application which must be submitted by January 7, 1985.

Analysis: Our plan would be to request a grant in the amount of \$140,000 to pay for the rehabilitation of a 14-unit building in the older section of the complex. We plan then to request through the Department of Housing & Urban Development (HUD) a grant under the federal small cities program that would permit us to continue the rehabilitation program in subsequent years.

At this point we have met with members of the black community and with representatives of the owners of the River Park Apartments. These parties seem to be in agreement with our proceeding with the grant application.

As part of the application process, the City must appoint a Citizen Advisory Task Force to assist in the formulation of the application. The task force would hold two public hearings: the first to acquire input for preparing the application and the second to obtain input on the final application before it is submitted to the State. We are now recommending that the City Council appoint the Planning Advisory Board as the task force. This would provide us with a group which is already familiar with our community and the planning and development process. Collier County has taken a similar action to appoint its Planning Advisory Board as the task force to review its grant application.

After appointment by the Council, the Planning Advisory Board would schedule the two required public hearings on December 6, and January 3, and under that time schedule we would be able to comply with the deadline for filing the grant application.

Recommendation: I recommend that the Council take the action outlined in the attached resolution.

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones
City Manager

FCJ/tan
encs.

STATEMENT MADE BY HARRY ROTHCHILD - Regular Meeting 12/05/85, Agenda Item 9

I have a number of questions about this so-called "appointment".

1. Have any of the apartments to be renovated been declared to be in violation of any of the City or County building, health or sanitation codes? If so, when and by whom?
2. Have the owners of the apartments been served with notice of these violations?
3. If so, when and what has been their response?
4. A spokesman for the owners of these apartments has raised a number of questions regarding the possible effect this proposal would have on their property and their control of the property. Have these questions been answered? Are the answers satisfactory to the owners? If not, by what right can we use federal or state funds to "improve" private property? Should not these questions be resolved before any action is taken by the City?
5. Are the River Park Apartments the only apartments in the City which would qualify for these state or federal funds? If not, what provision will be made to treat any other apartments in the City in the same way? Are we opening a Pandora's box in order to fulfill a rash promise made in an unworthy attempt to get federal funds for a purpose which was totally rejected by the citizens of Naples and by responsible elected members of the United States Congress? How was it determined that 14 apartments in the complex were in need of repair? What standards and criteria were used? Are they any different from the various building codes presently in force in the City? Are we satisfied that the repair of these 14 apartments will be the end of the problem? What incentive or initiative will the owners of these apartments have to maintain their apartments if the City will provide an easy and less costly method?
6. The City of Naples was not qualified as a distressed city to receive the federal funds under the Urban Development Action Grant program. When was the City of Naples qualified to receive federal or state funds under the program now being discussed? What representations were made by the City which justified this alleged qualification? Are other cities, not as affluent as Naples, being rejected in order that Naples can get these funds? If so, is it right that we should get these funds and other cities be denied?
7. A newspaper article indicated that the City Manager plans to institute a program which would supplement these State funds with Federal funds in the future. Is this an attempt to ignore the objections raised by so many of our citizens? The City of Naples is an affluent city and its citizens are proud of Naples. We do not want to be on any welfare roll. I am satisfied that there are apartments in the City of Naples which are deserving of rehabilitation, but it seems to me that an orderly procedure should be followed. If any apartments, in River Park or elsewhere in the City, are in violation of any of the applicable codes then the prescribed remedial procedures could be applied to bring them into compliance with the codes. We should not use taxpayers money to improve private property used for commercial purposes. The question can be asked - why should I or any one of us, as taxpayers, improve the River Park apartments thereby relieving the owners of the property of the obligation to maintain their property in accordance with the law? Would not this proposed Block Grant encourage other owners of rental property to allow their property to deteriorate and thereby qualify them for some of these Block Grant funds, which is made up entirely of taxpayers money? I know that this is supposed to be merely the first step toward securing these funds, but it seems to me that no step should be taken until you are satisfied that the questions raised here and undoubtedly many other questions, are answered satisfactorily. Lets do first things first. Can you legally enter upon private property without the owners consent if he has not been found guilty of any infractions? If not, then why are we spinning our wheels? Or is this just a publicity stunt? The George Washington Carver Housing project is proving to be a most satisfactory solution to a good part of the housing problem in the area of the River Park apartments. One alternative suggestion to the present "band-aid" approach under consideration would be for the City to attempt to acquire the title to the River Park apartments through the use of Federal funds and then have it administered in the same way the Carver project. That would be a proper use of Federal funds. My record of involvement in the concerns of the black community goes back many years. I have fought for justice in this area and the record can bear out that statement. Several of my strongest opponents in the past with respect to the Carver project are still on this City Council. I do not apologize for my opposition to the present proposal which I believe will cause us more headaches than it will solve. If we are going to attempt to solve a problem - let us meet it head on.



AGENDA ITEM #11-a & #11-b
12/5/84

City of Naples

MEMO

TO: Frank Jones, City Manager

FROM: Paul C. Reble, Chief of Police

SUBJECT: Consultant Selection Committee Meeting to Select and Rank Three Out of Five Architects Interested in Renovation/Addition to Public Safety Building

DATE: November 29, 1984

On this date, the Consultant Selection Committee comprised of Roger Barry, Stew Unangst and myself, met to interview and rank five firms as consultants for Naples Police Department renovation/addition. Firms interviewed were:

1. Reynolds, Smith & Hills
2. Watson & Company
3. W. R. Frizzell Architects
4. Brownell/Connell Associates
5. Robert E. Forsythe AIA Architects

There was a unanimous decision to rank three of the five firms in the following order:

1. Robert E. Forsythe AIA Architects
2. Brownell/Connell Associates
3. Reynolds, Smith & Hills


Paul C. Reble
Chairman

PCR:rm

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ORDINANCE NO. 84-60

ORDINANCE REGULATING USE OF ALCOHOLIC BEVERAGES
AND DRUGS AT "OPEN HOUSE PARTIES"; PROVIDING
DEFINITIONS; PROVIDING EXCEPTION; PROVIDING
PENALTIES; PROVIDING SEVERABILITY, INCLUSION
IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the unregulated use of alcohol and drugs by minors creates social problems in many communities throughout the United States, including Dade County; and

WHEREAS, the use of alcohol and drugs by minors can have devastating effects on not only the minors but on the public at large, including, but not limited to, injuries caused by vehicles operated by persons under the influence of alcoholic beverages or drugs; and

WHEREAS, adults could significantly alleviate alcohol and drug problems by assuming responsibility for open house parties which occur at their residences,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Definitions. For purposes of this ordinance, the following terms shall be defined as follows:

(a) "Adult" means a person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to Chapter 562, Florida Statutes, as the same may be amended from time to time.

(b) "Alcoholic beverage" means any beverage containing more than one percent (1%) of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of section 561.01(4)(b), Florida Statutes, as the same may be amended from time to time.

(c) "Drug" means "controlled substance" as that term is defined in sections 893.02(3) and 893.03, Florida Statutes, as the same may be amended from time to time.

ATTACHMENT #9 - page 2

(d) "Minor" means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to Chapter 562, Florida Statutes, as the same may be amended from time to time.

(e) "Residence" means a home, apartment, condominium or other dwelling unit.

(f) "Open house party" means a social gathering at a residence.

Section 2. No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 3. Exception. The provisions of this ordinance shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

Section 4. Penalties. The penalties for violation of this ordinance are as follows:

(a) for the first violation, a fine not exceeding five hundred dollars (\$500.00);

(b) for subsequent violations, a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; and that the sections of this

198 ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 7. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: JUL 17 1994

Approved by County Attorney as to form and legal sufficiency. MAG

Prepared by: AR