



# City of Naples

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In response to Mayor Putzell, Mr. Anderson advised that the County had passed an ordinance stipulating that the weight of newsracks be no less than 125 pounds but said he believed the City's requirements to be sufficient. City Attorney Rynders pointed out that the City's ordinance requires newsracks to be bolted down.

City Engineer Gronvold advised that 70% of the 118 newsracks in the City are in violation of the advertising provision; 15% are in violation of the bolting requirement; and another 14% are in violation of the uniform color provision. Mr. Gronvold also suggested that Council consider amending the ordinance regarding both advertisement and insurance requirements.

In response to Mr. Graver, City Engineer Gronvold explained that the majority of violations occur in shopping centers where there is a discrepancy over whether the newsracks are on City or private property.

It was the consensus to have the City Attorney draft an ordinance to effect the two changes recommended by staff.

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ITEM 3

DISCUSSION OF EXTENDING "NO WAKE" ZONES IN NAPLES BAY AND THE GULF OF MEXICO. REQUESTED BY CITY MANAGER.

Mayor Putzell noted the standing-room only attendance representing various interests and suggested, therefore, that a committee, chaired by Councilman Barnett, represent all the interests of the community with respect to this issue and bring back a consensus to Council. He further suggested that a representative from each of the following groups take part in the committee: Florida Marine Patrol; Coast Guard Auxiliary; City of Naples Police Department; the property owner associations of Royal Harbor, Port Royal and Aqualane Shores; the marinas; charter boat operators; commercial fishermen; the yacht clubs; and any other interested parties. There was agreement as to the recommended course of action.

City Manager Jones explained that the Moorings Property Owners' Association has requested the no-wake zone in the Gulf of Mexico be extended northward to encompass Doctor's Pass. In response to Mayor Putzell, Mr. Wiltsie advised that the City would have to apply to the United States Army Corps of Engineers and the Department of Natural Resources for a permit. Mr. Crawford asked how far the markers would be from shore and Mr. Jones responded that they would be approximately 300 feet from the shoreline.

Mayor Putzell asked if the staff had been notified by the Department of Natural Resources regarding approval of the pending no-wake zone in Naples Bay at the intersection of the Intercoastal waterway and Mr. Wiltsie advised that the staff is in daily contact with that Department in anticipation of approval.

It was the consensus of Council to direct staff to begin the application process for an extension of the no-wake zone in the Gulf of Mexico requested by the Moorings group.

COUNCIL  
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ITEM 2

DISCUSSION OF A REQUEST FOR ISSUANCE OF A FRANCHISE AGREEMENT TO PROVIDE A SECOND HORSE DRAWN CARRIAGE RIDE IN THE CITY. REQUESTED BY CITY MANAGER.

City Manager Jones explained that during negotiations on the other franchise agreement, Harry St. John, a carriage ride concessionaire on Marco Island, had expressed an interest in the same type of operation in Naples. Mr. Jones suggested that we regulate the way they operate and when, and let competition determine how many can be supported and how many will be in place.

Mayor Putzell asked if there had been any complaints about the present carriage rides. Mr. Jones explained that although Classic Carriage Rides have had to change routes almost daily to accommodate traffic and make the rides interesting for the customers, based on staff's preliminary findings, there have been no complaints other than a few concerns regarding the care of the horses. These inquiries were referred to Animal Control in the County.

Mayor Putzell noted that the current agreement was in effect for one season only and Mrs. Anderson-McDonald said she did not believe that Council should approve another carriage ride as the City currently was testing the feasibility of such an operation.

In response to Mr. Bledsoe, City Attorney Rynders, however, advised that he would need to research the legal ramifications should Council refuse to issue another franchise agreement.

Deborah St. John of A Classic Carriage complained that she had not been treated fairly by the City staff. Mayor Putzell asked the City Attorney to explain the requirements for an occupational license in the County. Mr. Rynders advised that the County could levy an occupational license against any person doing business but the City can only levy an occupational license against a business with a permanent location or branch office in the City.

Mayor Putzell suggested that this matter be tabled "informally" so that it could be looked into further. Mr. Jones proposed that this item be discussed at the next workshop meeting.

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ITEM 4

DISCUSSION OF PROPOSED ORDINANCE AMENDMENT PROVIDING FOR STAFF PERMITTING OF COASTAL CONSTRUCTION SETBACK LINE VARIANCES. REQUESTED BY CITY MANAGER.

City Manager Jones explained that this discussion is in preparation for an ordinance which would be presented to Council at the March 4, 1987, meeting. He advised that currently the State has a program where it issues "field permits" for minor or routine construction work in the Coastal Construction



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past nine years which have showed a significant improvement in customer satisfaction. In response to Mr. Bledsoe, City Engineer Gronvold advised that the biggest number of complaints occur after a heavy storm.

Mayor Putzell also pointed out that the graph is indicative of what he has told the community about the quality of the City staff.

B). ADMINISTRATIVE/SERVICE DEPARTMENTS

Finance Director Hanley explained that the Finance Department operates a central service division which provides all other City departments with payroll, accounting, data processing and purchasing services. The diagram submitted shows that the Finance Department is broken down into four divisions (Attachment #5). Mr. Hanley pointed out that the discretionary programs would also be included in the Capital Improvement Program Budget.

Mr. Hanley explained that the computer enhancement program he has proposed would only be feasible if the computerized meter reading devices are utilized. These microprocessors can hold 750 accounts each which would allow the meter readers the advantage of reviewing previous reading to check for possible errors. This would also speed up the processing of utility bills.

In response to Mr. Bledsoe, Mr. Hanley advised that the hand-held calculator type device would cost approximately \$5,000 to \$10,000 per unit; the City would ultimately need between three and four units. Mayor Putzell asked if Mr. Hanley had analyzed this expenditure on a cost versus benefit basis and Mr. Hanley advised that he had not. Mr. Graver suggested that he look into purchasing these units on a State contract.

Mr. Richardson asked about the status of possible changes in garbage rates and Mr. Hanley advised that a consultant is presently studying the City's rates and the staff will advise Council of the findings.

Assistant City Manager Wiltsie explained that the City Manager's Office is directly responsible for three divisions: City Clerk, Executive Administration, and Personnel as shown on a diagram distributed to Council (Attachment #6). City Manager Jones clarified that, as provided in the Charter, the City Clerk's Office, however, is established as any other City department.

Mayor Putzell asked about the program entitled "Enforces Laws, Ordinances, Contracts" and Mr. Jones explained that a great deal of his department's time is spent in the research on the financial aspects of contracts which are brought to the City Council for approval. Mayor Putzell further pointed out that the City Attorney's Office is also responsible for the enforcement of these contracts, as well as laws, and ordinances.

Mr. Jones advised that all the departments have been discussed except Equipment Management which if there were any questions, he would entertain them at this time.



SUPPLEMENTAL ATTENDANCE LIST

Thomas R. Dawber  
 Don Anderson  
 Hugh Wilburn  
 West Langdon  
 John Walther  
 Clem Vanderzee  
 Robert Schroer  
 Edward Johanson  
 Allen Walburn  
 Thomas Marvel  
 Phillip Keltner  
 Russell Stahlman  
 Francis Finch

John A. Dawber  
 Robert Marker  
 Cameron Tait  
 Donald Caine  
 Lou McCabe  
 Adam Sluis  
 Richard Baker  
 Guy Stephens  
 Larry Ingram  
 John Yager  
 John Cona  
 Phil Morse  
 Charles Andrews

M./M. David Lamberson  
 Gus Maggio  
 Tim Gregory  
 Robert Caine  
 Robert Schoon  
 Herb Anderson  
 Glenn Yeakey  
 Betty Bankes  
 John Morgan  
 J. Rowe  
 George Hamstra  
 George Low

Other interested visitors and citizens.





# City of Naples

## MEMO

TO: EDWIN J. PUTZELL, JR., MAYOR AND MEMBERS OF COUNCIL

FROM: DAVID W. RYNDERS, CITY ATTORNEY

DATE: FEBRUARY 23, 1987

RE: NEWSRACK ORDINANCE

RECEIVED  
FEB 24 1987

CITY MANAGER  
CITY OF NAPLES, FLA.

The attached are memos from the City Engineer commenting on the several technical complaints raised about the City's newsrack ordinance. These memos reply to letters from attorneys for the Miami Herald and the Ft. Myers News Press and should provide a framework for discussion of the newsrack ordinance at the February 25, 1987, work session. In addition, I can comment on the two issues raising legal questions, i.e., the requirement of insurance and the due process questions.

With regard to the requirement of insurance, two cases, one in Connecticut and one in Ohio, have held insurance requirements are not constitutionally permitted in city regulation of newsracks. While it is possible that Florida courts may provide a different answer, the reasoning of the Ohio and Connecticut courts is persuasive. In fact, there has been no history of injuries and claims to support the requirement.

With regard to the due process question, I have reviewed these complaints together with the provision for due process set forth in the City's newsrack ordinance and find that the ordinance is sufficient.

*David W. Rynders*  
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 David W. Rynders, City Attorney

DWR/plr

Enclosure