



City of Naples

Regular Meeting May 7, 1986

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR PUTZELL - read resolution commending City Clerk Janet Cason for receiving the 1986 FACC President's award		86-4983	1
- asked Mr. Barnett to read a proclamation thanking the Centennial Foundation			1
-CITY MANAGER JONES - made presentation of a certificate and cash award to Don Wolever for money saving suggestion			1
<u>APPROVAL OF MINUTES</u> - Workshop Meeting, 04/09/86			2
Regular Meeting, 04/16/86			
Workshop Meeting, 04/23/86			
Special Meeting, 04/23/86			
<u>PURCHASING</u>			
-Bid Award - 2 submersible sewage pumps		86-4984	2
<u>RESOLUTIONS</u>			
-Approve Final Subdivision Plat 86-SD1 - Kasota 3rd, SE cnr 3rd St So & 2nd Av So		86-4985	2
-Approve a procedure for appointment of members of boards & committees		86-4987	4
-TABLE - call for referendum on November ballot for building height limitations		86-_____	5
-Ratify contracts for Firefighters & Firefighter Lieutenants		86-4988	6
-Approve contract w/Agnoli, Assaad, Barber & Brundage - Carver/River Park area		86-4989	6
-Cancel Council meeting July 2 - reschedule for July 16		86-4990	6
<u>ORDINANCES - First Reading</u>			
-Approve adopting Southern Standard Building Code	86-_____		3
-Approve adopting Southern Standard Plumbing Code	86-_____		3
-Approve adopting Southern Standard Mechanical Code	86-_____		4
-Approve adopting Flood Insurance Map (FIRM)	86-_____		4
- Second Reading			
-Adopt Code Enforcement Board	86-4986		3
<u>CONSENSUS</u> that City Attorney Rynders should oversee function of Code Enforcement Board			4
<u>DISCUSSION</u>			
-Mr. Richardson asked that his vote on Agenda Item 13 reflect support of motion to TABLE			7
-Mayor Putzell interpreted the parliamentary procedure used during Council meetings			7

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:02 a.m.

Date May 7, 1986

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

ROLL CALL: Present: Edwin J. Putzell, Jr. ITEM 2
Mayor

Kim Anderson-McDonald
William E. Barnett
William F. Bledsoe
Alden R. Crawford, Jr.
John T. Graver
Lyle S. Richardson
Councilmen

Also present:
Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Mark W. Wiltsie, Assistant City Manager
Roger J. Barry, Community Development Director
Gerald L. Gronvold, City Engineer
Steven C. Brown, Personnel Director
Paul C. Reble, Police Chief
Janet Cason, City Clerk
Steven R. Ball, Chief Planner

Terry L. Fedelem, Parks & Parkways Supervisor
Stewart K. Unangst, Purchasing Agent
Ellen P. Weigand, Deputy Clerk
Norris C. Ijams, Fire Chief
James L. Chaffee, Utilities Director
Wayne J. Martin, Fire Marshal
Paul A. Reneau, Equipment Management Director

COUNCIL MEMBERS	VOTE			
	M O T I O N	S E C O N D	Y E S	A B S E N T
Anderson-McDonald				
Barnett				
Bledsoe				
Crawford				
Graver				
Richardson				
Putzell	X			
C O N S E N S U S				

See Supplemental Attendance list - Attachment #1

INVOCATION: Reverend Richard Mapes ITEM 1
Naples United Church of Christ

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ANNOUNCEMENTS ITEM 3

Mayor Putzell - ITEM 3-a-1

---RESOLUTION 86-4983

A RESOLUTION COMMENDING JANET CASON FOR RECEIVING THE 1986 PRESIDENT'S AWARD FROM THE FLORIDA ASSOCIATION OF CITY CLERKS (FACC); AND PROVIDING AN EFFECTIVE DATE.

Resolution read in its entirety by Mayor Putzell.

MOTION: To ADOPT the resolution as presented.

Resolution presented to Janet Cason with standing ovation.

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ITEM 3-a-2

At Mayor Putzell's request, Mr. Barnett read in its entirety a proclamation (Attachment #2) thanking the Naples Centennial Foundation, Inc., for their efforts with the Centennial celebration and donation to the proposed bandshell in Cambier Park. Messrs. Lodge McKee, Charles Dauray, Don Flock, Gerald Lanterman, Ron Jamro and Ms. Bobbie Connor accepted the proclamation on behalf of the Centennial Foundation and the Naples Historical Society.

*** *** ***
City Manager Jones - noted that he had a ITEM 3-b presentation to make to Don Wolever, a Community Service Department employee, who had made a suggestion that improved the playing field in Fleischmann Park which lowered both the initial cost and the maintenance. He presented Mr. Wolever a certificate and a check in the amount of \$375.00.
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-----CONSENT AGENDA-----

APPROVAL OF MINUTES - Workshop Meeting, 04/09/86 ITEM 4
 Regular Meeting, 04/16/86
 Workshop Meeting, 04/23/86
 Special Meeting, 04/23/86

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PURCHASING ITEM 5

---RESOLUTION 86-4984

A RESOLUTION AWARDING THE BID FOR TWO (2) SUBMERSIBLE SEWAGE PUMPS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Mr. Bledsoe questioned the reference in the minutes of April 16, 1986 to a "AAA" rating on the City's bond issues. City Attorney Rynders responded that this is the rate given when insurance is purchased for the bonds.

Mayor Putzell asked that his statement on page 4 of the April 16, 1986 minutes refer to reviewing both the water and sewer rates at the end of a year for possible adjustment.

MOTION: To APPROVE the minutes, as amended, and to ADOPT the resolution as presented.

Anderson-McDonald		X	X
Barnett	X		X
Bledsoe			X
Crawford			X
Graver			X
Richardson			X
Putzell (7-0)			X

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

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD ITEM 6

---RESOLUTION 86-4985

A RESOLUTION APPROVING THE RECORD PLAT FOR KASOTA 3RD SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Roger Barry reviewed the information in the Agenda item memo contained in the meeting packet and noted the reference to the suggested restrictions (Attachment #3) to be added to the Final Plat. Mayor Putzell asked if a reference to the restrictions should not also be included in the resolution. City Attorney Rynders stated that an amendment to the resolution would be necessary to indicate "that a reference on the plat will be made to the location in the public records of the deed restrictions".

MOTION: To ADOPT the resolution, as amended, in accordance with City Attorney Rynders' suggestion.

Anderson-McDonald	X		X
Barnett			X
Bledsoe			X
Crawford			X
Graver		X	X
Richardson			X
Putzell (6-1)			X

-----END COMMUNITY DEVELOPMENT/P.A.B.-----

COUNCIL MEMBERS	M	S	Y	N	O	N
	O	E				
	I	C				
	O	O				
	N	N				
	D	D				

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

SECOND READING OF AN ORDINANCE ITEM 7

---ORDINANCE 86-4986

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, BY ADDING A NEW SECTION _____ TO CHAPTER _____, ENTITLED "CODE ENFORCEMENT BOARD", PROVIDING REGULATIONS, ESTABLISHING THE CODE ENFORCEMENT BOARD, PROVIDING PROCEDURES, POWERS, AND PENALTIES ENFORCEABLE BY THE CODE ENFORCEMENT BOARD, AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO PROVIDE FOR ADDITIONAL MEANS OF ENFORCING THE CODES OF THE CITY OF NAPLES.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:25 a.m. Closed - 9:29 a.m.

Citizen J. Sandy Scatena spoke in favor of the proposed ordinance; however, he questioned the payments the City already made to the State Attorney's office for services not received. City Attorney Rynders noted that some work had been done by the State Attorney's office. Mayor Putzell added that after the proposed ordinance is passed, he will write a letter terminating the current contract.

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

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

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

---ORDINANCE 86- ITEM 8

AN ORDINANCE AMENDING CHAPTERS 1A AND 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES PERTAINING TO THE BUILDING CODE; AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO ADOPT THE 1985 EDITION OF THE STANDARD BUILDING CODE PREPARED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC.

Title read by City Attorney Rynders.

Community Development Director Barry reviewed the memo in the meeting packet and noted the Standard Building Code, Plumbing and Mechanical Codes as prepared by the Southern Building Code Congress, International, Inc., were adopted routinely every three years. Revisions were adopted in the interim years, he added, and certain provisions peculiar to the City of Naples were included in the code.

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

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---ORDINANCE 86- ITEM 9

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES PERTAINING TO THE PLUMBING CODE; AND PROVIDING AN EFFECTIVE DATE.
 PURPOSE: TO ADOPT THE 1985 EDITION OF THE STANDARD PLUMBING CODE PREPARED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC.

Title read by City Attorney Rynders.

See discussion for Agenda Item 8.

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

*** *** ***

Anderson-McDonald						X
Barnett		X				X
Bledsoe	X					X
Crawford						X
Graver						X
Richardson						X
Putzell (7-0)						X

Anderson-McDonald						X
Barnett		X				X
Bledsoe	X					X
Crawford						X
Graver						X
Richardson						X
Putzell (7-0)						X

Anderson-McDonald						X
Barnett						X
Bledsoe		X				X
Crawford						X
Graver						X
Richardson						X
Putzell (7-0)	X					X

COUNCIL MEMBERS

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

FIRST READINGS (Cont)

ITEM 10

---ORDINANCE 86---

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES PERTAINING TO THE MECHANICAL CODE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADOPT THE 1985 EDITION OF THE STANDARD MECHANICAL CODE PREPARED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC.

Title read by City Attorney Rynders.

See discussion for Agenda Item 8.

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

---ORDINANCE 86---

ITEM 11

AN ORDINANCE AMENDING SECTIONS 8-2.2 AND 8-2.3 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM (FIP) FLOOD INSURANCE RATE MAP (FIRM); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADOPT A FLOOD INSURANCE RATE MAP (FIRM) AND CERTAIN CONSTRUCTION-RELATED FLOOD PLAIN MANAGEMENT REGULATIONS.

Title read by City Attorney Rynders.

Community Development Director Barry reviewed his memo in the meeting packet (Attachment #4) and answered various questions from Council about the flood elevation and the velocity zone regulations and how the federal government arrives at their determinations.

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

-----END FIRST READINGS-----

RETURN TO ITEM 7: Mayor Putzell suggested that the City Attorney take the responsibility of overseeing the functions of the newly adopted Code Enforcement Board. It was the consensus of Council to approve this suggestion.

---RESOLUTION 86-4987

ITEM 12

A RESOLUTION PRESCRIBING A PROCEDURE FOR SOLICITING AND RECOMMENDING CANDIDATES TO THE CITY COUNCIL FOR APPOINTMENT OF MEMBERS TO ALL BOARDS AND COMMITTEES REQUIRED BY LAW, ORDINANCE OR RESOLUTION TO BE APPOINTED BY THE CITY COUNCIL.

Title read by City Attorney Rynders.

Mayor Putzell explained his reasons for suggesting this method as outlined in his memo (Attachment #5). Mr. Graver suggested that the resolution be amended to add "and Council" to Section 1(2) after the word "Mayor", to have copies of all letters, resumes, or statements of interest distributed to each Council member. Mr. Crawford noted his concern about future abuse of this practice, but Mayor Putzell observed that this was only a resolution and could be changed or deleted by a vote of Council at any time. In response to a question from Mrs. Anderson-McDonald, Mayor Putzell explained that if a recommendation were voted down by Council, any member of Council could then move to appoint another from the list at the same meeting.

MOTION: To ADOPT the resolution as amended by adding "and Council" to Section 1(2) after the word "Mayor".

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

X

X

X

X

X

X

X

X

X

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

X

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Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

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COUNCIL MEMBERS

MOTION
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RESOLUTION 86-4988

ITEM 14

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2174 - FIRE LIEUTENANTS FOR THE PERIOD APRIL 1, 1986, THROUGH MARCH 31, 1989; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones reviewed the highlights of the contracts as outlined in his memo in the meeting packet. City Attorney Rynders noted that the resolution covered only the contract for the Fire Lieutenants and should be amended to also reflect approval of the contract for the Firefighters.

MOTION: To ADOPT the resolution as amended to reflect approval of a contract for the Firefighters and one for the Fire Lieutenants, both Local 2174.

Anderson-McDonald			X	
Barnett			X	
Bledsoe	X		X	
Crawford			X	
Graver			X	
Richardson	X		X	
Putzell			X	
(7-0)				

RESOLUTION 86-4989

ITEM 15

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND AGNOLI, ASSAAD, BARBER & BRUNDAGE, INC., ENGINEERS, FOR PROFESSIONAL SERVICES RELATING TO THE CARVER/RIVER PARK IMPROVEMENT AREA.

Title read by City Attorney Rynders.

Community Development Director Barry noted that this was the initial study and report phase and he would present another contract for the balance of the work as reflected in his memo (Attachment #5).

MOTION: To ADOPT the resolution as presented.

Anderson-McDonald		X		X
Barnett				X
Bledsoe				X
Crawford				X
Graver				X
Richardson	X			X
Putzell				X
(7-0)				

AGENDA ITEM 16 - Action taken at the beginning of the meeting.

RESOLUTION 86-4990

ITEM 17

A RESOLUTION CANCELLING THE JULY 2, 1986, REGULAR CITY COUNCIL MEETING; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Citizen J. Sandy Scatena questioned the wisdom of eliminating a July meeting in light of the time frame involved in the building height issue. Mayor Putzell noted that Council could call a Special Meeting if it were necessary.

MOTION: To ADOPT the resolution as presented.

Anderson-McDonald				X
Barnett	X			X
Bledsoe				X
Crawford				X
Graver				X
Richardson		X		X
Putzell				X
(7-0)				

COUNCIL
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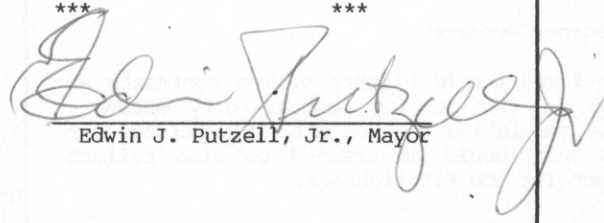
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CORRESPONDENCE & COMMUNICATIONS

Mr. Richardson said he wanted to have his vote on Agenda Item 13 reflect his support of the motion to table the item.

Mr. Graver asked for clarification of whether Council adhered to Roberts' Rules; Mayor Putzell explained that the general theory of Roberts' Rules was followed without going into more technical provisions.

ADJOURN: 10:24 a.m.


Edwin J. Putzell, Jr., Mayor

Janet Cason
Janet Cason
City Clerk

Ellen P. Weigand
Ellen P. Weigand
Deputy Clerk

These minutes of the Naples City Council approved _____

Supplemental Attendance List - Regular Meeting, May 7, 1986

Reverend Richard Mapes
Charles Andrews
Clinton Cummings
Don Wolever
Tish Gray
Lodge McKee
Lyndon Gunder
Frank Tenney

Heather Burch
Merle Harris
Joan Huntoon
Herb Anderson
Charles Dauray
J. Sandy Scatena
John Krueckeberg
Robert Russell

Charles Reinbolt
Gilbert Weil
Jim McGrath
Dorothy Putzell
Donald Flock
Gerald Lanterman
Ron Jamro
Bobbie Connor

News Media

Bob Del Buono, TV-9
Hilary Hutchison, TV-9
Dave Fuller, WNOG

Don Goodwin, Naples Star
Bob Goldberger, WBBH TV-20

Chuck Curry, Naples Daily News
Ted Trulock, WBBH TV-20

Other interested citizens and visitors.

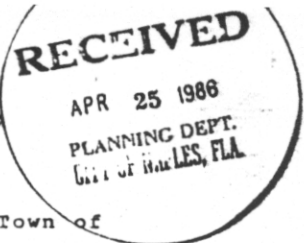
Proclamation

May 7, 1986

- WHEREAS, the Collier County Historical Society was appointed by the City Council as the official sponsor for the Naples Centennial Celebration during 1985, celebrating the settlement of the Naples area since the year 1885 and developing in the community a sense of history and wonder at the wisdom and efforts of our ancestors in discovering and settling the community of Naples; and
- WHEREAS, the Naples Centennial Foundation, Inc., was created by the Historical Society to handle the work of the Centennial Celebration and did so with astonishing dedication, effort, love and devotion and managed to find the means of conducting many events including a costume ball, birthday celebration, beachfront festival and centennial ball as well as sponsoring many other celebratory endeavors; and
- WHEREAS, both the Society and the Foundation were tireless in their efforts to develop the community's awareness and understanding of its great historical roots and foundation and with selflessness and dedication sought to firmly implant the spirit of wholesomeness and community that naturally arises from a greater consciousness of one's history; and
- WHEREAS, in addition to all of these wonderful efforts, the Society and the Foundation raised funds sufficient to give \$100,000 to the Collier County Museum for a much needed and greatly desired expansion and \$25,000 to the City of Naples Bandshell to be constructed in Cambier Park for the benefit and enjoyment of thousands of residents and visitors and still have money left over for assisting in the repair and rehabilitation of that charming and historical home known as Palm Cottage, the second oldest building in existence in the City of Naples; and
- WHEREAS, the citizens of this community are deeply thankful for the efforts and the donations made by the Society and the Foundation which are organizations composed of committed and dedicated individuals whom we are honored to have in our community; and
- WHEREAS, the citizens of Naples through their elected representatives wish to express their thanks for the magnificent service provided to this community by these individuals and organizations which service will be long remembered and deeply respected;
- NOW, THEREFORE, I, EDWIN J. PUTZELL, JR., by virtue of the power vested in me as Mayor of the City of Naples, Florida, do hereby proclaim the thanks of the citizens of the City of Naples and its City Council to the Collier County Historical Society and the Naples Centennial Foundation, Inc. and commend them for their distinguished and conscientious efforts and in particular for their very generous and meaningful donation to the City of Naples Bandshell project.



Edwin J. Putzell, Jr.
 Edwin J. Putzell, Jr., Mayor



RESTRICTIONS, LIMITATIONS AND CONDITIONS
FOR KASOTA 3rd

a Subdivision of Lots 11 and 12, Tier 4, Block 18, Town of
Naples, Collier County, Florida

The following restrictions, limitations, and conditions shall apply to the use and ownership of Lots 1 through 4 of Kasota 3rd, a Subdivision in the City of Naples, Collier County, Florida, and shall run with the land. Apartments 201, 203, and 205, as referred to herein means Lots 1, 2, and 3, respectively, of KASOTA 3rd.

Inseverability. An undivided one-third interest in Lot 4, referred to herein as the "common property", shall be appurtenant to and shall run with the ownership of the fee simple title to each Apartment Unit, 201, 203, and 205, Third Street South, Naples, Florida, and every deed, mortgage, lease or other document creating any interest therein hereafter shall be deemed to include the interest in common, which shall not be severable therefrom.

A.

The following provisions shall not be changed so long as a structure with common walls exists on Lots 1, 2, and 3, i.e., Apartments 201, 203, and 205.

1. Overhangs. The owners of Apartments 201, 203, and 205, respectively, shall each have a mutual easement to encroach upon and to overhang the common property, and the apartments of each other for their roofs and for any other portions of the original structures and replacements thereof.

2. The Association. The owners of Apartments 201, 203, and 205 shall comprise an Association of owners, having three members, one being selected by each apartment's owners to represent their apartment, the purpose of which Association shall be to administer, discharge, exercise and enforce the duties, rights and privileges of the apartment owners. The Association may operate as an unincorporated Association, or it may become incorporated, as the members shall choose.

3. The Association's Duties and Authority:

The Association shall:

- (a) Actions. Act by majority rule, except as otherwise provided.
- (b) Maintenance. Maintain the lawn, trees, shrubs and landscaping (except that located within the patio fences), repair the exterior surfaces and materials of the apartment building, the structural members, the common utility services and lines in, on and within the separate apartments which serve all apartments and the common area, the doors, windows, screens and screen enclosures, the patio fences, storage and parking structures, the sprinkler system, the sidewalks, parking and driveway areas, and all other common areas. The interiors of the apartments and the interiors of the patios, and the remaining portions of the structure of the apartments and their equipment, such as air conditioning, and the like shall be the responsibility of the separate apartment owners.

- (c) Insurance. Maintain insurance upon the improvements lying outside the apartments and outside the patio fences, and also upon the patio fences, if desired, and also upon the apartment buildings, their interior and exterior walls, built-in cabinets, stairs, built-in appliances and other built-in equipment and structures, as existing in the construction, but not the interior decorated surfaces, floor coverings, light fixtures, fans, drapes, or other contents of the apartments.
- (d) Assessments. Prepare a budget of estimated annual expenses of the Association and establish an assessment based thereon which each apartment owner will be required to pay on a monthly or quarterly basis, which assessment, with interest thereon and with attorneys fees and costs in the event of recording and/or for collection, which may be spread of record with the Clerk of Courts of Collier County, if delinquent more than thirty (30) days, which shall become a lien upon the apartment until paid. Interest shall be computed at the highest legal rate allowed by law from time to time. Such lien shall be enforceable by suit and by such methods as are provided by law for the enforcement of mortgage liens.
- (e) Payment of First Insurance Premium. Determine the amount which represents the unearned insurance premium paid for such apartment's share of coverage on the buildings and the common areas for the unexpired term of the then existing insurance contract(s), which amount shall be payable by each new owner to the Association, or to the seller of the apartment, at the time of acquisition. If collected by the Association, it shall be refunded to the transferors, unless waived.
- (f) Rule Making. Make such reasonable rules governing the use of the apartments as are unanimously agreed upon from time to time, which, shall become amendments to these covenants upon being recorded with the Clerk of Courts, Collier County, Florida, but which need not be recorded otherwise.
4. Degree of Owner's Duties. Apartment owners shall maintain all portions of their patios, all of the mechanical equipment for their apartments, and all portions of their apartments other than portions referred to in Paragraph 4(b) which the Association is to maintain and repair. The Apartment owners, their guests, their tenants and all persons using the apartment shall maintain the same and their patios in the highest degree of sightliness, cleanliness, maintenance and repair consistent with the original condition of the construction.
5. Destruction. In the event of a partial destruction of an apartment by a covered peril, the damage shall be repaired and restored in a manner approved by the majority vote of the Association, provided that any funds received by the Association, not expended to repair the damages shall be the property of the owner of the damaged apartment(s) in proportion to their damages.
6. Common Walls. Notwithstanding the exact location of the common boundaries of apartments, the apartment owners shall be deemed to own to the center of all common walls.

7. Easements:

- (a) General. The Association shall have easements in, over, upon and through ingress and egress to accomplish the objective of maintenance and repair, and such other responsibilities as are placed upon them.
- (b) Apartment 203 Rear Exit. There shall exist an easement in favor of Apartment 203 over the patio space of Apartment 201 for ingress and egress for the following purpose only:
- (i) Fire and other emergencies; and
 - (ii) The occasional moving and transporting of furniture, appliances, other heavy objects, and bicycles for long-term storage; provided that the ingress and egress can occur without causing damage; and that the same occurs (except emergencies) at such times as will not interfere with the use of the patio by the owners and occupants of Apartment 201. To facilitate the use of such easement, a lock shall not be placed on the north side of the fence gates and that gate shall be kept closed at all times the easement is not being used; provided also that the gates may be bolted on the south sides be closed and latched from the south side of the owners and occupants of Apartment 203.
- (c) Sidewalks. All owners and occupants of the three apartments shall use the sidewalks for access to their units and shall not park vehicles upon the property except in the parking areas other than as necessary to load or unload heavy objects which need to be loaded or unloaded near to the apartment doors.
- (d) Utilities. Easements shall exist wherever utilities cross, enter or exit an apartment, which serve other apartments dependent thereon, and a right of ingress and access thereto to maintain, repair and service such utilities shall exist on behalf of the other apartment owners and the Association at all reasonable times. No apartment owner shall do anything to interfere with those rights. All conduit, pipes and/or coverings through which and in which they are contained shall be common property.

8. Negligent and Intentional Damages. All damage to the apartment exterior or structure or to the common areas caused by the negligence or intentional act of an owner or occupant shall be the owner's responsibility except such as is fully covered and paid by insurance and shall, also, until paid, bear interest at the highest legal rate and constitute a lien upon the unit of which the responsible party is an owner or occupant with attorneys fees to the responsible party.

B.

The following provisions may not be changed without the unanimous written approval of all owners of Lots 1, 2, and 3,

i.e. Apartments 201, 203 and 205, which shall become binding upon all subsequent owners upon being filed of record with the Clerk of Collier County:

1. Alterations. No change or alteration shall be permitted to the exterior of the original structures or fences.
2. Patios. Except as otherwise provided, the owners of each apartment shall have the exclusive right to use and occupy the area within the patio fence adjacent to each apartment, and shall be responsible for the maintenance and upkeep thereof, unless they elect to transfer the maintenance and upkeep responsibility to the Association.
3. Common Utilities. Certain common utility services have been metered to individual apartments on an equitable basis overall and all future expenses for the same shall be paid by the respective individual apartment owners to whose meters they have been connected.
4. Electrical Outlets. Electrical outlets which are outside of the patios and the apartments shall be available for occasional use by any of the owners or for regular use in connection with the common elements.
5. Parking. Parking and storage spaces shall be assigned on an equitable basis by the Association.
6. Boats, etc. No boats, recreational vehicles, trailers or motorcycles shall be parked or stored in the parking or common areas, nor shall any repair, or maintenance be done thereon.
7. Signs. No signs shall be placed on the building, in the windows or in or upon the common area except "for sale" signs not to exceed four square feet, which may be placed in front of units for sale.
8. Laundry. No clothing or laundry shall be hung out of doors.
9. Peaceful Use. Use of the apartments and patio shall be at all times in a quiet, peaceable, civil and lawful manner.
10. Animals. No barking animals shall be permitted on or in the premises.
11. Refuse. Refuse and refuse containers shall not be visible from outside or above and shall at all times be kept closed.
12. Patio Use. No structures shall be erected within the patio which extend above the fence without the approval of the Association.
13. Patio Trees. No trees or shrubs shall be maintained within the patio which overhang adjacent patios without the consent of the adjacent owner.

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Dated _____ 1986

Robert P. Federspiel

Lyndon L. Gunder

John H. Krueckeberg

John H. Krueckeberg, individually

John H. Krueckeberg

John H. Krueckeberg, Trustee

OWNERS

STATE OF FLORIDA)
) SS:
COUNTY OF COLLIER)

Personally appeared before me John H. Krueckeberg, individually and as Trustee, and Robert P. Federspiel and Lyndon L. Gunder, and acknowledged the execution of the foregoing as their voluntary Act and Deed for the uses and purposes therein mentioned, this ___ day of _____ 1986.

Notary Public/State of Florida at Large

My Commission Expires:

Prepared by John H. Krueckeberg
660 N. Tamiami Trail Suite 28
Naples, FL 33940



AGENDA ITEM #11
5/7/86

City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Federal Flood Insurance Program - Adoption of Revised Flood Insurance Rate Maps (FIRM)

DATE: April 18, 1986

Background:

The City of Naples participates in the Federal Flood Insurance Program. This program enables Naples property owners to benefit from lower federally-subsidized flood insurance premium rates.

Participation in the program requires that the city adopt a Flood Insurance Rate Map (FIRM) and certain construction-related flood plain management regulations.

The city is currently operating under a FIRM that became effective July 16, 1980.

The FIRM was adopted by reference in the attached Section 8-2.2 of the Municipal Code.

Revised Flood Elevation Rate Map (FIRM)

We recently received a revised FIRM with an effective date of June 3, 1986 which we must now adopt.

The revised maps are at a larger scale than the current maps so they are clearer and easier to read. Throughout most of the city the revised flood elevations are either the same or lower, with the exception of the Aqualane Shores area where the elevations have been increased one to two feet. The revised maps also identify a narrower velocity zone adjacent to the Gulf of Mexico than on the present maps; and although the minimum elevations in the zones are now higher, the new velocity zones are generally located seaward of the State Coastal Control Line, where construction is already restricted.

Model Ordinance

In the past, we simply adopted the FIRM by reference in Section 8-2.2 (attached) of the Municipal Code and then referred to the construction-related flood plain management regulations in a very general manner in the succeeding sections. The specific regulations which had to be followed were defined in the National Register or in letters of clarification from the Federal Emergency Management Administration (FEMA)

continued ...

FEMA has now sent us a "model ordinance." It refers to the revised FIRM and incorporates all of the construction-related regulations in a single document. These regulations are the same as we are enforcing at the present time. We have modified the model ordinance to make it consistent with our particular needs and requirements.

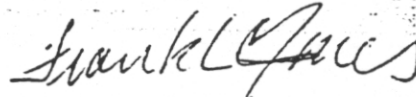
Board of Appeals Review

We reviewed the revised FIRM with the city's Board of Appeals at its April 11, 1986 meeting. This board is responsible for hearing variance and appeal petitions relative to the Federal Flood Insurance Program.

Staff Recommendation

We recommend approval of the attached ordinance at first reading on May 7, 1986 and final adoption after the second reading of the ordinance on May 21, 1986. We recommend that the ordinance become effective June 3, 1986, to coincide with the effective date of the revised FIRM.

Respectfully submitted,



Franklin C. Jones
City Manager

Prepared by:



Roger Q. Warr
Community Development Director



City of Naples

--- MEMO ---

TO: Honorable Mayor and Members of the City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Contract with Agnoli, Assaad, Barber & Brundage -
Ref: CDBG-funded Improvements in Carver/River Park Area

DATE: April 17, 1986

Background:

The City Council recently selected the above firm to prepare construction plans and specifications for various drainage, street, alley and sidewalk improvements in the Carver/River Park area.

We have since negotiated the attached contract which defines the consultant's overall responsibility, establishes a rate schedule and a specific not-to-exceed compensation amount of \$6,000.00 for the initial Study and Report Phase of the project. Actual compensation will be based on time and certain reimbursables spent in accomplishing the tasks outlined in this phase, as identified in section 1.2 of the attached contract.

After the completion of this phase of the contract, we will be in a better position to define specific improvement costs and to establish a specific compensation amount for the balance of this firm's work. We will bring this information back to the City Council for its review and approval.

Staff Recommendation:

We recommend approval of the attached contract.

Prepared by:

Roger J. Barry
Roger J. Barry
Community Development Director

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones
City Manager

Attachment